

**Vanderburgh County  
Board of Commissioners' Meeting  
January 6, 1997**

The Vanderburgh County Board of Commissioners met in session this 6th day of January, 1997 in the Commissioners' Hearing Room of the Civic Center Complex at 5:51 p.m.

**Introductions and Pledge of Allegiance**

President Tuley: I would like to call the meeting to order for the Vanderburgh County Commissioners for January 6, 1997. We would like to start off by wishing everybody a happy new year. We'll do our introductions, to my far right is Cindy Mayo, Superintendent of County Buildings and our office manager; to my immediate right is Commissioner Richard Morries...I did that for so many times! Commissioner Richard Mourdock. He has never sat on my right side.

Commissioner Mourdock: That's true.

President Tuley: To my left is Commissioner Bettye Lou Jerrel. We welcome you aboard. This is your first meeting and congratulations on your victory. To her left is Suzanne Crouch, the County Auditor; and to her left is Charlene Timmons, the Recording Secretary. If you will, please stand with us and as we say our Pledge of Allegiance, please.

**Approval of minutes**

President Tuley: The first item on the agenda under the action items is the approval of the minutes from the December 23rd meeting. I'll entertain a motion to approve.

Commissioner Mourdock: Since only you and I were present at that meeting, I'll move approval of the minutes of the December 23, 1996 meeting.

President Tuley: I will second and so order.

**Certification of Executive Session**

President Tuley: The next item is the certification of the Executive Session. We'll let the record reflect that an Executive Session was held prior to this meeting. The items and topics for discussion were personnel matters, contractual matters and that was it. No official action was taken.

**Installation of new officers**

President Tuley: Item 4C is the installation of the new officers.

Commissioner Jerrel: I would like to propose the nomination of Commissioner Richard Mourdock as President of this body.

President Tuley: I will second.

Commissioner Mourdock: I guess it is still for you to so order.

President Tuley: So ordered then.

President Mourdock: Do you want to continue through them or do you want me to pick it up there? I can pick it up if you want.

Commissioner Tuley: You go right ahead, Mr. President. I have already said one thing wrong tonight and I am sure it won't be the last!

President Mourdock: I'm sure I'll have many wrong tonight and in the next 12 months as well. The second item on the agenda then would be to elect a Vice President of this body.

Commissioner Tuley: I would move then at this time, Mr. President, that Commissioner Jerrel be elected as Vice President of this body.

Commissioner Jerrel: Second.

President Mourdock: Did I hear a second there? I think I heard Ms. Jerrel say second.

Commissioner Jerrel: Yes, you did. You heard a second.

President Mourdock: I will say so ordered to that.

<b>Resolution on 1997 meeting dates</b>
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President Mourdock: Continuing down the agenda, the first item that we have is a Resolution of 1997 meeting dates. As you all are aware, we have traditionally met on the first Monday...I'm sorry, the Monday of each week and having looked at the schedule for the coming year it would appear that is again appropriate. I will certainly solicit discussion regarding those dates.

Commissioner Tuley: I think those are appropriate.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second.

President Mourdock: Before we do that, I think there is one Monday coming up in January that I know that Commissioner Jerrel and I will both be out of town. So, I guess, with the exception...is that the 21st?

Commissioner Jerrel: The 21st.

President Mourdock: Actually the date is the 20th, so we will not meet on the 20th then.

Commissioner Tuley: The 20th is a holiday, so the meeting is the 21st.

President Mourdock: Right, okay.

Commissioner Tuley: Which we won't meet.

President Mourdock: Yeah, would one of you like to put it in the

form of a motion or do you want me to say it? I would propose for the meeting dates for the calendar year 1997 that we continue to use 5:30 p.m. on Mondays except when we have the Monday holiday. Ah! Thank you, Charlene. Here I am struggling and she has already typed it up.

"Let it be known that the meetings of the Vanderburgh County Board of Commissioners shall be held on the first, second, third, fourth and fifth Monday of each month at 5:30 p.m."

With the exception being for the holidays and on those Monday holidays we have moved the meetings to Tuesday.

Commissioner Jerrel: With the exception of the--

President Mourdock: With the exception of January 20th.

Commissioner Jerrel: Twenty-first.

President Mourdock: Yeah, 21st, thank you.

Commissioner Tuley: I'll second.

President Mourdock: I will say so ordered. I told you I would blow these! The other ones, for Rezonings we have traditionally heard the Rezonings on the third Monday of each month beginning at 7:00 p.m.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Lastly, we meet monthly on the fourth Monday of each month immediately following the regular County Commissioners' meeting to hear matters regarding Vanderburgh County drainage from the Drainage Board.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Commissioner Tuley: Does that address the months in which there are five Mondays?

President Mourdock: Yes, it does.

Commissioner Tuley: Okay.

### **Board Appointments**

President Mourdock: Our next item on the agenda is Board appointments. I believe both of you have in front of you a series of Boards that we need to fill. I think we will start first with the Commission appointments themselves. I would suggest that, as in the past tradition, the President of this Board serve on Vision 2000. I would also like to serve this

year on Area Plan Commission. Commissioner Jerrel has served on both the Data Board in the past and on EARC Board and I would like to continue that. Also, I would include for her as a Board appointment to serve on the Board of Community Corrections. Commissioner Tuley, I would respectfully ask if you would serve on the EUTS Board and the Central Dispatch Board and then, finally, all of us, of course, serve here in the County as the Drainage Board, so we would each have that responsibility.

Commissioner Tuley: I would move at this time then that the appointments as eluded to by the President be accepted.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Now we come to a series of citizen Board appointments. The first of those Board appointments is the **ABC Board**.

Commissioner Jerrel: I would like to nominate for approval for that position, Joe Kiefer.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

Commissioner Tuley: If we may deviate, Mr. Jack Waldroup, who is the outgoing member appointed by this Board, is in the audience and I would like to personally thank Jack for all your time and effort that you provided this community while serving on that Board. You did an outstanding job.

Jack Waldroup: Thank you.

President Mourdock: Yes, I didn't see you behind the podium there, Jack, but I will second that as well. Thank you. For the **Board of Review** then we have two appointments to make.

Commissioner Jerrel: I would move approval of Jerome Ritchey and George Koch, who have previously served in those positions.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered and point out that my understanding is that one of those happens to be Republican and one is a Democrat. That is required by statute and both of those folks have been on that Board. **Visitors and Convention Bureau**.

Commissioner Jerrel: I would like to move approval of Mike Howerton, who is representing the hotel industry, and Joy Payne, who has served on the Museum Board, as our two members.

Commissioner Tuley: I will second.

President Mourdock: So ordered. One of the Boards this year that I suspect will get a great deal of public attention, and deservedly so, is the **Library Board**. They are certainly looking to expand or otherwise change their facilities.

**Vanderburgh County  
Board of Commissioners  
January 6, 1997**

5

Commissioner Jerrel: I would like to move approval of the reappointment of Lana Burton.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered and note for the record that Board did send a very nice letter on Ms. Burton's behalf and ask that she be reappointed. She has done a good job and certainly is one of those people in the community that always contributes beyond her fair share. We have two appointments to make for the **Local Human Relations Commission**.

Commissioner Jerrel: At this time I am only going to make recommendation for the reappointment of Phil Mortis. He is a current member.

Commissioner Tuley: I'll second.

President Mourdock: I will so order noting that he got rave reviews from that group for his regular attendance. The next group that we have to appoint is the **Data Board**.

Commissioner Jerrel: I would like to move approval of the reappointment of Mike Russ.

Commissioner Tuley: I will second.

President Mourdock: I will so order. Mr. Russ is in a position with the School Board, I understand, and serves in a similar capacity there. That is a reappointment, by the way. The **Community Corrections Board**.

Commissioner Jerrel: I would like to move approval as our citizen member, Mr. Jeff Devine, and the County Council Member is Mr. Ed Bassemier.

Commissioner Tuley: I will second.

President Mourdock: So ordered. Again, for the record the Community Corrections Board part of their make-up by statute says that there should be an attorney on that Board. Mr. Devine is a practicing attorney. The County Council Member is kind of an unusual arrangement, but the Commission actually has the responsibility of appointing a member from another body, so we are appointing a County Council Member. The next group we have is for the **Land Evaluation Commission**.

Commissioner Jerrel: I would like to...this will not be a completed Board yet because there is still a confirmation to make. I would like to move approval of Gene Hahn, as our Commercial Member; J.D. Strouth, is our Residential Member and Ed Witte, as our Broker Member.

Commissioner Tuley: I will second.

President Mourdock: So ordered. I will note that we continue to need for that Board a member from the agricultural community; a member of the industrial community; and a member from a financial institution here in town. Again, by statute those

positions are defined, so we need people from those business areas to serve. The **Vanderburgh County Redevelopment Commission**.

Commissioner Jerrel: I would like to move approval to reappoint Joan David. I would like to move approval to reappoint Harold Calloway. I would like to move approval of the new appointment of Dick Harris, Rolland Eckels and Brent Weil.

President Mourdock: I will say so ordered. For our members in the audience, that is a very important group especially here of late because they help focus the community a little bit towards industrial and commercial developments. The **Civil Defense Board** locally has a need for three appointees.

Commissioner Jerrel: I'll move the reappointment of John Buckman, Ray Hamner and Jess Roberts.

Commissioner Tuley: I will second.

President Mourdock: So ordered. The **Local Emergency Management Agency**.

Commissioner Jerrel: I would like to move approval of the reappointment of John Buckman, Ray Hamner and Jess Roberts.

Commissioner Tuley: Second.

President Mourdock: So ordered. Those two groups, obviously, work very closely together and, again, we need the professionalism of Chief Buckman and Robert's and Sheriff Hamner as well. One other group that is not on your list that I omitted, however, I know of several folks who would like to serve. Commissioner Tuley, I know you will remember that in October Mike Shoulders resigned from the **Building Authority Trustee**. There had been, in fact, another member of that body who had resigned. Steve Utley called me recently to say that we needed to appoint two members and that needed to be done by next week or at least within the next several weeks because they have a meeting coming up. We have two people who would like to serve on that group, Mr. Scott Saxe and Dan Carwile.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Alright, the next appointment that we would have would then be for **County Attorney**.

Commissioner Jerrel: I would like to move approval of Joe Harrison, Jr. as County Attorney.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered. It's not very often that people get introduced and a little music plays when your name goes through the room there, Joe. That was very well done on your part, I think. We welcome you aboard on behalf of your firm and look forward to working with you. At this point, I

would ask you to come up and take the chair here, if you don't mind.

Joe Harrison, Jr.: Thank you.

President Mourdock: That will save me from other mistakes later in the evening, I hope. The next appointment that we have as way of county business is for our **county insurance** which is a very important part of what we do as far as a management structure for the county. There are three components to our insurance. Basically, the liability side, a life insurance side for county employees and the health policies.

Commissioner Jerrel: I would like to move approval of Torian, Hofman & Dillow to handle the insurance; the liability, the casualty and health insurance. I would like to recommend Bob Barthel Agency to handle the life insurance.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered. Joe, I am going to take a little of your desk room to keep my stack separate. Alright, I believe by my list that concludes our appointments. Did I miss any? I think I failed to note the Domestic and Sexual Violence Board and that we need three appointments for that Board. Those are not ready to be made yet this evening, but next week, hopefully, we can take care of those.

#### **Appointment letter - Veteran's Service Officer**

President Mourdock: One other appointment that needs yet to be made also is the Veteran's Service Officer for the County and I would like to defer that for a week if we may.

#### **Any group or individual wishing to address the Commission**

President Mourdock: Having done the official start-up for county business, we are at that point in the meeting where any group or individual wishing to bring an issue before this Board is free to do so. We have our agendas over on the right-hand side, and I apologize for not mentioning that earlier. Are there any of you here wishing to speak to an issue regarding the county?

Mike Lockard: I'll make this short and sweet. My name is Mike Lockard and I am with the group P.U.R.E. I come back before the Board to ask them to go ahead and complete the business that was started last year with the Adult Use Ordinance for Vanderburgh County. As we now know, and I am particularly very happy, one of our local west side businesses is no longer in Vanderburgh County and yet some of us are still afraid based on past history with these organizations that they are so shadowy that they may try to come back under a different name or under different auspices. So, we hope that the Commissioners will go ahead and finish up what was started last year. We were lead to believe that the ordinance was pretty much done. I know that Ms. Cunningham from Area Plan had their map supposedly done. That

is what I was told by Mr. Kissinger, but it was never formally voted on and put through the process. We hope that you guys can go ahead and finish that up and if the new attorney needs any of the information that we gave Mr. Kissinger, we would be glad to try to recreate that information if he so needs any of it.

President Mourdock: Okay.

Mike Lockard: Thank you.

President Mourdock: Joe, I know you will be conferring with Mr. Kissinger from time to time especially over the next several months on the status of some of these issues that carry over from one term to the next. Have you heard anything from him at this point? Or had any--

Joe Harrison, Jr.: I'm going to be meeting with him in the next couple of days and I will bring this up. Is the city also considering a similar ordinance?

Mike Lockard: The city's was finalized last year, I believe, in either August or September theirs was finalized. What Mr. Kissinger did is he took the ordinance that Mr. Winterheimer wrote and basically did it for the county. The difference was the distance requirements since the county has so much more area that is available to regulate he had to look at what distance they could do and still be within the constitutional confines that they were going to be doing on. Also, the agricultural areas was a little bit different for the county, so that was something that, I believe, Mr. Kissinger was going to look at and that was the last that we had heard on it.

Joe Harrison, Jr.: Thank you.

Mike Lockard: Thank you.

Ed Moser: Ed Moser is my name. I am representing the Coterie of Evansville, Inc. This is a dance organization. In the past I have appeared before you folks many times and I have always been treated fairly and considerately and I appreciate that very much. Congratulations, Ms. Jerrel. I am looking forward to meeting with you, too.

Commissioner Jerrel: Thank you.

Ed Moser: I don't have much to say other than to say that this is a new year, a new opportunity. I was waiting when you were announcing all these things, you know, I was waiting for approval for the wood dance floor! Be that as it may, I know it is being considered and all I can say is that I hope it will come to fruition pretty soon. I don't mind coming up here and I will be here until the bitter end or the sweet end, one way or the other. If you have any questions, why I would like to be able to answer them. As I have told you many times, this club is 48 years old. We have 250 couples in our organization. We have 68 couples on the waiting list to get in and we only do this once a year. I don't think there is any substitute for a dance floor other than a wood, wood dance floor. I hope that is given serious consideration. I just have no more to say other

than to say Godspeed to you all and a happy new year to you all.

Commissioner Tuley: Thank you, Mr. Moser.

President Mourdock: Thank you, Mr. Moser. As we get down into our new business section of the meeting tonight, we will have some comments and a little bit about the Auditorium and that project as a whole. We recognize your continuing interest in that. Any other group or individual here wishing to make a point to the Commission? Mr. Schwenker, do you want to do this for new business or old business or anything at all?

Eric Schwenker: No thank you, sir. I just came down to observe the proceedings for tonight.

President Mourdock: Alright, very good.

**John Stoll - County Engineer**

President Mourdock: Department head reports. Is John Stoll here? I don't see John. Okay.

**Milton Hayden - Assistant Superintendent, County Garage**

President Mourdock: Milton Hayden with the County Garage. Did you get your garage floor paved, Milton?

Milton Hayden: We started on it today.

President Mourdock: You needed last week's weather today then?

Milton Hayden: Well, it was beautiful weather, you know, as far as paving, but I just didn't have everything set up.

President Mourdock: Okay.

Milton Hayden: We'll start on that in the morning.

President Mourdock: Okay.

Milton Hayden: I've got everything set up for it and I'll be ready to start on the garage.

President Mourdock: Okay. Any questions of Milton from the Board?

Commissioner Tuley: Call me tomorrow, Milton, when you read that note if you can't read it.

Milton Hayden: Yes, sir.

Commissioner Tuley: I just scribbled it down pretty quick.

Milton Hayden: I think I can read it though.

President Mourdock: Milton, if you would give me a call. I don't know if you tried to get with me today. I ended up having to be out of town all day and I didn't get back until late, but

I do want to get with you again one day this week if we can.

Milton Hayden: Yes, sir. I would like to see you before I leave if that would be alright?

President Mourdock: Sure, sure. I don't think we will be too long tonight.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: I'll put you on the spot right away as the County Attorney, Joe. Do you have anything to report?

Joe Harrison, Jr.: Yes. I am aware of a couple of lawsuits that are out there that are pending in which my particular law firm has a conflict in both those instances. We don't represent the plaintiff who has sued the county, but it is a situation where on one of the lawsuits a member of my firm is on the Sheriff's Merit Board and I believe it would be prudent if we did not handle that particular lawsuit. In the other instance our firm is representing one of the defendants and the county is a defendant also. I believe it is the Melton lawsuit. I would ask that the County Commissioners hire another attorney to handle those particular cases. I would recommend Jeff Ahlers of the law firm Kahn, Dees, Donovan & Kahn be hired for those two particular matters. I intend on speaking with Alan Kissinger, I believe, Wednesday I have an appointment with Alan and we are going to be going over a number of matters. Certainly, there may be some other instances where there may be some cases where the past county attorneys may continue on possibly handling a matter or two given the fact that they are so far along. We will be discussing those particular situations and I will get back with you all regarding that.

President Mourdock: Okay.

Commissioner Jerrel: I would like to make that in the form of a motion.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered and also ask, and I know it is not a real long time frame, but perhaps between today and our next Executive Session where we routinely discuss pending litigation perhaps you can get from Alan better definition as to if there are any other suits where there might be a conflict so that we can head that off in advance and secondly, to define for us what ongoing suits are out there that you wish...I think it is only prudent that some of those we are far enough along with them that the people who are doing them now continue with them, but at least we can define those.

Joe Harrison, Jr.: Thank you.

President Mourdock: Any other questions of the County Attorney or direction they wish to get?

Commissioner Tuley: Just welcome aboard, Joe.

Joe Harrison, Jr.: Thank you.

**Cindy Mayo - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings, Ms. Mayo.

Cindy Mayo: I have nothing to report, but I do need some guidance or clarification on the meeting of the 21st that has been cancelled is a rezoning night. I did speak with Barb Cunningham and she was aware that there probably would not be a meeting. I need to send letters out, apparently, from the Commissioners to interested parties to let them know that the meeting has been cancelled. Is this going to be continued until February or is it going to be rescheduled? I need to send something out and notify everyone with what is going on with this.

Commissioner Jerrel: I think Ms. Cunningham understood that it would be scheduled for the 27th at 7:00 p.m.

Cindy Mayo: Thank you.

President Mourdock: So we will in effect then be doing that Rezoning immediately after or before the Drainage meeting of that week.

Commissioner Jerrel: Right, right.

President Mourdock: Okay. Do we need...Pat, maybe you can help us the most on this one. Given that we also do the Rezoning by time, we advertise them with a time, do we need to advertise something more definite than simply saying at the end of the Commission meetings as we do with the Drainage Board?

Commissioner Jerrel: May I speak to that?

President Mourdock: Sure.

Commissioner Jerrel: Ms. Cunningham will advertise it for 7:00 p.m.

Commissioner Tuley: I was going to say I think that is appropriate.

Commissioner Jerrel: It will be advertised at 7:00 and she is aware of it and the letters will have to go out immediately.

President Mourdock: Charlene?

Charlene Timmons: Would that be something that I would advertise? We normally advertise the rezonings.

Commissioner Jerrel: She was going to speak to you and she was going to speak to you, Cindy.

Charlene Timmons: I could probably include it in with my cancellation ad.

Commissioner Jerrel: Right.

Charlene Timmons: It would maybe save money.

Commissioner Jerrel: Would it be too much trouble to call her?

Charlene Timmons: No, that would be fine.

Commissioner Jerrel: Thank you.

President Mourdock: So did we have that in a motion for the Rezoning?

Commissioner Tuley: So moved.

Commissioner Jerrel: Yes, that was a motion.

Commissioner Tuley: Second then.

President Mourdock: Alright, and I will say so ordered. Anything else, Cindy, that you have for us? Okay.

<b>Consent items</b>
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President Mourdock: Okay. You have in your packets employment changes and consent items.

Suzanne Crouch: Could we make a suggestion?

President Mourdock: Please do.

Suzanne Crouch: On your employment changes, your last page--

President Mourdock: I'm sorry, I couldn't hear you, Suzanne.

Suzanne Crouch: Your employment changes, the last page--

President Mourdock: Uh-huh.

Suzanne Crouch: The release of Joe Harrison, Jr. being effective 1/6/97 would it be wise to maybe change that to 1/8/97 which would be the Council date? He still would be attorney until a new attorney is appointed, I would presume. If you release him today the Council wouldn't have any representation for a couple of days. Kind of a minor point, but...

President Mourdock: Excellent point.

Cindy Mayo: We did that because...Sandie Deig and I discussed this and we wanted to make sure as far as payroll-wise that we didn't overlap and we wanted to...we'll work with your office on that to get that correct.

President Mourdock: Are there any other changes to the consent items?

Cindy Mayo: The pink slips that I added.

President Mourdock: Yes, which I am looking for. One other addition to the...two other additions to the employments slips is one for Mr. Borries and one for Ms. Jerrel, both as

Commissioners and that most important appointment for the Drainage Board. Bettye Lou, you will learn that is the hardest dollar that you will ever earn in your life is on the Drainage Board! So, with the amendments or addendums as noted by Ms. Crouch and these two, I would move or ask--

Commissioner Jerrel: I'll move approval of the consent items and the changes.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered. Also, then we have the Time Accrual Report from the Auditor's Office to accept which--

Commissioner Tuley: That was in the consent items.

President Mourdock: Yeah, I guess it formally was with the consent items, wasn't it? I did mention, but one of the things when this goes through, since it was part of the consent items, we have a check that was refunded to us from the Northland Insurance Companies in the amount of \$5,573.23, so we will each need to sign that when it comes through in the consent items.

#### **Scheduled meetings**

President Mourdock: Schedule of meeting for the month of January. As already discussed to the point of overkill, we will not meet the 20th, however, we will meet the 21st with the Drainage Board meeting--

Commissioner Jerrel: No.

Commissioner Tuley: No.

President Mourdock: I'm sorry. We will meet the 21st.

Commissioner Jerrel: No.

President Mourdock: The zoning issue will be taken care of at the fourth Monday which is the 27th.

Commissioner Jerrel: Right.

President Mourdock: Other meetings scheduled, County Council meets at 3:30 this Wednesday. Next week we will have a Solid Waste meeting. I see that we had an Executive Session scheduled for 4:00 p.m., but, I believe, did we not act last year to reschedule the Solid Waste meetings for 4:00 p.m.?

Commissioner Jerrel: Uh-huh.

President Mourdock: So that is an error. Instead of saying Executive Session that should be saying Solid Waste meeting at 4:00 p.m., so there is no Executive Session next week.

#### **Old business**

President Mourdock: Old business before the Commission? Any old

business?

Commissioner Tuley: The Burdette rate increase is something that needs to be discussed at some point. If not tonight, we need to give them direction. Do you want him to continue...he is getting a lot of requests from people who may not want the building until July or August, but they are wanting to get a commitment on how much they need to send and get a contract, so he is looking for some guidance. Do we continue to operate at the current rates until we've had a chance to take action on the requested changes?

Commissioner Jerrel: I spoke with them several times at Burdette today and that was the understanding that until we can do some cost center analysis that we talked about this summer that there would be no way to arrive at a logical increase or decrease until we know what the costs are and the receipts from each of the cost centers. By that I mean the pool, the float stand, the chalets and whatever.

President Mourdock: One issue, as I understand it, the rate schedule that was forwarded to us by Mr. Tuley, I think it was at the December 23rd meeting, although it may have actually been the week before that, some of the materials that they need to publish will have to include those rates.

Commissioner Jerrel: The motion would be to leave the rates as they are.

Commissioner Tuley: Through '97?

President Mourdock: Oh, okay.

Commissioner Jerrel: Well, how are we going to know?

Commissioner Tuley: It was a question.

Commissioner Jerrel: I don't think you can raise a rate unless you know that it is for some productive purpose other than just to raise it arbitrarily and there hasn't be any evaluation done.

President Mourdock: Okay, I'm sorry to be confused, but I hear kind of two different things. I thought I just heard you say the motion would be to leave the rates the same, however, then I also heard you say that we would evaluate them and see if they are justified.

Commissioner Jerrel: If they can't get that finished, then my motion would be to leave them the way they are now.

President Mourdock: Which really we wouldn't need to take any action on for the moment?

Commissioner Jerrel: Right.

Commissioner Tuley: But back to your question--

President Mourdock: Yeah, right.

**Vanderburgh County  
Board of Commissioners  
January 6, 1997**

15

Commissioner Tuley: --they've got things they need to get published and--

President Mourdock: Exactly.

Commissioner Tuley: --once they are published we almost would be bound to live by those at least through the year of '97.

Commissioner Jerrel: Yeah, right.

President Mourdock: What we are needing here now is a timetable to say that we will, as a Board, act so that they can either adjust the rates or leave them the same. With the timetable that they have for publishing information we need to do that fairly soon.

Commissioner Jerrel: Let me ask a question then.

President Mourdock: Sure.

Commissioner Jerrel: I am not uncomfortable with leaving the rates alone or do you all want to raise them?

President Mourdock: I honestly don't know the correct answer.

Commissioner Tuley: There is not a problem with leaving them like they are.

Commissioner Jerrel: That's what my motion would be to expedite the printing and let there be a really thorough review of the dollars spent and the revenue coming in.

President Mourdock: Okay.

Commissioner Jerrel: So my motion was to leave the rates as they are.

President Mourdock: For 1997?

Commissioner Jerrel: For 1997.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered. Any other old business?

Commissioner Tuley: Back to Burdette again. Did the contract for Mr. Austill come up in your discussion with them today? He does a lot of the maintenance work.

Commissioner Jerrel: No, it didn't.

Commissioner Tuley: Okay, he has presented it and Mark had indicated that he thought there was an increase in it. There is not. It is the same rate as last year. Dave said there are certain things he needs to do month-to-month and he would begin those in January if, in fact, we renew that contract. It is just something that--

Commissioner Jerrel: Could we get a copy of that before the

meeting next month...I mean next week.

President Mourdock: I thought we did renew it. I thought that came up at the last meeting and we did go ahead.

Cindy Mayo: I'm sorry, it maybe did and I have not...no, it did not.

Commissioner Jerrel: I've never seen it.

President Mourdock: Cindy, will you research that and get us a copy that apparently has been submitted? I know we did discuss it at the prior meeting.

Cindy Mayo: Okay.

President Mourdock: Hopefully, then we would be able to act on that next week. I remember the discussion because the comment was made about doing the video tape.

Charlene Timmons: I'm sorry, I wasn't here at the last meeting, so I'm not sure about that.

President Mourdock: Okay, let me check my notes. Hang on, take a commercial here! What is the gentleman's name?

Commissioner Tuley: Austill, Dave Austill. I think it may have come up at the meeting on the 16th.

Commissioner Jerrel: Do you have a copy of that contract, Mr. Harrison?

Joe Harrison, Jr.: I am not familiar with it.

Commissioner Tuley: It's a one page...

President Mourdock: Yeah, it was very simple as it was in the prior year because in one of the prior years I made the comment about getting the insurance coverage liability statement with it and that had been provided.

Commissioner Tuley: Had or hadn't been provided?

President Mourdock: It had been in previous years, but it was not on that.

Commissioner Tuley: Not attached this year? Yeah, you're right. It was a one page thing that we got this year.

President Mourdock: Right. Okay, well, I do not have a record of it, so my memory...this memory is better than mine! Any other old business? Bettye Lou, I guess it would be premature to ask you for old business!

Commissioner Jerrel: I don't have any old business.

<b>New business</b>
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President Mourdock: Okay, new business items. Well, I have

**Vanderburgh County  
Board of Commissioners  
January 6, 1997**

17

several. First of all, before I get to that. and Joe you had commented to me about the Mercy Ambulance issue. and I know you have reviewed this contract or you have seen it. Do you have any comments that you need to make on this issue?

Joe Harrison, Jr.: Apparently, the contract that is under consideration, or the proposed contract, I think you all have looked at. It would go for the entire year of 1997, although there is a provision in there that says that it could be terminated on September 30, 1997 if 90 days written notice is given to Mercy prior to September 30th for the purpose of a possible joint contract between the city and county with Mercy. Otherwise, the contract will go until--

Commissioner Tuley: (Inaudible comments)

Joe Harrison, Jr.: Yeah, with Mercy or somebody else.

Commissioner Tuley: Anybody else.

Joe Harrison, Jr.: Yeah, or anybody else. The contract goes otherwise through the end of 1997. Apparently, we didn't have a contract during 1996. It was basically the same contract that existed during 1995 and was still being held over and the county was operating under those particular terms. There were some other what looked like minor changes. The compensation is the same as 1996 and 1995 and 1994. Those provisions relating to compensation to be paid by the county and the documentation to be provided to the county by Mercy regarding profits and losses is the same. Also, the contract that I believe Richard has was signed today by Jerry Key, the manager of Mercy Ambulance. I would recommend its adoption at this time.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: I will second.

President Mourdock: Any other discussion on this contract? I would just add one point and Joe I was looking for something, maybe you mentioned this or perhaps you didn't. One of the items that is somewhat changed in here is in regards to Scott Township since they are now providing this service for their own people.

Joe Harrison, Jr.: Right, that is a major change. Apparently, one of the reasons, I guess, you all didn't have a contract last year was the fact that Scott Township now has their own ambulance service. That part of the county has been exempted out from the contract and Mercy will no longer provide service to Scott Township. To be honest with you, I don't know what has been going on since Scott Township has had their own particular service. I don't know if both show up or what has been going on. This will be the way the contract will go for now on is that Mercy will not service those citizens in that area.

Commissioner Jerrel: Since the prices remain the same that is subject to change in August or September?

Joe Harrison, Jr.: September, that is correct. I think that

there apparently has been some discussion with the Commissioners and, Pat, I am sure is aware of this and obviously can provide some history, but there has been some discussion, I think, with the city and possibly one joint contract as opposed to having two separate contracts.

Commissioner Tuley: I have been in conversation with Leslie Blenner, the Controller, and started before the year end, but she wanted to wait until January and get the year end and get all the reports, so she and I will be getting together here fairly soon and looking into the possibility of financially is it feasible and make more sense for us to get into one single contract that would be a long-term contract. As far as Scott Township, my understanding is up until the signing of this contract, since they were operating under the old contract, they were still making runs to Scott.

President Mourdock: Which did result at times in two ambulances showing up at the same scene which, obviously, was a bit of a problem or certainly posed a potential problem as we had one resource at the north end of the county when we may have needed it otherwise at the south end of the county. Just for the record also I would add that during the course of this negotiation, if you will, the County Commission acted to contact all the other emergency management chiefs, the fire chiefs of the various townships to make sure that they were not about to do what Scott had done so that there wouldn't be some last minute revision again that some other township pulled out of this agreement. We have a motion and we've had discussion. Any other comments before voting on this contract? I guess we don't need to vote, I will simply say so ordered. One other new business item. I had received a call from Ms. Cole regarding a meeting in the Mayor's Office tomorrow morning at 9:00 regarding redevelopment issues and I will not be able to attend that meeting. Would one of you be able to serve at that?

Commissioner Tuley: What's your schedule look like?

Commissioner Jerrel: Wait a minute. I'll be able to go.

President Mourdock: Okay, thank you, I appreciate that. My other new business item, if you will, and I don't intend to make a speech here, but I know at least several folks in the audience and I am sure the people over at the other table are curious as to how things will change on this Board. I will simply define what I would like to do over the next year which is to make this a very goal oriented Board. I happen to be a person who is best motivated by goals and what I would propose for us to do is to work as a body to literally define what the goals for Vanderburgh County government through this Commission should be. This is not in any way a criticism of the last two years on this Board because I think we have done some very noteworthy things. However, I would like to see us more as a planning organization and perhaps be in a better position to plan than simply to react. I read a lot of different business theory-type articles and books and I ran across a quote the other day that I liked very much which was "We worked furiously to realize our goals. Because we didn't have fear we could do something drastic." That was from the gentleman who founded the Sony Corporation.

**Vanderburgh County  
Board of Commissioners  
January 6, 1997**

19

I think it is a great comment because if you know anything about the Sony Corporation they decided that they were going to go into business to make electronic products. The first thing that they made was an electric pressure cooker that was an absolute failure. Nobody wanted an electric pressure cooker, but they had a goal that they wanted to do something and they may have failed a few times, but eventually they became the company that they are. Another good quote, "Of all the things I've done the most vital is coordinating the talents of those who worked for us and pointing them toward a definite goal." That was from Walt Disney and he said it clear back in 1954. You look at what that corporation has done simply because they had some goals lined out for them and I think we would say that we have a lot of talented people within county government and I think it is truly our job to make sure that they are pointed in a direction. I have asked you both in writing to provide some goals for us that, hopefully, during the next 30 days we can kick around and come to some consensus as to what we want to do and then literally post those on the wall behind us so that when people come in and sit on that side of the podium they will see where we are headed. They're going to keep reminding us, just as Mike did tonight, that there was something we said before and where are we with it? There is certainly political risk in doing that, because if we fail everybody is going to know it, but they deserve to know it. If we succeed I suspect as politicians we will all be modest enough to take the appropriate bows! My goals, and, again, these suggestions are something we can start with and hopefully we can incorporate yours next week, but in no particular order I want to see us begin to resolve the county drainage problems. We've heard a lot from people in Knob Hill and other areas of the county wanting the county to do something. We've danced around the issue, we've tried to get answers and we haven't always succeeded. I'm frustrated by that. I know Commissioner Tuley is and, Bettye Lou, I know you will be shortly! All you have to do is sit through a few of these meetings and it gets rather heated, so that is something we must deal with. Mr. Schwenker in the audience, without knowing it has been a bit of a pioneer for this county in the way he has pursued the Barrett Law issue which applies to septic systems and sanitary sewers. Joe, I would like to know if, in fact, as part of this goal we can somehow use the Barrett Law in drainage issues? It would seem to me to be a somewhat fine line between sewage that is piped in the ground and over land drainage. I don't know if that can be done, but I think that might give us some method. The second issue on my list is the issue of ozone. Is Joe Kiefer still in the audience? I guess not. He told me that he had some contacts with the DOE regarding some of our efforts as a clean city and I think that is great that they are interested in what we are doing here, but I also feel that one of the main reasons that we are not seeing some of the big industry fallout from Toyota is because of our air quality issues. I recently saw, and I know, Pat, you did and I believe Ms. Jerrel did, too, another major, major business that wanted to come into this area and they had a questionnaire for the county to fill out with about 15 items. Number three on the item was are you an obtainment area for air quality? Vanderburgh County is not and we have to deal with that issue. A group of local citizens, my third issue, a group of local citizens here has done exemplary duty with the welfare to work

issues. The County Commission last year, and the County Council, both voted to move forward on that project to use riverboat funds, one-third of our funds, towards helping getting people who are willing to work, who are working, in fact, or who are going to school to get them some relief as they move off the welfare rolls. I want to see us complete that. Again, in no particular order of priority understand, east side traffic planning. We must get ahead of the curve. It is easy to say we need a plan. We need a plan. I've done it when I campaigned. I stood out in the median between the Lloyd at Burkhardt and said we need a plan. I think Ms. Jerrel has used that as a campaign issue. We do need a better plan, but a part of that plan, an integral part of the plan, has to be where the money is going to come from. We have to say what we are going to do out there, define what we are going to do and then put the money in place to do it. That is probably the toughest job that this Commission has, but it is one that I think is very, very important. We need to work regionally with the people in Warrick County on that issue as well. Vanderburgh Auditorium. I have already spoken with Mike Shoulders and told him that one of the first pieces of paper that we are going to put on the wall is that piece of paper that shows the schedule for that project and we are going to track that thing month-by-month in time and in dollars and in special needs, Mr. Moser. If we can get to the point faster as to decide whether or not it is an economically worthwhile thing and a valuable thing for this community to put that dance floor in as a wooden floor, then I think we ought to set a date immediately as to when that decision will be made. You've been the most patient person in the community over the past six or eight months coming to us with that request and it is time that we get you an answer.

Commissioner Tuley: The guy sitting next to him ain't a slouch either!

President Mourdock: That's right, Mr. Schwenker is doing well, too. Solid waste functions. This group, all three of us, serve on the Solid Waste District Board. We presently have a Solid Waste District Board that has, if memory serves, something like \$460,000 in funding that is solely to be used for solid waste issues. Well, that's a good thing, but I would like to see this Board work with the State of Indiana to change the statute so that we could use that more for environmental issues. Again, maybe drainage is something where those funds can be used. That is an environmental issue and I think the solid waste statute was intended to deal with all environmental matters. Hopefully, we can also use some of that funding for the ozone issue. The last one that I would propose that we consider for lack of better words is simply to develop our destiny. I think that beyond the control of this Board or beyond the control of Mayor McDonald, in the next 12 months we are going to define whether Vanderburgh County is going to be a manufacturing center, an industry center or a suitcase community for the surrounding towns. We have seen AK Steel go to Rockport and I am glad that project is in southwest Indiana. We have seen Toyota go to Gibson County and I am delighted that it is in Gibson County. We've seen Con-Agri recently make \$172 million dollar investment decision in Posey County and I am glad that all those decisions have been made, but what is obviously lacking is the word

"Vanderburgh" in any of those. Yes, we have Azteca as a \$45 million dollar project and that is good. It's important, but if, in fact, we see that we are going to be more of a residential county than a business county it calls for a different type of infrastructure both in roads, in sewer and in drainage. If we are going to go more industrially, then we have to look at it differently. Again, that is somewhat beyond our control in we cannot tell industry where to locate, but I do believe it is very important that we define what it is that we feel we are going to be so that we can start planning for the future. Those are the things that I have listed that I would like to see us move toward. Again, to use the quote of Mr. Ibuka of Sony, "We can't be afraid of setting a goal." Sure enough, we may fail, but odds are even if we fail a little we will succeed some too because we are going to make a difference for this county which is why all three of us got involved with this crazy process. With that, I am open for comments or goals that you would like to state for the record.

Commissioner Tuley: You're so used to going first that you just went first automatically tonight, too.

President Mourdock: Right, I'll watch that. I apologize.

Commissioner Tuley: Normally the minority member gets to speak first. We're all in a learning group here!

President Mourdock: Well, I asked for new business and no one else spoke.

Commissioner Tuley: Several of the things that you said are on my notes. You've got a lot of different things on your notes that aren't and they are very worthwhile comments that you made there. Lynch Road was a campaign issue and Lynch Road has to be completed. The funds are in place for the county's portion of the paving that needs to be done yet from Oak Hill to Burkhardt Road. I would think we would want to push and get that through. That is a major east/west route that will take traffic off of Morgan and maybe the Lloyd Expressway. The only problem with pushing that to get done is if we get it all the way to Burkhardt then we have this major, nice road with limited access off of Oak Hill all the way across that ends up at a narrow, two-lane North Burkhardt Road. It would be extremely poor planning to continue to push for the Lynch Road extension without having some funds either from riverboat, TIF, CCD or whatever put into place to widen Burkhardt all the way from the Expressway north to the intersection with Lynch. I am open to any discussions on how we can put a plan together that includes funding. Now, that's past problems that we need to identify or to deal with. What we do need to do for the future is to identify through either the Comprehensive Plan, Area Plan Commission, Vision 2000 or whoever we have to get this information from, the most logical locations for residential, commercial and industrial growth in the future and put together a plan that includes funding to put the infrastructure improvements in place prior to development if that is possible. You talked about the bonds...the Auditorium. The bonds are in...we've already sold the bonds. Now is the time to get this project going. We have the riverboat here to bring in people

here. We have the remodeling of the old Executive Inn. The only convention hotel we have here, and with the problems they currently have in Owensboro with their Executive Inn, now is the time to go out and get that convention business and get it in here. You eluded a little bit to your welfare to work and I agree with you 100%. We need to continue the efforts towards our welfare to work project. Richard, along with a lot of people, have put many hours of effort into this project and we need to see it implemented. My last comment, and let me go back to the top and say none of these were given in any particular order. They are just things that I thought about when Richard sent us the message. We need to decide what we are going to do with Burdette and where we are headed with Burdette. It is either going to be a park that we are going to continue to put money into, but it is going to have to be wiser money. We've got to put...if we are going to continue to put money into it, we are going to have to put money into it in areas that we can bring people into that park in months other than May through September. We've built those beautiful chalets, but, quite honestly, right now unless you just want to go out there and watch the animals there is no real reason to rent the chalets in the wintertime. There is nothing else for you to do at Burdette. So it is just something that we need to be thinking about and determine where we are going to go with the park. That is basically my list of things that we need to address, I think.

President Mourdock: Okay, excellent.

Commissioner Jerrel: I guess I am more performance objective rather than major goals because we've got to find money right?

Commissioner Tuley: We've got to have money.

Commissioner Jerrel: Okay, well, I would recommend that we begin the research on major cost areas in the county. Let me suggest to those of you in the audience, you probably don't really know that we spend probably \$300,000 on postage. Now, that may not sound like I am going to get enough to do Lynch Road, but I guarantee you one thing, it needs to be evaluated. How, why and where we spend it. Telephones and our contracts. Cellular phones, necessities? New gadgets, car repairs. I have an issue that I would like to lay on the table tonight for your consideration. We buy maybe 10 or 12 cars a year, maybe more than that. I always thought that we traded in the old ones or they went to car heaven. That is not true.

President Mourdock: There is another alternative, I hear!

Commissioner Jerrel: They are recycled and I don't know if you all approve where they go or not, but if you haven't personally approved every move, they are growing at various other departments and they are not alive and well. They are costing us \$600 to \$1,000 per car for repair, tires and tubes or whatever else. I would recommend that we use...Suzanne Crouch, I know, is going to speak to this at a later date, but we do have the opportunity through our fixed asset program that she has put in place. We need to call in those cars and say goodbye to them because they are not ...if we didn't intend for everyone

to drive a vehicle we need to buy the new ones and we need to get rid of the old ones. Another area that I would think there needs to be serious evaluation and that is an evaluation of the delinquent placements. I have asked that many times. I enjoy working with the courts and the School Corporation and we have been meeting over a four year period, but I think we need a more intensive evaluation of the cost placements for the juveniles. Now, I could be talking about a potential savings of half a million dollars a year. I think that could well be devoted to some other project. Now, to get both of your projects off the board, and by the way the State is waffling on the bid date as we speak for Lynch Road and on the amount that they're willing to commit. They have already waffled as of today. I think that we need to wait no longer than tomorrow to put together a program of our presence in Indianapolis. I think we need to do it regularly. We need to do it; the Mayor needs to do it. We need to make our presence known because if we don't Oprah will get her roads fixed in LaPorte before we get ours. They'll continue to grow grass. I mean, that is an effort that we need to immediately begin. In terms of drainage, I don't know anything like the two of you know, but I read your minutes. I would think that one of the first things that we could do is to establish a comprehensive...and I don't know how to describe this other than to call it a comprehensive interaction between or among...got to keep these...if you use more than two you have to use the correct terminology...among the Surveyor's Office, the Garage, the Engineer's Office, the Soil and Water Conservation and the County Commissioners for the purpose...I met with Valerie and she would say, well, I don't go to the garage unless they call for me. You have different people doing different things and I think we need a team that meets and discusses and then the action follows. That is just a recommendation. The other area that I feel needs to be treated in the same manner is transportation. You have John Stoll meeting with us. You have EUTS taking care of the financial end and we don't hear about it until we get a letter from someone that says we are not going to honor this amount of money, we don't have it right now. I think we need to have all of those related individuals involved at this process also. If we are going to make those leaps beyond talking about Lynch Road and Burkhardt, because there is just so much money and we can't do it all. Now, those aren't very fancy, but they might produce some money.

Commissioner Tuley: You've got to have the money before you can do anything else.

Commissioner Jerrel: That's right.

President Mourdock: That's right. You've got to have the money. I think the one thing that the three of us understand and anyone who looks at this problem very long quickly comes to understand that you've got to be able to leverage your money, but to leverage money you've got to start with money and the areas that you just listed, Bettye Lou, easily totaling up I heard about \$600,000 potentially that is right there.

Commissioner Jerrel: That's right.

President Mourdock: That's a heck of a start on these things. Again, the point of saying that we need goals is to provoke and promote this type of discussion. I think this is excellent that just from one letter we get these comments tonight and what I would like to do is synthesize my notes a bit from both of you from what you've given me and continue this discussion next week, again, with the idea that in the next 30 days or so we can say these are our priorities, this is where we are going. The first several items you mentioned, Bettye, I guess I kind of hear those under a bigger category of simply...I don't know if cost control is the right word or fund control?

Commissioner Jerrel: Research. I think we need to research first of all to find out what those major cost centers or cost groups or whatever you want to call them, what they're projected and what they are budgeted for. See, if you just took the budget and pull out all the postage costs and then Suzanne...or it's the Purchasing Department. Lynn Ellis has that information. You would be very surprised at how those costs are not just slightly increasing. The multiple is frightening.

President Mourdock: Very true. Okay, well I look forward to working with you on establishing those goals and, again, letting everybody know what they are because the money is not infinite. The ideas have to be well thought out and the next 24 months for this Commission, I think, will be quite a challenge. Any other business before the Commission tonight?

Commissioner Jerrel: I am going to enjoy working with both of you.

Commissioner Tuley: I look forward to working with you, too.

President Mourdock: It will be interesting.

Commissioner Tuley: I've already been working with you.

Commissioner Jerrel: Mr. Schwenker, did you ever tell them how you got down here?

Eric Schwenker: No, I never did confess to that.

Commissioner Jerrel: Should I?

Eric Schwenker: I wish you would.

Commissioner Jerrel: About a year and a half ago Mr. Schwenker called me and I told him that he needed to become a regular down here and get acquainted with you all. I never dreamed I would be sitting here when I told him that!

President Mourdock: You may live to regret those words! Who else have you told that to, Bettye?

Commissioner Jerrel: Well, I am not going to tell you!

President Mourdock: Alright, I will then look for a motion for adjournment. I think we're done.

**Vanderburgh County  
Board of Commissioners  
January 6, 1997**

25

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. We are adjourned.

The meeting was adjourned at 6:55 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
Mike Lockard  
Eric Schwenker  
Ed Moser  
Milton Hayden  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
January 13, 1997**

The Vanderburgh County Board of Commissioners met in session this 13th day of January, 1997 in the Commissioners' Hearing Room of the Civic Center Complex at 5:35 p.m. with President Richard Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening, welcome to you all. We will call this meeting of the Vanderburgh County Commissioners to order. First of all I want to tell the ladies and gentlemen of the press, I'm glad I did not put one of my goals for this year to start every meeting on time because I would have already missed one here. As we begin, for those of you just entering, I see the other folks have already picked up an agenda over on the far desk if you would like an agenda. For all of you in red the German Township item will be very high on the agenda, so we will get to you momentarily. As we begin tonight to make our introductions, to my far right is our Superintendent of County Buildings, Ms. Cindy Mayo; next to Cindy is the County Attorney, Joe Harrison, Jr.; Commissioner Tuley is not here this evening. Unfortunately, he had a death in the family over the weekend, so he is not with us tonight. At my far left is Charlene Timmons, who is our Recording Secretary; Suzanne Crouch, who is the County Auditor; and to my immediate left is County Commissioner, Bettye Lou Jerrel; my name is Richard Mourdock despite what it may say on the plaque in front of me. I would ask you all to join us now in our Pledge of Allegiance.

**Approval of minutes**

President Mourdock: The first item on our agenda is a review of the minutes of our past meeting.

Commissioner Jerrel: I'd move approval of the minutes of January 6, 1997.

President Mourdock: Second and so ordered.

**Certification of Executive Session**

President Mourdock: As a matter of routine business, just by way of public information, normally we mention at this point that we had an Executive Session in the prior hour. As a matter of fact, tonight we did not have an Executive Session, so there was none taken.

**Amended Auditor's Certificate - German Township Fire Protection District**

President Mourdock: Next on the agenda we have the Amended Auditor's Certificate regarding the German Township Fire Protection District and I will ask both the County Attorney, but I guess I'll start with County Auditor, Suzanne Crouch, to take the floor.

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

Suzanne Crouch: I'll try to speak, but I might have to turn it over to Charlene if you can't hear me. When we submitted our original petition in December of '96 we were under the impression that if more than one person was listed as owning a piece of property and they both signed...for instance, a husband and wife own a piece of property and they both signed for the petition that both of their signatures counted because that's the way the petitions were...that's the way the signatures were counted in the Victory petition. We did though since find out that if two people own a piece of property only one signature can count. Therefore, we have amended our certificate and the new numbers that we are submitting tonight for the Commissioners have 896 qualified and 519 that did not qualify. The number of freeholders in German Township is 2,678, so 20% of the freeholders would be 535 so this does in fact appear to meet the qualifications. Thank you.

President Mourdock: Okay, thank you, Suzanne. Joe, would you care to add to that or give legal direction to this Board regarding our past meeting and the prior acceptance, if you will, of the petition that was given to us earlier?

Joe Harrison, Jr.: In reviewing the law with regard to the establishment of a fire protection district it is Indiana Code 38-8-11-1. There are several steps that must be followed in order to properly establish a fire protection district within a township within the county, within any county here in the state of Indiana. The Auditor has now certified the amount of freeholders who have signed the petition. A freeholder is a person who holds land in fee. In other words, a landowner. The number that has been stated would be sufficient to qualify under the statute. The next step is for this body, the County Commissioners, to grant the petition and set a public hearing on the petition...or, I'm sorry, to set a public hearing and then consider a resolution or an ordinance concerning the establishment of a fire protection district in the German Township area that is to be a part of this new district. The reason for this is that there is a provision in the statute which also makes mention of those who may want to remonstrate with regard to the petition that shall be granted tonight. They don't have a choice but to grant the petition under the law assuming the findings are made appropriately which may, in fact, happen in the next few minutes. There is a period of time between the granting of the petition if, in fact, it is granted by this Board, and the public hearing which will be set by this Board concerning this matter. If, in fact, there are those who wish to remonstrate they will need to look at I.C. 36-8-11-9 which sets forth the parameters for that procedure. That is why there will have to be another public hearing in connection with this matter to follow the law properly and to make sure that everyone has an opportunity to be heard in connection with this matter. Are there any questions of the Commissioners?

Commissioner Jerrel: No, I don't have a particular question, but I would like to know, Mr. President, how you feel we should be handle any questions that the audience might have rather than discussions, specific questions about the petitioning process which our attorney could answer?

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

3

President Mourdock: Before I answer that question, because I am not certain of the answer, let me ask a question then of Joe. You said that we would need to have, and these were your words "Another public hearing". We have listed on our agenda tonight, Item C, Public hearing German Township Fire Protection District. If, in fact, we hear comments of advocates or remonstrators tonight is that in some way considered the public hearing which is otherwise required by law?

Joe Harrison, Jr.: No.

President Mourdock: If then we reschedule the formal public hearing, is there any statement in the code that dictates how long a period of time there needs to be from the granting of a petition until that hearing takes place? It would seem to me that, and this is logic which automatically it was probably discounted when we are talking of items of the law, but it would seem to me that there ought to be some sufficient time for remonstrators or whatever to get involved?

Joe Harrison, Jr.: That is correct. There isn't a time, a specific time frame for the remonstrance period, but it would be between the granting...it would be that time frame between the granting of the petition and the next public hearing if this public hearing is not held, but there has to be another public hearing. So, if the public hearing is set in three weeks there would be a three week period. If it is set in a month there would be a month period; if it is set in two weeks it would be a two week period. The thing is as far as advertising purposes are concerned the minimum with putting an advertisement in the paper and having at least ten days notice from the posting of the publication to the hearing there is really no way that the hearing could be held within two weeks, so it would have to be either three or four weeks or longer.

President Mourdock: Okay. Let's play the other side of this for a second. If we granted the petition tonight and had a hearing, is it your legal opinion that there would be some likelihood that a suit could overturn the establishment of this district?

Joe Harrison, Jr.: No. As long as you follow the law and we are going the next step to follow the law. You can't have a public hearing, technically, until you grant the petition. The petition still hasn't been granted. You have to then advertise that public hearing, so we have kind of put the cart before the horse in what has been done up until now, plus the numbers have changed from the December meeting until now. Even if the numbers would have been correct in December, you still would of had to grant the petition and set another public hearing and have that public hearing.

President Mourdock: Again, taking comments...I am apologetic to all of you in the crowd who came here to address this tonight on one side or the other, and I am trying to find a way to make sure that you can make your comments tonight and yet not have that be somehow thrown back at us--

Joe Harrison, Jr.: Sure.

President Mourdock: --that we had two public hearings and we could have only had one.

Joe Harrison, Jr.: There would be nothing wrong with having testimony presented this evening if anyone wants to discuss why it is appropriate to establish the fire protection district. That would be fine with in mind that there still has to be a public hearing at a later date.

Commissioner Jerrel: To expand on that question, if anyone gives testimony tonight, though, it is still a matter of record in our minutes.

Joe Harrison, Jr.: That is correct.

Commissioner Jerrel: So it is a matter for us to review, so it would be valuable. I agree, we don't want people to be here and not be heard even though there will have to be another hearing.

Joe Harrison, Jr.: Right, that is correct.

President Mourdock: Okay, so we have basically a two-step procedure here that we need to deal with. One, is to officially grant the petition given the new numbers provided to us by the County Auditor?

Joe Harrison, Jr.: That is correct.

President Mourdock: The second action is to schedule the formal public hearing at some point in the future.

Joe Harrison, Jr.: And make the proper findings upon the granting of the petition.

President Mourdock: The proper findings meaning...?

Joe Harrison, Jr.: I can set those forth which will have to be read into the record once the petition is granted.

President Mourdock: Any other questions?

Joe Harrison, Jr.: I think it may be that prior to voting on it you may want...if anyone wants to address the crowd or the Commissioners that may be the way you want to proceed, but that is just my own recommendation.

President Mourdock: Okay, that is probably a very good recommendation. The floor is open at this time for anyone who wishes to offer testimony then for the German Township Fire Protection District as proposed. Don't all rush to the microphone.

John Buckman: For or against?

President Mourdock: Either way. Before the Chief starts, if you do wish to make a statement given the number in the audience here I would ask that you keep it to less than three minutes and because all of our minutes are verbatim notes, please state your name and address, also, into the record. Thank you.

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

5

John Buckman: Thank you. John Buckman, German Township Fire Department, 4800 Detroy Road, Evansville, Indiana 47720. I am the Fire Chief of German Township and I am here to speak in support of the petition. In order for us to guarantee fire protection in the 21st century we have to have adequate funding. The fire protection district is one method granted by state law to allow us to have adequate funding. Even though it is volunteer, volunteers cost money. I am opposed to paying increased taxes, but I am in favor of having a good fire department. We have a good fire department. We have a great fire department. All these people in red shirts are volunteers. They don't get paid. They get nothing except the satisfaction for doing a job. We have had to put off purchases of apparatus, purchases of equipment. We are operating in trucks that are 22 years old that on a house fire the other day on the 22 year old engine the fuel pump breaks. It's on a house fire. When is a fuel pump going to break? Not when they are sitting in the fire station. They are going to break when you are on an emergency. Fire trucks in 1974 cost \$40,000. Today they cost over \$200,000. Our fund drive has been stagnate, it has been the same for the last ten years. We raise about \$45,000 a year in fund drive. Thirty-three percent of the people in German Township contribute to the fund drive. That is what buys equipment. When the Board of Directors of the Fire Department decided to look at alternative ways to fund it and how do we get everyone in the township to pay a fair and equal share, the fire district was that way. Thank you.

President Mourdock: Thank you, Chief. Anyone else? Mr. Wittman.

Jim Wittman: My name is Jim Wittman and I am a resident of German Township. The German Township Fire Department has emergency medical service available. Now, is it true that as a resident of Vanderburgh County I am paying taxes for emergency medical service?

President Mourdock: The answer to that is, yes, German Township is included under a contract with Mercy Ambulance to provide services throughout all the county except for one township.

Jim Wittman: So if they become a tax entity, then I am in effect paying for duplicate services through my German Township tax, but also through my Vanderburgh County tax? Is that not right?

President Mourdock: The Mercy agreement does not cover fire protection. It is ambulance only.

Jim Wittman: No, I am talking about emergency medical. Does that mean that German Township will have to give up their emergency medical equipment?

President Mourdock: You'll have to ask the chief what their intention is on that one.

Jim Wittman: Well, that is just a question and I don't think he knows because I asked him earlier.

John Buckman: Currently German Township residents pay an EMS tax and they have been paying it for like 12 years. It raises about

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

\$39,000 a year for emergency medical services. That buys our equipment, pays insurance, buys an automatic external defibrillator which costs \$10,000 a piece, it buys physicals for the members which are required by federal law. It really doesn't even cover our total EMS costs. So they are paying that tax now and they have been paying it for quite some time.

Jim Wittman: I should attend more meetings. So there would be no change in that apparently?

Commissioner Jerrel: I have a question just about the whole tax structure. I have had three or four people call me today, so let me just ask the questions that they have asked me. One caller asked how would you determine the budget? The three trustees who are being appointed, how would you determine that budget? They said they had heard that they were going to pay \$80 per freeholder. I can give you the names of these people, but they couldn't come tonight.

John Buckman: We hired an accounting firm, Curtis L. Coonrod & Associates out of Indianapolis, who has formed several fire protection districts previously and we said if we wanted to raise this much money how much will it cost a taxpayer? He came up with the figure of a \$150,000 house would pay an additional \$80 per year to fund the fire district. That budgeted amount was approximately \$400,000.

Commissioner Jerrel: When the petition...what was the language on the petition? Did it follow...Mr. Coonrod did the petition language for you?

John Buckman: Our attorney, Mr. Grimes, did ours.

Commissioner Jerrel: What did it say? The other question that was asked was that the petitions were signed at the polling places and the lady asked me what...that she didn't know what she was signing. Did they read this when they...probably not?

John Buckman: No.

Commissioner Jerrel: I said to her when the schools became elected School Board they did this at the polls and most people...

John Buckman: We sent out a flyer, a one page flyer. Most residents got it on Friday or Saturday before the polls telling them what we were proposing, what we were going to do and that we would be at the polls to sign petitions. Most people came up and said, oh, that's the fire department thing? Oh, let me have it, just let me sign it.

Commissioner Jerrel: That was the third question that I was asked. What kind of communication within the township took place and you've just told me that you sent a one page flyer?

John Buckman: We did a written communication to every resident. I went to 18 public meetings in November explaining the fire district and what it is about.

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

7

Commissioner Jerrel: Give me just one example. Give me just one example so I--

John Buckman: I went to every group at St. Paul's United Church of Christ. Every group they have from the church council to the retired group that meets for lunch.

Commissioner Jerrel: Okay.

John Buckman: I spoke at Zoar Church on Sunday in church.

Commissioner Jerrel: Okay. Is there anything we need? A lot of people think we are the ones that make the decision and I have tried to explain that it is actually the residents, the freeholders, of German Township that make the decision. I would like to be able to relate to the people who call me all that there is to know about this other than the legal process, you know, like when it started so that there is a comfort level for the residents.

John Buckman: I guess from my standpoint as I live in the township and I pay the taxes. Most of these people live in the township and are going to pay the taxes and they are also going to volunteer. If we had...if the people that live in German Township volunteer...I shouldn't even have said that all of these people live in German Township because they don't. Probably about 30% of our members don't live in German Township, but they are willing to volunteer to help German Township and get up at 3:00 in the morning or like this weekend we spent 12 hours on emergency calls on Saturday. On Sunday we had two more emergency calls and these people all gave up their time and got nothing. What the fire district is going to do is allow us to buy more equipment. Yes, it may allow us to hire some firefighters to be there during the day. I have to guarantee service 24 hours a day, seven days a week, 365 days a year. You know, on Christmas day we had two runs. These people had to leave their families. A couple of people were in the middle of opening up their presents--

President Mourdock: Chief, I'm sorry to interrupt you, but, again, we can't make the decision here. It is German Township people who need to do that. It is their right, their obligation, if you will, to do it. The real point in coming back to Ms. Jerrel's question, is there anything else regarding the handling of the petition or the process itself that we need to know? We are simply the recipients of a petition and we make sure of the process. We are not the judge. We don't say yes or no and we're very glad of that!

John Buckman: Not that I am aware of.

Commissioner Jerrel: One other point, and I would like for you to address this. I did have another caller who wanted to know why this couldn't be put on a referendum. I think you've explained it, but perhaps it wouldn't hurt to emphasize that again.

Joe Harrison, Jr.: Simply because there is a statute that describes the process that must be taken to establish a fire

protection district. I suppose if there wasn't such a statute, that would maybe be a possibility, but there is a statute that governs how one is to establish a fire protection district. I will go so far as to say if for some reason the petition that they submitted was deficient in the numbers you would of had to dismiss the petition. You wouldn't of had a choice. They would not have been able to come back to this body for two years, so there are guidelines set forth within the statute that specifically state how this process is to be handled.

John Buckman: If I might ask, does Indiana law...because we researched that exact issue, does Indiana law allow a referendum for any kind of tax issue that you are aware of? I know it's a big law.

Commissioner Jerrel: I know of one. The school. You voted on the Cumulative Capital Development Fund five years ago.

John Buckman: Maybe I should have said as it relates to fire protection because we asked our attorney that question and he said there isn't because sure that would have been much...I don't know if it would have been easier for us, but we would have allowed the entire township to speak on the issue.

Joe Harrison, Jr.: That was a state referendum, wasn't it, Bettye Lou, or was that local?

Commissioner Jerrel: Local.

Joe Harrison, Jr.: That was local.

President Mourdock: One other question for you then, Chief. Just as you have dealt with the accounting firm out of Indianapolis, you've had your attorney look at this, I'm curious given that \$150,000 you expect it to go up \$80. Did you ever do any research to see what the insurance savings might be with this plan in effect? Does that affect the home owners?

John Buckman: In the meetings with Armstrong Township that we had to increase our budget there, the Armstrong Trustees' said that we save an Armstrong resident \$100 a year on their homeowners' insurance.

President Mourdock: How does that relate to this specific proposal though?

John Buckman: What I am saying is in Armstrong Township we save a resident \$100 a year in insurance premiums.

President Mourdock: Today?

John Buckman: Yeah. In German Township when we became an ISO Class 6 Fire Department some 15 years ago we saved the home owners 33% on their insurance premiums.

President Mourdock: Okay.

John Buckman: We are still a Class 6. We still save them that every year.

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

9

President Mourdock: Okay, thank you.

Commissioner Jerrel: Mr. Harrison, we've been presented with the petitions and you have attested to their accuracy. Can anybody look at them that want to look at them?

Suzanne Crouch: Certainly.

Commissioner Jerrel: I can't understand anything that you're saying. It sounds like little grunts to me! So the next order that we must follow is to accept the petitions?

Joe Harrison, Jr.: Yes, I would phrase it as granting the petition, so I would make a motion to that effect.

Commissioner Jerrel: Alright, and then we have to set a date?

Joe Harrison, Jr.: That is correct.

President Mourdock: Let me just ask one more time. I didn't see any other hands to address the issue from the audience. Were there any other comments?

Kenny Maasberg: I've got one.

President Mourdock: Okay, you need to come to the microphone, sir.

Kenny Maasberg: My name is Kenny Maasberg from Armstrong Township. I am a resident of Armstrong Township and a property owner in German. I haven't been notified on any increased tax in German Township on anything yet. What the Fire Chief just said about the \$100 savings on the insurance policy, I just talked with Mutual of Southern Indiana this last week on insurance on my house and it absolutely makes no difference whatsoever. The rates did not change whatsoever, so there is a little bit of misleading here somewhere along the line.

President Mourdock: Okay, thank you.

Commissioner Jerrel: Wait just a minute. If we didn't have the German Township Fire Department and your house caught on fire, I mean help me out, who would respond?

Kenny Maasberg: Well, where I am located at we've got several options. We've got German, we've got Scott, we've got Poseyville, we've got Cynthiana. German is the most convenient one. I'm not knocking them. I'm not saying there is anything wrong with that, but he just talked about the 1974 model truck and the fuel pump leaking. He can have a 1997 model truck do the same thing. A piece of equipment can cause trouble at any point and time. Now, there is a point in time when a piece of equipment is not feasible to run anymore. I don't know how many miles or how many hours you guys get on trucks, but I can't see where a volunteer truck...what do you got, 100,000 miles on the thing? More than that?

John Buckman: Probably not that many.

Kenny Maasberg: Okay, is it a diesel truck?

John Buckman: Gas.

Kenny Maasberg: A gas truck. The life of a gas truck is 200,000 miles if you take care of it, easy, okay? A diesel truck will run one million miles if you take care of it, okay? I don't see why you've got to have the latest of equipment all the time on this stuff. Now I think you've got to have dependable equipment. I think you've got to have maintenance, but, you know, I think we are being misled somewhere along the line on some of this stuff.

President Mourdock: Thank you, Mr. Maasberg.

Commissioner Jerrel: Before the hearing...I'm going to have to make a motion because we have to accept the petitions that have been presented to us, but before I do if this petitioning process proceeds what is the budgeting process for the township to be notified of whatever budget is going to be established? I know there are three trustees that will be appointed by this Board.

John Buckman: It is my understanding that the district has to be approved by March 1st. The Commissioners...the District Trustees would have to be appointed before then and then we would start the normal budgetary process that every other governmental agency goes through.

Commissioner Jerrel: So how would the residents be brought on board with that? We hold public hearings.

John Buckman: Yeah, we have to hold public hearings the same way.

Commissioner Jerrel: You would have a public hearing out in, the Trustees would, in German Township to talk about the budget process?

John Buckman: Yes, I would assume they would.

Commissioner Jerrel: I know that is the way the county does it. We have two weeks of hearings.

John Buckman: They would hold public hearings. I don't expect that they would hold it at the Civic Center. I would expect they would hold it--

Commissioner Jerrel: Oh, no. In German Township.

John Buckman: Right.

Commissioner Jerrel: How about a date?

President Mourdock: Why don't we go ahead and do the granting first?

Commissioner Jerrel: Well, it's really all...I'll make the motion that the County Commissioners hereby grant the petition

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

11

and find that such petition bears the necessary signatures and conforms with the requirements for the establishment of a fire protection district in the unincorporated area of German Township located in Vanderburgh County. The County Commissioners hereby set a public hearing on...alright, let's see. What's wrong with the 17th?

President Mourdock: That's fine.

Commissioner Jerrel: The 17th of February, that's a month, 1997 at 5:30 p.m. for the consideration of a resolution on whether a fire protection district should, as a matter of public policy, be established in the area proposed in the petition. I ask that the County Auditor advertise the public hearing date and publish a copy of the proposed resolution to be considered by the County Commissioners in connection with this matter.

President Mourdock: Having heard that motion to grant the petition which we are legally obligated to do and to schedule the meeting for February 17th at 5:30, I will say second and so ordered.

Commissioner Jerrel: That means that, in fact, these petitions which are available for public viewing are being accepted and they total 896. There is a months time for whatever the process needs to follow.

President Mourdock: Joe, just to put you on the spot for a second and I apologize for doing this. The remonstrators you said do not have a given period--

Commissioner Jerrel: Wait a minute. Well, wait a minute. I would like to amend that motion and make the meeting February 18th.

President Mourdock: Ah! The 17th is a holiday.

Commissioner Jerrel: The 17th is a holiday. February 18th.

President Mourdock: With that motion so amended, I will maintain my second with the meeting being February 18th. Now, the question, Joe, I heard you say before that there is not a given period of time that we need to grant the remonstrators. I understand that from the statute. Do you have at your fingertips, is it 50% of the freeholders must respond in the negative? Is that correct?

Joe Harrison, Jr.: Yes, the statute 36-8-11-9 states that a petition against the establishment of the fire protection district may be presented to the county legislative body, that's the County Commissioners, at or after a hearing on the petition to establish a district and before the adoption of a resolution establishing the district. So it would have to be in before the adoption of the resolution of the district which would be on the 18th of February. If the legislative body finds that the petition, if one is filed, contains the signatures of 51% of the freeholders within the proposed district or of the freeholders who own two-thirds of the real property within the district determined by assessed valuation the legislative body, or in

this case the County Commissioners, shall dismiss the petition for the establishment of the district.

President Mourdock: Okay, thank you.

Commissioner Jerrel: That information can be obtained from the Auditor's Office?

Joe Harrison, Jr.: Yes, and I just had one question. You made mention that the district and the Board must be appointed by March 1st or does the district just have to be established by March 1st?

John Buckman: I guess I should have paid \$500 to have the accountant come down. I am pretty sure it is the district that has to be established.

Joe Harrison, Jr.: Okay.

John Buckman: I don't think it's the Board because you made the comment that once the district is approved then we would go to the State Tax Board and get on the list.

President Mourdock: Okay, Joe, did we need anything other than the motion there? We did not need a voice vote, I presume?

Joe Harrison, Jr.: What I would do is you might just for the record do that and I do have a copy of a proposed resolution which I will give to the Auditor's Office that they will also need to advertise with the public hearing statement.

President Mourdock: Just then for the purposes of completeness we will call for a voice vote on the prior motion. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I will vote yes.

Commissioner Jerrel: If there are any questions that arise, I think everybody including the Fire Chief, and I'm not sure that I know the answers, but our attorney...anyone who has questions in the audience we will try to answer them between now and whatever process is incurred later.

President Mourdock: Okay, thank you very much. I know unless you are looking for an intense lesson in civics tonight you probably don't want to stay for the rest of this, so we will break for a minute or so, so that you can leave.

**Jayne Berry-Bland - Elect officer, Board of Finance & submit investment report**

President Mourdock: If we can, I would like to reconvene. Thank you for the patience of all of you who are still here and especially those of you with the press who had to wait a little while. Sorry about that. The next item on the agenda is County Treasurer, Jayne Berry-Bland.

Jayne Berry-Bland: Hi, Jayne Berry-Bland, County Treasurer. By statute once a year we have to commence with the Board of

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

13

Finance and it is to elect a president and a secretary. We have always had the Auditor's Office because they are automatically already taking minutes to be the secretary of the Board of Finance. I don't see why that would be a problem again this year. It is also a time for me to submit my 1996 interest report and I have done so in two different categories. By fund and also by what we call general money or general county money. I would like to make note that I made over \$1,800,000 just in general fund money last year which is probably a record. It leaves to electing a president of the Board of Finance. So far we have only met once a year to do this. We have not had reason to meet any other time. A reason being if a bank or savings and loan should get into some type of financial situation and we feel like the county should no longer invest with them then we would need to convene this Board of Finance to make that decision.

Commissioner Jerrel: Your recommendation? Your recommendation is to appoint the Auditor, is that what you said?

Jayne Berry-Bland: For secretary.

Commissioner Jerrel: Alright.

Jayne Berry-Bland: That's kind of always been a given and it really doesn't matter who would be president of the Board. It is just a matter of...

Commissioner Jerrel: You're looking from this body? That's what you're here for?

Jayne Berry-Bland: Yes.

Commissioner Jerrel: I'm trying to get your point.

Jayne Berry-Bland: I'll tell you, they did appoint me as President the last couple of years. It is just a legality. Like I said, we have never met.

President Mourdock: Who is "they" Jayne? Who else is on that Board?

Jayne Berry-Bland: Just the Commissioners and myself by virtue of my office.

President Mourdock: Okay.

Jayne Berry-Bland: And the County Commissioners.

President Mourdock: So you are here to ask the County Commissioners to continue to serve on that Board and to ask the Auditor to serve as secretary of that Board?

Jayne Berry-Bland: Yes, and appoint a president.

Commissioner Jerrel: You want us to do that tonight?

Jayne Berry-Bland: Yes. This could possibly be our one and only meeting for the year.

Commissioner Jerrel: Oh, okay. I can handle that!

Jayne Berry-Bland: Did you say that you wanted to volunteer for president?

Commissioner Jerrel: I can have one meeting. That will be fine! No, I'll move that Suzanne Crouch, the County Auditor; Jayne Berry-Bland, as County Treasurer; and Richard Mourdock--

Joe Harrison, Jr.: It's all three of you who have to be on it.

Commissioner Jerrel: --Pat Tuley and Bettye Lou Jerrel form the Board of Finance and that Richard Mourdock be president of that Board and that Suzanne Crouch be secretary.

President Mourdock: I will say second and so ordered.

Jayne Berry-Bland: Okay, one other item that I have, basically, under the same thing. By statute, I don't quite understand why the Treasurer has to submit this report. I apologize, I went home early today. I have a very, very sick child at home. The Auditor's Office provided me with the settlement. Once a year I do have to provide the settlement from the previous year. I do have only one copy. I would be happy to leave it with someone to make copies. I also need a copy of it, but it is also a legality that I present it to the Commissioners.

Commissioner Jerrel: I would like to accept that report. May I just look at it and pass it on and you can retrieve it at the end?

President Mourdock: Let me add for the record then that prior to her remarks the County Treasurer provided the 1996 Interest Report and also has just provided the Settlement Report. Cindy, if you would just prepare copies for us.

Commissioner Jerrel: Okay, and the Auditor needs a copy also.

President Mourdock: Alright, thank you, Jayne.

**Randy Chapman - Strawberry Hill drainage problem**

President Mourdock: We have scheduled to speak on listing a Mr. Randy Chapman from Strawberry Hill.

Randy Chapman: How you doing? Randy Chapman, 314 Strawberry Hill. Mr. Mourdock basically knows the problem that we are having out there at the Old State Subdivision. I was here last year. I believe it was two or three meetings that I came to as far as the problem that we are having out there. It is a flooding problem. Mr. Jeffers came up with a proposal on building a timber bridge. I have talked to Mr. Wathen and I have talked to Mr. Stoll. From their standpoint everything is on goal according to them. They've done, I guess, all that they can do. Now I am asking the Commissioners here what the status is here on this bridge could be and let Mr. Wathen and Mr. Stoll give you their approval on it or what they think needs to be done.

President Mourdock: Okay, I'll ask John to come to the microphone. I don't know that there is a whole lot that we can tell you, Mr. Chapman. That's not bad news, that because we are already in the process.

John Stoll: Right, the bridge has been designed. We did a preliminary set of plans the week before Christmas. We have been reviewing those plans and sending comments back to the designers. One thing that may hold it up would be potentially needing a DNR permit. The plans should be done probably mid to late February and, hopefully, if we don't need a DNR permit it will be ready for bidding some time at the end of February or something like that.

Randy Chapman: So, basically, we can get started on this bridge about February, middle to late February, because you know the rains are going to be coming again and I just got the basement redone and I don't want it to happen again. The quicker the better.

President Mourdock: Yeah.

Randy Chapman: That is basically all I've got to say.

John Stoll: We wouldn't be able to start at the end of February. If we don't have to get a DNR permit we can put the bridge out for bid around the end of February if the plans are done then. It will be roughly a one month delay time with the bidding process. It would probably be late March at the earliest that we would actually begin construction.

President Mourdock: What do you think the likelihood that DNR will get involved with this one?

John Stoll: I'm not sure right off the top of my head. I didn't get a chance to call the consultant and ask them any details on that, but I can find that out and let you know.

Commissioner Jerrel: Will you keep Mr. Chapman informed?

John Stoll: Yes.

Randy Chapman: So we are looking at anywhere between February and March?

President Mourdock: That's where we are with the plans. That's right.

Randy Chapman: So you are going to go ahead and it's already been approved, I guess?

Commissioner Jerrel: Yes.

Randy Chapman: Okay, I appreciate it. Thanks.

**Veteran's Service Officer Appointment/Weights & Measures Lease Agreement**

President Mourdock: The next two items, Items F and G, we will be deferring this evening.

**Employee Assistance Program Agreement**

President Mourdock: Item H, the Employee Assistance Program Agreement. Cindy, do you know something about that one, I'll bet?

Cindy Mayo: This is something that the county has had for the past few years. They go by the total number of employees that we have in the county and the employees have not changed from last year, so the amount has not changed from last year, but this is something that is offered by Southwestern Mental Health. It is an employee assistance program. I think they are allowed to go three times at no charge and then after that they are referred to someone and it is not picked up by the county after that, but their first three visits are included in with the contract.

President Mourdock: Did I hear you say that we do not know how many folks used that program this year or that the number was unchanged?

Cindy Mayo: They do not send us a report on the number and I don't know if that is considered confidential.

President Mourdock: It could very well be.

Cindy Mayo: We do not get a report. It is used a lot, but I don't have a number for you.

Commissioner Jerrel: A question. I don't mind approving this, but they do, we don't get it, but they say they will provide it and if you haven't had it before then they should maintain that.

Cindy Mayo: There might be something that is attached on the original which would be in your signature file. Are all of the attachments on...

Commissioner Jerrel: Well, I was just multiplying out the number of employees that had used this and dividing it into the amount of the contract. We don't have any idea what their normal rate is do we?

Cindy Mayo: I do not.

Commissioner Jerrel: I don't mind making a motion to approve, but next year, between now and next year, I will ask those questions of Mr. Browning. I would like to move approval of the agreement with Southwestern Indiana Mental Health Center to provide EAP services for Vanderburgh County.

President Mourdock: I will second and so order.

**Insurance - Group Health letters**

President Mourdock: Last week when we were doing our appointments, one that we skipped was the issuance to the insurance carriers Torian, Hofman and Dillow letters on behalf of the county to cover us for the group health insurance. I believe the questions that were raised regarding that have now

been resolved?

Commissioner Jerrel: I would move approval of the health insurance assignments to Torian, Hofman and Dillow as per last week's letters.

President Mourdock: I will second and so order.

### **Burdette Board Appointments**

President Mourdock: Item J, Burdette Board Appointments.

Commissioner Jerrel: As I understand the Burdette Ordinance, each Commissioner appoints a Board Member and both the majority and minority Council Members get one appointment, so that would be a five member Board. If we could, Pat is not here this evening, but I would like to see that Board become active and meet on a regular basis and review the claims and the projections for the park.

President Mourdock: Do we know what the term of those appointments are off the top of your head?

Joe Harrison, Jr.: I'll check. I think they serve at the pleasure of the Commissioners. I believe the Council is the same, but I do not have that in front of me and I will check.

Commissioner Jerrel: I think it is a one year appointment.

Joe Harrison, Jr.: Yeah, I think they just serve at your pleasure for that year.

President Mourdock: I know the appointment that represents me I made fairly late last year, so it has been a fairly recent thing. Cindy, I would ask you just to make sure that we get that on the agenda for next week then as well. Actually, two weeks from tonight. Any other discussion regarding our action items before we go to department heads?

### **Randy Giles - Vanderburgh Auditorium**

President Mourdock: Department heads, Randy Giles is first on our list here.

Randy Giles: My name is Randy Giles, I am the Assistant Manager at the Vanderburgh Auditorium. I just provided you all with a copy of our schedule of events for January and February. I think it is 28 events, but some are on both sides of the building. You can look that over at your pleasure. I have had some concerns and I talked with Mr. Mourdock last week. They began soil testing for the renovations. They drilled five or six holes outside and they actually drilled two inside the building last week and I had some concerns when they were getting ready to do that what damages it would cause to the floor for the remainder of this year. I am happy to say that they did complete them the next day and there is no problem whatsoever.

President Mourdock: Great.

Randy Giles: They took an eight inch floor sample out of the terrazzo floor in the Gold Room. I'm not very good with directions, but it is on the end of the Gold Room closest to the entrance kind of in the corner, so it is not a high traffic area. It has been plugged and smooth and no problems. The way we talked on the phone, I guess, as these things come up, I need to know am I to contact you or any of the Commissioners or is there a liaison-type of situation? We really don't know that much about what is going on with the architects. If they just show up at the auditorium, I'm not really comfortable letting them come in. You know, we could of had a bad situation if someone would have slipped and fell at a dance we had Sunday. Somehow we've got to keep an open line of communication about what is happening and what is supposed to happen.

President Mourdock: I, number one, appreciate that question because that is why I asked you to come in make a report, so that we would know where the problem areas are and you just defined what one is or at least potentially could be. I would give you just as a hierarchy list the first one on the list to call is Mike Shoulders on those types of issues. Second on the list is me. After you talk to Mike give me a call and let me know what is going on. If you can't get Mike then call me directly and then Bettye Lou and then Pat.

Randy Giles: Okay.

Commissioner Jerrel: One intermediate step. I think a letter should be sent by you to Mike Shoulders describing this concern and ask him if he could please, you know, review it with the staff. I'm sure then that you won't get any calls.

President Mourdock: That's a good point. Also, we have Mike who is periodically been coming to these meetings and the next item for me to do or as part of that same letter, is to make sure that he is here probably on an every two week basis now that things are starting to roll along, so that will give us all a chance to be in the same place at the same time and hopefully address some of this.

Randy Giles: The architect did tell me, and it wasn't Mike it was one of his staff, told me that they may have to take some more samples inside the building based upon the results they got out last week. That is just something that we will have to wait and see.

President Mourdock: Okay.

Cindy Mayo: For your information, Mr. Shoulders did call the office today and asked to be placed on the January 27th agenda.

President Mourdock: Which will be the next meeting. We do not meet next week. Very good, thank you.

Randy Giles: I did have two other quick questions that you guys, I'm sure, can clear up for me. One concern that we've had is we had a pipe bust over the weekend and I talked to Cindy about that today and their bids will be in probably tomorrow. It is

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

19

going to have to involve some jackhammer work in the basement. It wasn't a freezing situation, it was a 30 year old pipe that runs down into the concrete and through some dirt and it has just corroded. I don't know the extent of the estimate. There is some asbestos involved, so I think it could get to be kind of sizable, but I will keep in touch with Cindy on that. The other item is snow removal. I had a problem since I have been there, first with law enforcement. We are supposed to call the Sheriff or the City Police now to get the snow removed from our parking lot. We don't have the equipment to do it. We've got a 19 year old John Deere lawn tractor which really doesn't even get the sidewalks very well. I called the County Garage and they said, well, we'd be glad to do it, but you would have to be the very last person because we are so far away from anywhere else where they are scooping the snow. I called Sam Lahanis and he said, well, they contract a lot of it out and we don't have a line item to do that. For the last snow I got METS to do it kind of as a favor, the bus people, and he said he really can't do that every time. Where should we turn for that one? The people who pay \$20 a month there it generates right about \$1,000 a month.

Commissioner Jerrel: Sure.

Randy Giles: We owe it to them to give them a path.

Joe Harrison, Jr.: The contract with Givens and Spindler doesn't address that issue?

Randy Giles: I don't know.

Joe Harrison, Jr.: I mean it appears to me that they would have the authority to hire someone, you know, pay them whatever, \$30 or whatever it is to remove snow when that needs to be done.

Commissioner Jerrel: They have other buildings and parking lots and what have you that they manage and this is just one more that they manage, so maybe you should mention that to Mr. Spindler that this is just...you know, if it isn't mentioned then it is assumed.

Randy Giles: Under their professional services?

Commissioner Jerrel: Yeah, so that would be something, you know, I'm sure they contract with somebody.

Randy Giles: Last year I came in March and then we had the big late snow last year and it just wasn't done and we had a lot of complaints on it. It is something we are trying to get resolved, but I will talk to them about it.

President Mourdock: Okay. If you would stay in contact with Joe and review the contract yourself.

Randy Giles: Okay.

President Mourdock: Joe, if you would review that contract.

Joe Harrison, Jr.: Yeah, I'll take a look at it, but get back

with me on that. If I don't talk to you first then call me. I'll take a look at that contract. You need to make sure that snow is removed every time it snows.

Randy Giles: So far we've made it. Thanks.

**John Stoll - County Engineer**

President Mourdock: John Stoll.

Commissioner Jerrel: What am I looking at?

President Mourdock: He'll tell you in a minute. Probably sidewalks, yeah, sidewalks.

John Stoll: The subdivision plat that is in front of you is for Shallenberg Subdivision. It is on Heinlein Road east of Baumgart Road. It is actually a little bit east of Birch Park Drive and the developer is requesting a sidewalk waiver for the three lot subdivision. This subdivision, like I said, it is only three lots and there are no sidewalks anywhere else along Heinlein Road. Given that, I would say that a sidewalk waiver would be appropriate and I recommend that it would be approved.

President Mourdock: Do you see where it is at?

Commissioner Jerrel: Uh-huh. To the other people...there are three other houses there already?

John Stoll: No.

Commissioner Jerrel: There are no other?

John Stoll: There is one house there now and he is subdividing it into three lots.

Commissioner Jerrel: Okay, but the one house that is there have they already gotten waiver?

John Stoll: The way he is subdividing it that lot will be part of the subdivision, so he has no sidewalks at all right now either.

President Mourdock: He wasn't required to do them when he just did one house?

John Stoll: Right.

Commissioner Jerrel: Is this something that you generally act upon at that time that it is brought before you?

President Mourdock: Yes, generally we look to John for recommendations.

Commissioner Jerrel: Are you recommending the waiver?

John Stoll: Yes.

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

21

Commissioner Jerrel: I'll so move.

President Mourdock: I will second and say so ordered for a sidewalk subdivision waiver for Shallenberg Subdivision.

John Stoll: Next I would like to request to go before Council for an appropriation for \$675 for our rent and for \$625,000 for Lynch Road. The \$675 for the rent would cover the increase for our lease for the upcoming year and the \$625,000 on Lynch is money that was not encumbered from '96 to '97 due to the fact that we had no contract to award for the construction, but if we ever get to the point where the state will give us the funding, then the money would be in place for our local match by appropriating this amount.

Commissioner Jerrel: I'll move approval of the two appropriations; \$675 for the increased rent and \$625,000 for the Lynch encumbrances.

President Mourdock: Second and so ordered.

Commissioner Jerrel: A question. I'm going to Indianapolis the 21st and 22nd so I want that critique and you'll give it to me?

John Stoll: Did you not receive it yet?

Commissioner Jerrel: No.

John Stoll: I finished it last Thursday and brought it over to...I put it in the mailbox down in the Purchasing Office.

Commissioner Jerrel: I don't have it.

Cindy Mayo: It might be in some of the things on the desk out in the main office. I'll look and see if I can find that.

Commissioner Jerrel: Well, I hope you kept a copy.

John Stoll: Yes.

Commissioner Jerrel: Okay. May I just give you my post office box number?

John Stoll: Sure.

Commissioner Jerrel: Because I want to study it so I can ask you questions before I go. It's box 2544 and the zip is 47728.

John Stoll: Well, if they didn't show up I can get you another copy.

Commissioner Jerrel: No, I've been looking.

John Stoll: The final item that I've got is a travel request for Valerie Harry, Tim Spurling and myself to attend a county bridge conference at Purdue. This would be on January 29 and 30. This would require one night of lodging and a county vehicle would be taken. The fee is \$30...the registration fee is \$30 per person.

Commissioner Jerrel: I'll move approval and ask that when you

come back that you share that information with me.

John Stoll: Sure.

Commissioner Jerrel: Since I am learning.

John Stoll: Okay.

President Mourdock: I will second and so order.

John Stoll: Since it has been approved, I have a claim for the registration fees here that they didn't put on the consent agenda.

President Mourdock: Okay, for the item that you just brought to our attention?

John Stoll: Yes.

President Mourdock: I will add that to the consent agenda. Any questions for John?

Commissioner Jerrel: Did what you prepared for me include comments from Rose about financing?

John Stoll: I gave Rose a copy and I haven't heard back from her as of yet.

Commissioner Jerrel: Would you mind calling her again? I need to know from her perspective I can read the county long-term plan, I don't know, what do you call it? The Transportation Improvement Program.

John Stoll: Long range transportation plan?

Commissioner Jerrel: But I would prefer to concentrate on just one...if we are concentrating on Lynch, then ask her what the history has been on approval for money from the Department of Transportation and then the removal of the funding from the Department of Transportation. I need to have her perspective with dates, documentation and any copies of letters that she has. I want to make a case.

John Stoll: When I talked to Rose about that she said that INDOT had still not set up any meetings to discuss the funding. INDOT claims they are still waiting on Washington to tell them what their appropriation for federal aid road money is going to be for this year. Once they heard that they were supposed to set up a meeting with all the LPA's to go over exactly how much each agency was going to get. Since INDOT says that they have not heard back from Washington they have not set up any meetings with Rose.

Commissioner Jerrel: Okay, and that is what I would like for Rose to put that in writing. Who told her that they haven't received the \$344 billion dollars yet or any information about it.

John Stoll: Okay.

Commissioner Jerrel: I would like to know that.

John Stoll: Do you want me to have her get in touch with you as far as--

Commissioner Jerrel: Yeah, but I want it in writing because I want to take it with me so that somebody that doesn't really deal with us or with me will know that I am not just pulling numbers and figures from out of the blue. I would like to have some documentation.

John Stoll: Okay.

Commissioner Jerrel: Thank you.

President Mourdock: Okay, thank you, John.

**Milton Hayden - Assistant Superintendent, County Garage**

President Mourdock: For the County Garage report, Milton called just before our 4:00 meeting started and he is working with a crew tonight so he is not able to join us. For the record he has submitted the progress report for the County Garage for June 3rd...I'm sorry, I wish June! For January 3 through January 9, 1997 and also a Bridge Crew report for that same period of time.

Commissioner Jerrel: Since I don't know your process, do you just accept these?

President Mourdock: Yes, we have been accepting them and Charlene has been including them as part of the record.

Commissioner Jerrel: I'll accept the Highway Department's progress report.

President Mourdock: Okay. Normally we aren't even so formal as to accept those in a motion, but I'll say second and so ordered. Cindy just stepped out of the room and I don't know if you got my E-Mail today, but I think she has for us a list, a priority list, of phone numbers.

Commissioner Jerrel: Yes, I got it.

President Mourdock: I am scheduled to talk with Milton possibly later this evening or tomorrow evening regarding our concerns because snow is in the forecast again for Wednesday.

Commissioner Jerrel: Right.

President Mourdock: Or rain or freezing rain. Cindy, did you have anything else from Milton's submittal and do you have the phone numbers we talked about earlier today?

Cindy Mayo: Yes, that is on your desk. That was all that was brought in from the County Garage.

President Mourdock: Right, okay.

**Joe Harrison - County Attorney**

President Mourdock: The next report then is the County Attorney, Joe.

Joe Harrison, Jr.: I just have a couple of items. I have communicated with Alan Kissinger and Keith Rounder regarding ongoing county matters. I had an opportunity to meet with Barbara Cunningham also on some rezoning matters. I still have to meet with...I have communicated with Dennis Brinkmeyer and I have received some correspondence from him, but I still have to formally meet with him as well as Carl Heldt and I will be doing that within the next several days. Also, regarding the county Land Evaluation Commission today I sent a letter to the State Board of Tax Commissioners with a copy of a memorandum that previously came to this county in September, it went to all counties, I guess, in September regarding the suspension of the work of those Commissions as a result of the state tax court ruling. My letter to the State Tax Commissioners today is are those Commissions in the county still suspended from doing any assessment work in the future or has the State Board of Tax Commissioners...or do they plan on starting the Land Evaluation Commissions back up? Presently it is in limbo. I just sent a letter to them asking for some guidance on that subject and if, in fact, they are to begin again at some point in the future I am sure that this Board will make the rest of the appointments to that Commission. I think that is it. I know Cindy is going to address something that has to do with surplus property and I will wait until she addresses that issue. Thank you.

President Mourdock: Any other questions for Joe?

**Cindy Mayo - Superintendent of County Buildings**

President Mourdock: Okay, Superintendent of County Buildings, Cindy Mayo.

Cindy Mayo: I had a call from Lynn Ellis in Purchasing today. On two separate occasions this year the county and the city are observing different holidays. Different days for holidays. Our first one is on Lincoln's birthday and the second is on Veteran's Day. The city is observing Lincoln's birthday February 12th and we are observing it Monday, February 10th. I believe in the past the city and county both had observed that day, which we only get this every fourth year when it is a non-election year are these two holidays thrown in, but the city at one time did observe it on a Monday, also, and there was a problem with...my understanding was that there was a problem with the Teamsters. If they worked on the day...if there was an observed day and they had to work on the actual holiday, then there was a problem with time and a half coming into play. The city did change that and they do now observe it on the actual day. The other one is Veteran's Day. We are observing that on Monday, November 10th and they are observing that on the actual day which is November 11th. I did speak with the Building Authority when we found out about this probably a month ago that there was going to be a problem. The building will be open both days. There is not a problem as far as security. There is not

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

25

a problem as far as maintenance people being here. The only problem that we have is on the days that we will be working Purchasing will not be open. There will be no mail that can be processed. With your approval I will send a memo out to the department heads and to the office holders and let them know that there is a problem with those days and that mail will not be processed on those days.

President Mourdock: Okay.

Cindy Mayo: I have a pink slip that needs to be added to the consent agenda and I have an item that needs to be removed from the consent agenda. The Auditor's Office travel request needs to be removed. That is going to be taken out of their training is my understanding. I have some appointment papers for Joe Kiefer. You have appointed him to the Alcohol Beverage Board, but there does need to be a signature from you so I will pass that down and ask that the Auditor give me the original back on that so that I can mail it to state. The only other item that I have...well, I do want to let you know that the name plaques have been ordered and they should be up by next week. You won't have a meeting next week, but they'll be up next week. The letterhead has been ordered and I am making new agenda and travel request forms, so that should all be ready next week. The other item that I have is something that Mr. Harrison just made reference to. There is a house at 1013 Cherry which the Commissioners about a month and a half ago did say that they did not have a problem giving this to the Housing Authority. The Housing Authority said that they would run a title search on it and they wanted a commitment from the Commissioners for this property before they had a title search run and expended the money for the title search. That has been done. They brought the deed into the office the week before last on Friday. On the day that they brought that in a Mamie Waddy came into the office and this property was owned by her mother, Sarah Jones, and she wanted to know if there was any way that she could redeem this property or if there was any way that taxes could be paid on this property. I did give the information to Mr. Harrison. His office has researched this and it is past the point for any redemption period for any taxes to be paid on this. I do have the deed and the exempt transaction form to be signed by you tonight. That's all I have.

Joe Harrison, Jr.: You all will need to make a motion to that effect. Again, this is part of the surplus properties and it is my understanding that the property was conveyed to the county by tax title deed back in 1993. The date of recording of that deed was November 4, 1993. The sale took place back in 1992, the tax sale, and the redemption period is long past. Obviously, someone must of had notice of some procedure if someone happened to come into the Commissioners' Office. Obviously, there was adequate notice, but the Housing Authority is interested in this property and if you wish to donate it to them you will need to make a motion to that effect and sign the deed as well as the exemption form.

Commissioner Jerrel: I'll move that the property located at 1013 Cherry Street be approved for transfer to the Evansville Housing Authority per the discussion regarding the legal requirements

all being met.

President Mourdock: I will second and so order. I presume that motion was for both the signing of the deed and the signing of the exemption?

Commissioner Jerrel: Yes, it was.

President Mourdock: Alright, anything else? Joe?

Joe Harrison, Jr.: No.

### **Consent items**

President Mourdock: We have in our packets consent items regarding employment changes, travel requests, Auditor's Office approval of accounts payable vouchers, Auditor's Office approval of Vanderburgh County Statement of Receipts and Disbursements for 1996, Wages and Compensation, Auditor's Office acceptance and approval of the 100R Forms, Pigeon Trustee acceptance and approval of 1997 Poor Relief Guidelines and the County Assessor's advertisement. I would ask for approval of the consent items.

Commissioner Jerrel: I'll move approval of items A through G.

President Mourdock: Alright, and I will say so moved. I would ask just formally for a motion to approve adding to the consent items that we removed from the consent items the Auditor's travel request and that we add one pink employment slip and that we also add the appointment or the signatures for Mr. Kiefer's appointment to ABC.

Commissioner Jerrel: Delete B4, add one pink employment slip and Mr. Kiefer's official appointment.

President Mourdock: Second and so ordered.

### **Scheduled meetings**

President Mourdock: We have a scheduled list of meetings in our packets. I am going to break tradition and not read them because I think they are self explanatory. I will note, however, that we will not be meeting next week.

Commissioner Jerrel: Right.

### **Old business**

Commissioner Jerrel: Is there any old business?

President Mourdock: I was just going to ask you, old business?

Commissioner Jerrel: I haven't been around long enough to have any old business!

President Mourdock: Well, I will add one item of old business.

Just under our goal discussion of last week...I'll pass those down to you and I will ask you Cindy if you would include one for Pat's desk there and one for Suzanne as well. Just all this is is a summation of the items that we listed last week for goals. Interestingly, with three members of the Board not one item was listed by all three of us. However, a number of items were listed by two of the three of us. Since we are not all present tonight to discuss these, I'll defer any other prioritization of this list, but that is why I did this so we can begin to build some consensus as to what those items are. Several of them you will note that I have somewhat grouped. For instance, what I had listed as determining our destiny as far as what we want to be as a community, be it a suitcase community or a major heavy industrial-type center, Commissioner Tuley had listed infrastructure improvement in designated areas. His exact remarks were about zoning for commercial parks and such and I think those kind of get lumped together. Bettye Lou had mentioned coordination of departments involved with drainage issues and I had listed just drainage issue so I see some commonality there. Next to the last item is a presence in Indianapolis and it was something that you spoke of directly and I had spoken about getting more regional coordination, so I think by and large we see some commonality and it is something to build from. We have under the old business category also listed Board appointments. To my recollection that was regarding the Land Evaluation Commission which Joe mentioned in his remarks probably isn't pertinent at this point. Any other old business?

**New business**

President Mourdock: New business.

Commissioner Jerrel: I'll move adjournment.

President Mourdock: That's new? We have a motion for adjournment and I will say second and so ordered.

The meeting was adjourned at 7:01 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Cindy Mayo  
Charlene M. Timmons  
John Buckman  
Jim Wittman  
Kenny Maasberg  
Jayne Berry-Bland  
Randy Chapman  
John Stoll  
Randy Giles  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

**Vanderburgh County  
Commissioners Meeting  
January 13, 1997**

29

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
January 27, 1997**

The Vanderburgh County Board of Commissioners met in session this 27th day of January, 1997 in the Commissioners' Hearing Room of the Civic Center Complex at 5:36 p.m. with President Richard Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Welcome to the meeting of the Vanderburgh County Commission. We have for your convenience a full copy of our agenda this evening. It is over on this table. If you didn't get one, please feel free to get one. As you can see, if you have already seen the agenda, or as you might surmise by looking around the room, we've got quite a few people here tonight and we've got a lot business to take care of. If you choose to speak to the Commission I would ask that you limit your remarks to three, four, five minutes or something like that so everyone can get their items on our agenda for the evening. If you do speak, we would ask you also, since all of our notes are verbatim, that you state your name and your address for the record. Before we start our meeting then let me make our introductions. At my far right is Mr. Tony Greubel, who is with the Commission Office; next to Tony is Joe Harrison, Jr., our County Attorney; Pat Tuley, County Commissioner, is immediately to my right; to my left is the Vice President of the Commission, Ms. Bettye Lou Jerrel; to Bettye Lou's left is the County Auditor, Suzanne Crouch; and to Suzanne's left is Charlene Timmons, who acts as our Recording Secretary; and my name is Richard Mourdock. With that, if you join us please, as we say our pledge of allegiance.

**Approval of minutes**

President Mourdock: Commissioners, you have in your packet the meeting...the minutes, I'm sorry, of our last meeting. I believe at that meeting Commissioner Tuley was absent.

Commissioner Jerrel: I would move approval of the minutes.

President Mourdock: Okay, I will second and so order. For the record that would be the minutes of the meeting of January 13th.

Commissioner Jerrel: And the Board of Finance meeting of July 13.

President Mourdock: January 13th.

Commissioner Jerrel: I mean January 13th.

President Mourdock: Okay, we accept both of those minutes then and so order.

**Certification of Executive Session**

President Mourdock: For the record, we also had tonight prior to

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

this meeting a meeting of the Vanderburgh County Commission Executive Session. That started at 4:15 p.m. and ended at 5:30 p.m. The purpose of that and the items under discussion at that meeting were pending or threatened litigation against the county, collective bargaining agreements and county personnel matters. So I guess formally I'll ask acceptance of the minutes of that meeting as well.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: I will say so ordered.

<b>Mike Shoulders - Vanderburgh Auditorium</b>
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President Mourdock: The first item on our agenda this evening is Mr. Mike Shoulders who I saw walk in earlier, with Veazey Parrott & Shoulders, to give us an update on the auditorium project.

Mike Shoulders: Good evening, Commissioners. I am Mike Shoulders, President of Veazey Parrott & Shoulders. I have two or three items tonight for you and I will try to be as brief as possible to cover those. I am handing out for you a tabulation form on the proposals for a phase one environmental audit of the existing facilities at the Vanderburgh Auditorium. We asked for four proposals for phase one, plus a unit price for asbestos sampling. As you can see, the lowest price, and we prequalified these four as all being highly qualified for the work, and the lowest price is Environmental Management, Inc. at \$900 for the phase one and then \$15 per sample. We would hope and anticipate no more than about 22 samples, although it could run plus or minus for the sampling part. We would recommend that John Stoll be authorized to inform Environmental Management, Inc., if it is the Commissioners' pleasure, to get Environmental Management started. That is my first item.

Commissioner Jerrel: Do we need a motion?

President Mourdock: I think we need a motion and since he walked in the door about three steps behind you mentioning his name, the motion, John, was that we have John Stoll get with Environmental Management to go ahead and set up the environmental sampling for the auditorium.

Mike Shoulders: I will assist, John.

Commissioner Jerrel: Alright, I'll make that in the form of a motion for phase one and the asbestos sampling at the rate of \$15 per sample for Environmental Management.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

Mike Shoulders: Okay, I think the Commissioners have probably met Michael Buente before, but I will introduce him for the meeting tonight. As you know, I am the principal architect in

charge of this project from our company and my project architect who is working along side me is Michael Buente, a licensed architect. We will be coming probably to you every other week. So in two weeks we will be back. If at any time that I am unavailable, Mike will be here or vice versa, so we'll have that covered. I want him to discuss with you tonight two items. A variance request from the State Building Code that we deem as appropriate for this existing building that we will file with the state. I want him to go over that and give you some illustration briefly. Then I want him to transmit to you what we call our design development drawings which are the current benchmark drawings where we are presently at in our stages. Mike.

Michael Buente: Thank you, Mike.

President Mourdock: Do you need one of the podiums, Mike? One of our easels?

Michael Buente: No.

President Mourdock: Oh, you came easel equipped I guess.

Michael Buente: I won't be reviewing these. I mean, there are 50 drawings here. I am going to leave them with you though. As Mike indicated, one of the things that I wanted to transmit to you was an application for variance with the State of Indiana. On any building project on this scope and size, particularly one where you are working with an existing building and one where you are having a mixed occupancy which this is because we've got an auditorium, meeting rooms and convention center, you more than likely have to go in front of the State Building Commissioner for variances. We have a code consultant, who is located in Indianapolis, who has been working along side with us from the schematics stages of this project. We have worked together on code strategies identifying areas that we had to get out of our way or behind us before we could go forward with the project. Since the project schedule hinges greatly on whether you get approval or disapproval on these type of events we've been working on this for several months. I am going to transmit to you your official copy of that. Basically what it is, is that we've got an auditorium which is an A-type occupancy and as you well know most auditoriums or theaters that you've been in where you've got a high occupancy load typically you go from the side aisle directly to the exterior of the building. Now that is not the existing situation in the current building. You go through a lobby and then you go outside and we are going to be doing a similar type of arrangement in the new plan. The code says you've got to go directly to the outside. We have pedestrian circulation along Locust Street which would prohibit that. We also have service-type core circulation along Walnut which would prohibit that. Unless you were going to do a real costly tunnel system or an elaborate unclear or difficult way to make those two paths cross, you have to do other things. We are doing other things like increasing sprinkler density, creating clear paths that are very easy to read and we have reviewed this with the staff. We had a staff hearing last week at the State of Indiana and that is the first step. We've got their full approval on it. Usually whenever you get full approval from the

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

staff it passes the Building Commission. We have a hearing in February and we anticipate that it will go through with no problem. What I would like to do is transmit to you the application form and the exhibits that go along with it.

President Mourdock: Okay, do we need to act on this as owner?

Michael Buente: That is just a matter of record. Actually, the owner of record on that is the Building Authority.

President Mourdock: Right.

Michael Buente: So they are the ones who signed that. They will also be the owner of record when we send any applications for design release up to the state. Now, I will tell you that there may be other variances that we may wish to go after that may be beneficial to the project as those come to light. That happens once a month and there is a two month...you have to have it in a month before they actually act on it, so as we go into the construction document phase we may identify additional items that we may want to go in front of the State Building Commission. As Mike said, I am going to be talking to you about the schedule. As you know from the preliminary schedule, today or around this date I think on the original schedule we had the benchmark of design development being completed. We have to this day completed that point in time. What design development is that we are starting to be doing hard line drawings identifying building structure, building systems, materials, code issues, real dimensions on vertical heights. In a complicated building project like this we are also working on it with the acoustician and also sight lines with the theater consultant. What I am going to transmit to you today is where we are at and it is about 50 sheets. From this day forward we will be going into what we call the construction document phase. Now, that is not to say that there aren't things on here that won't change. We will be reviewing this in the next week and we will still be value engineering certain systems or certain components in the project in the next couple of weeks and as Mike will be talking to you in a little bit about our cost consultants, two of these will be transmitted to him tomorrow and we will have several conversations with him. He is coming down this week to pour over the drawings and review the cost of the project. With that, I would like to transmit this to you. If you have any questions or would like to go over any of these with me feel free.

President Mourdock: Okay, I think--

Mike Shoulders: We'll go over all 50 sheets if you would like for us to tonight!

President Mourdock: I think we'll pass on that--

Mike Shoulders: I'm just joking!

President Mourdock: --but we will make sure when John Stoll leaves this evening that he will have this set of copies with him.

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

5

Mike Shoulders: Okay, our last item is the schedule and I wanted to bring back up here the schedule that we showed back in October and talk about some refinements to that schedule. We are on schedule. What I would like to do is two weeks from tonight present a revised version of this schedule that was presented previously. There are few date adjustments. I can tell you that we are on schedule. We will be into construction as per the plan on August 15th and we think that we will be able to finish the project say a month earlier than we had shown here. That was shown as August 15 of '99. We think we will probably, if things continue on the right path, be able to complete by July 15 of '99 and give a little more time for what we would call "move in" to the facility prior to any bookings of conventions, okay? What I would like to do is I would like to revise this and present it again with all the dates that are appropriate. There are some things that are not correct given the bond, you'll recall, given some of the phasing of construction that I would like to address and do a more detailed walk-through of this schedule in two weeks. I wanted to draw three or four dates to your attention. We will have a meeting this Thursday, on the 30th, with Barney Levengood who is coming down. Barney Levengood is a convention consultant and he is Executive Director of the Indiana Convention Center and he will be talking to us about the kinds of issues in the building that when we get into a large facility the kinds of issues regarding management, maintenance and all of those kinds of issues. I have invited Dan Spindler and I want to now invite John Stoll and any of the Commissioners that can or would like to come. We don't know his flight time yet, but he will be here most of the day on the 30th. If you would like to come to my office you are welcome to do that. The second meeting is a meeting that is being set up for art groups in this community; dance theater, civic theater, Evansville Philharmonic and 10 or 15 different art related groups. Dan Spindler is assisting me in setting that meeting up for February the 5th at 3:30 p.m. on the stage of the Vanderburgh Auditorium.

President Mourdock: Excuse me one second. You left out one art group that has been faithfully attending these meetings.

Mike Shoulders: The dance group that wants the wooden floor?

President Mourdock: I presume that they are invited since Mr. Moser is here.

Mike Shoulders: Mr. Moser, you are invited to the Vanderburgh Auditorium stage February 5th at 3:30.

Edward Moser: I'll be there. Incidentally, that's my birthday.

Mike Shoulders: Happy birthday in advance then. We will be talking about some of the detailed issues; lighting, sound and what they expect, what they think they're going to get, will they get it and taking input. Not on changing any walls now. That will be made clear up front, but in terms of the equipment and management of this as an arts facility. We will be following up with one more meeting that is going to be put together by Dan Spindler regarding user groups. Not all these art groups are necessarily heavy users, but there are some users

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

that have used the Gold Room and the Vanderburgh Auditorium extensively, so we are going to put a forum together where we come in and listen to them. Again, we are not changing any walls at this juncture, but we are talking about how we will run this, how it will be equipped, what kind of equipment can be expected and these kinds of issues. That will conclude our input sessions after that third meeting.

Commissioner Jerrel: Mike, excuse me just a minute, but we do have a representative of the Visitors and Convention Bureau here and we have been talking. It might be a good idea to extend the invitation, they have a Board meeting that day, because they would like to get the advertising of this facility ready to go because even though it is two years most of these conventions are still scheduled way in advance.

Mike Shoulders: Right.

Commissioner Jerrel: So it would be very helpful. Well, we can certainly extend an invitation on those dates.

President Mourdock: Did you give the third date?

Mike Shoulders: The third date has not been set and Dan Spindler will be clearing the premises or finding out when we can schedule it and then we will in turn let the Commissioners and the Convention Bureau know on that third meeting. In two weeks when we come back we would like to present a schedule. It will be a schedule that is on date and we would also like to present an updated detailed cost estimate. Our cost estimating consultant is working as we speak. He is working on a lot of the drawings that have been given to you, so in two weeks we should have a pretty firm schedule submitted that can be posted, if you like, here or in your offices. A large scale like that and we will have a detailed cost estimated. Not a square foot cost estimate, now. This is a listing of every piece, virtually, of material that is going into the building or at least quantity takeoffs of materials in this building. I would entertain any further questions about any of this and then we will see you in two weeks.

Commissioner Jerrel: I don't have any questions.

President Mourdock: Pat?

Commissioner Tuley: No.

President Mourdock: I have no questions, but I have one comment though. When we get in the form of that schedule that you said you would bring back in two weeks--

Mike Shoulders: Uh-huh.

President Mourdock: --if you would please make it as similar to that one in size and scope as that is because the place on the wall that I see for that is right above that table.

Mike Shoulders: Okay, well I am going to have these miniatures to hand to you.

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

7

President Mourdock: That's fine.

Mike Shoulders: This is all in our computer so I am going to use that same framework and make the revisions on that very same size and bring one of those back, so, yes--

President Mourdock: Yeah, bring one of those of that size.

Mike Shoulders: Of that size and I will bring copies of this size for you.

President Mourdock: Because I want to make sure that one goes on the wall. That is the critical one.

Mike Shoulders: Yeah, that's what you had mentioned. So, yeah, it will go wherever. Right there is fine.

President Mourdock: Okay. Mr. Moser, I think, had a question for you. You'll need to come to the microphone, Mr. Moser.

Edward Moser: Mr. Shoulders, you mentioned about the fact that it is estimated that the program will be completed about a month earlier, from August to July?

Mike Shoulders: Yes.

Edward Moser: Does that mean that the ballroom, etc. portion of the construction will be started earlier?

Mike Shoulders: What we think we did on the first schedule was to not allow enough time for full move in, carry over, occupancy and preparation once the building is finished. We are telling the Convention Bureau not to book anything yet before August 15th, but, again, we'll have more time to appoint the building and get it ready and dedicate it and advertise it. I guess, at this stage for your planning, and I am saying this to everyone, the Convention Bureau and to our managers and so forth, that still talk about using the facility on August 15th.

Edward Moser: Of '99?

Mike Shoulders: Of '99, right. If we can beat that we will.

Edward Moser: So it is roughly...well, of course we've got the work in advance for contract dates--

Mike Shoulders: Right.

Edward Moser: --and different places when we are out of the Gold Room, you know?

Mike Shoulders: Right.

Edward Moser: Until we can get back in.

Mike Shoulders: We will, of course, be monitoring that monthly as we go. We will be able to predict within about six or eight months of that July/August date we will be able to tell a lot more accurately if it is going to be done early and we will just

play that by ear.

Edward Moser: We still must be working about a year ahead of time regardless of what--

Mike Shoulders: Yeah, we'll communicate with you on that.

Edward Moser: We'll get a place in place of the Gold Room.

President Mourdock: On that schedule also, meaning the schedule that you handed to us and the one on the wall, I would like to know especially for Mr. Moser since he has been so diligent in being with us for these meetings, but give us a date on that schedule when we will be able to make a decision on his interest about the floor. I realize you don't know today and quite honestly we don't know which way that is going to go, but I want a date so that we know and he knows yes or no.

(Inaudible comments made from audience)

President Mourdock: Well, the decision of whether we include it with the bid as an option or not would seem to me to be...

Commissioner Tuley: We're going to bid it both ways.

Mike Shoulders: We are going to have something bid, but it will probably be a bid alternate that may bid it a couple of different ways. Until we see the pricing on bid day we probably won't make a final recommendation on which way we are going.

Edward Moser: You mean the floor?

Mike Shoulders: On the floor.

Michael Buente: We'll have a dollar amount estimated.

Edward Moser: That takes place about July,--

Mike Shoulders: July the 7th.

Edward Moser: --June or July of '97?

Mike Shoulders: But we are going to have an estimate. In the detailed estimate in two weeks we are going to have the floor in there.

President Mourdock: Okay.

Mike Shoulders: Of what we think it will be.

Edward Moser: The hardwood...

President Mourdock: Right, okay.

Edward Moser: Praise the Lord.

President Mourdock: Okay, Mr. Spindler has a comment.

Mike Shoulders: One more thing that you brought up concerning

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

9

the Convention Bureau putting together their brochures and so forth. We have two proposals out for professional renderings. One is to Art Associates and one is to Howard Associates for competitive prices for professional renderings. When those come back we will be reviewing those. The Convention Bureau has asked for wall sized renderings that can be reduced and then put into a brochures, so that is the other item that we are working on. Thank you.

President Mourdock: Danny Spindler.

Edward Moser: I'll pass on my (inaudible).

Dan Spindler: My name is Dan Spindler, I'm with Given & Spindler Company. My company along with Aiken Management manages Vanderburgh County Auditorium. I want to compliment the Commissioners for, I guess, their due diligence in trying to finalize the dates of construction time. I simply, I guess, just have a question of the architect. If, in fact, August 15th is the construction date, is that still anticipated to be on the convention center side, yet the Gold Room and auditorium would still be able to operate probably until February of next year?

Mike Shoulders: This schedule shows--

President Mourdock: Hold on, Mike, you know you need to get to the mike.

Mike Shoulders: The original schedule shows February for the auditorium and convention center...or auditorium and Gold Room to be closed. Recently, I have had discussions with Larry Aiken and some with Dan Spindler and the soonest we think it should be closed or could be potentially closed, I'm not saying it should be, but I am just saying potentially could be is about November 10th. There are some pretty hard bookings prior to that and we don't think it's going to hurt the construction costs or schedule to keep the building open that long. Now, then there is a window there between November 10th and mid-February, say February 15th, that we can close that building any time within that. If we get any later than February 15th we will probably start affecting our final schedule. I guess I am not giving you a firm answer to this other than no sooner than November 10th and no later than February 15th. We're still studying whether we can get some economies from contractors by turning it over to them the earlier part of that window or not. I don't have the answer yet. Does that help?

Dan Spindler: That helps. The reason that I bring that point up, Commissioners, is that I know in February we will be doing our annual report for 1996 and what you will see is after four record years of income in the facility 1996's income is relatively flat. We think a large extent of that is predicated upon the amount of media coverage the renovation has had and users of that facility, and probably very justifiably, are concerned about booking because we continue to market and book this facility every single day. It's kind of like trying to market it with one hand tied behind your back because even though we are out working and trying to continue to bring convention business in, trade show business in that we've had,

Broadway, wedding receptions, Christmas parties and those types of things and even if we get an individual down to the point of signing the contract we have to put the caveat in the contract that says should the Commission have this building under construction for your particular date then the contract is void. So it gets very, very difficult and as we approach the time to start construction, I mean, we are already experiencing that in January of this year for people that are wondering about wedding receptions for the summer, Broadway for the fall and other activities that are going on. We would like to have and we need, I think, for justification to the customers as quickly as possible some exact time so that we can book. The second part of that is that we really need to be developing some contingency plans as the management company over there for those groups that we have booked during this construction period because we are continuing to book just like the building is going to be open forever and have been doing such for some time. So if we can develop some contingency plan to try to not be any more inconvenience to the customers that are booked for those particular parts of the building as possible and we certainly need some lead time to be able to do that.

President Mourdock: Okay. Good comments and we understand that and that is one reason why we look forward to hearing what Mike says on February 10th because I want to hear the same things. I mean I want to make sure that we are all dealing out of the same playbook here.

Dan Spindler: Thank you.

President Mourdock: Okay, any other comments regarding the convention center? One quick item, Charlene Timmons handed me just before we got started for the record a current accounting of where we are with the auditorium project, so you all might want to look at that. Did you get that?

Commissioner Jerrel: Uh-huh, yes.

<b>Mike Robling - OEDP Report</b>
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President Mourdock: The next item on our agenda is Mike Robling with amendments to the annual OEDP Report. Is Mike in the audience?

Commissioner Tuley: I don't see Mike.

Commissioner Jerrel: Mr. President, I attended that meeting and this is to add an addendum to the Overall Economic Development Program for Evansville and Vanderburgh County and it relates to the desire of the Evansville-Vanderburgh Airport Authority to become part and establish a foreign trade zone sub-zone and to construct and furnish and equip a building in that federal trade zone. They describe their funding source for this effort to be according to the notes and the description that they gave us to be \$1 million from the Economic Development Administration, \$1.5 million from the Indiana Department of Commerce, \$1 million from the airport's own resources. The advantages to a foreign trade zone were described and discussed and Mr. John Durnin and Bill Brooks represented the airport. The only comments that I had to

them was that if they were not able to secure these sources of funds that the county would not be in a position to have enough unappropriated money to provide any of it and they felt confident that they could receive it. This is just a report from Mr. Robling describing the amendment to their economic development program.

President Mourdock: Okay. Pat, any other comments?

Commissioner Tuley: No, not at this time.

President Mourdock: As an action item then I would accept a motion that we move to include this report.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Lynn Ellis - City/County Purchasing**

President Mourdock: Lynn Ellis, City/County Purchasing limps to the podium.

Lynn Ellis: Yeah, since I've started working here I've had more surgeries than I have ever had in my life. Maybe it has something to do with the stress in the job! We have several items tonight and a couple that didn't get on the agenda and I may address one of them. I faxed Mr. Mourdock an agenda item regarding one of them and I never did get to communicate about it. I will go over the ones that you have in your packet. The first is to award bid number APA007-97 and that is turf fertilizers and chemicals. On occasion Burdette will use those and County Highway may use some of those to kill the weeds on the side of the road. The county is not a real big user. The Parks Department is the primary user for the golf courses, but on occasion they do use it. The recommendation is listed on the agenda item and the attached breakdown is there for your information. On occasion we recommend an other than low bidder because a low bidder did not, in fact, meet the bid specifications.

Commissioner Tuley: Are you ready for a motion then?

President Mourdock: Sure.

Commissioner Tuley: Mr. President, I'll move then at this time with regard to bid number APA007-97 for turf fertilizers and chemicals that Indiana Seed Company be awarded in the amount of \$1,128; Daylight Farm Supply, Inc. be awarded at \$7,833.58; The Scotts Company at \$7,891.06; George W. Hill Company, Inc. \$24,404.37; Cory Orchard & Turf at \$11687.05; and Cannon Turf Supply at \$27,786.65.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Do you furnish these to the county departments also?

Lynn Ellis: Yes.

Commissioner Jerrel: Okay.

Lynn Ellis: Yes, all departments. Even some that don't need it get it. Most of them end up in a garbage can and they call me to find out who is low, but they are all given it. The next is APA016-97 and that is liquid asphalt. As has been in the past, J.H. Rudolph is the only bidder. The total estimated expenses for '97 would be \$46,950. The county is the only user in this bid.

Commissioner Tuley: Okay, Mr. President, I'll move with regard to APA016-97 for liquid asphalt be awarded to J.H. Rudolph & Company in the amount of \$46,950.

Commissioner Jerrel: Second.

Commissioner Tuley: Or not to exceed, I guess, actually is the way it should be. Right?

Lynn Ellis: I'm sorry?

Commissioner Tuley: I'm sorry. I gave it that amount, but should that be a not to exceed figure or an estimated figure of \$46,950?

Lynn Ellis: Well, it is estimated and it will depend on County Highway's--

Commissioner Tuley: Usage?

Lynn Ellis: --usage for the year.

Commissioner Tuley: Okay.

Lynn Ellis: That is based on past usage.

President Mourdock: I had a motion--

Commissioner Jerrel: Second.

President Mourdock: --and a second and so ordered.

Lynn Ellis: Okay, then the next item is APA018-97 for timber materials. Again, American Timber Bridge & Culvert is the only bidder and has been for years. The estimated annual expenditure for 1997 is \$283,259.44. They are both responsive and responsible.

Commissioner Tuley: Mr. President, with regard to APA018-97 for timber materials be awarded to American Timber Bridge & Culvert, Inc. with a total estimated cost of \$283,259.44 for the year of '97.

Commissioner Jerrel: Second.

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

13

President Mourdock: So ordered.

Lynn Ellis: The last item that was in your packet is for the purchase of a Dodge Grand Caravan and that purchase would be from Expressway Dodge. There is information in the agenda item. Based on the Indiana Statute, the county as a total can expend up to \$75,000 per year without bidding for a particular commodity. The interpretation has been that you would classify trucks together and cars together and vans together, but that each of them would be a separate category and that you wouldn't combine all vehicles because they are dissimilar and they're used for different purposes. Based on that past interpretation of the statute, the recommendation is to award to Expressway Dodge for \$19,867. Staff from Burdette contacted three local area dealers and got quotes from them and I included in there the state's QPA, which is their quantity price agreement. The cost on the state's bid was \$21,065.25 and so there would be a \$1,500 savings by going with the local dealer based on the comparison between the state bid and the quotes that we got. All of the quotes are included in your agenda item. Because this is the only van that would be purchased for the county for '97, I would recommend that we do that as opposed to going through a formal bid process which would be a waste.

Commissioner Tuley: The state apparently has a bid list that they put out so you can buy. Right? The state has a list that publicizes what things can be bought at or something? How did you know?

Lynn Ellis: Yes, I get every year a copy of the state's QPA. They do a vehicle bid and get bids primarily from dealers in the Indianapolis area because they are servicing the state, but any municipality, local, city or county government can purchase off of those and the contracts are worded such that they can. Typically, if you are just buying the straight vehicle without add-ons or options the state bid is cheaper, but the local dealers have gotten more competitive and we are finding that in many cases that they can be lower. I receive copies of all of those bids from the state, particularly for vehicles. They also do other type commodities that I will on occasion request copies of if they are items that we buy.

Commissioner Tuley: Okay, at this time I will move to approve the recommendation for the 1997 Dodge Grand Caravan be purchased from Expressway Dodge for a total cost of \$19,867.00.

Commissioner Jerrel: Second.

President Mourdock: So moved.

Lynn Ellis: The last item, the other awards will hopefully be brought back to you next week. The next item that I needed guidance on would be for the purchase of the vehicle for the Soil and Water Conservation District. The Commission last year appropriated \$25,000 out of CCD monies for the purchase of a vehicle. They first contacted me after their Board had approved the purchase of a vehicle to purchase one off of state contract. That was for a Tahoe. After being advised I told them that expected delivery was not until June or July of '97 because of

the production scheduling. They started looking into it more and decided that they didn't want to wait and maybe they would even, in fact, prefer a different vehicle. Subsequent to that they contacted me to cancel that order and order a different vehicle from a local dealer. Again, based on the type of vehicles that the county would purchase that would be appropriate and we can do that, but they were just going out to one dealer that happened to have one on site and got a price from them. If that is the Commissions' desire then that is fine, but it violates the purchasing policies which are in place for the city but not in the county yet. It is just bad purchasing in my...

Commissioner Tuley: Okay, I don't know where they miscommunicated because I was contacted about that particular problem and I advised them if they were going to try and go local they better seek more than one bid. I don't want to call it a bid, but they needed to get more than one quote or whatever.

Joe Harrison, Jr.: What's the price range? Is it under \$25,000?

Lynn Ellis: It is about \$25,000. The price that they got was in excess of \$24,000, but it was less than \$25,000.

Joe Harrison, Jr.: It is my understanding that statute requires you go out and get three quotes just like you did with the van.

Lynn Ellis: Right.

Commissioner Tuley: They were advised when I was contacted by Don Hunter that if they didn't want to wait until May, but I also advised them that they needed to stay and work closely with you on this.

Lynn Ellis: Right, well--

Commissioner Tuley: I didn't have a problem with it personally if it met your law requirements as you understand it, but I knew they just couldn't go to one. I advised them that they needed to get several quotes. I didn't think it was a problem not to buy off of state under the circumstances.

Lynn Ellis: That would be correct. The problem is that now the dealer is saying that the delivery is probably going to be in a couple of months as opposed to six or seven months. I don't have a problem with them changing. The problem is the position that I have been put in where I place an order on behalf of the district and the county because it is county CCD monies and then was asked to cancel that order and now we've got to make another order. I just wanted confirmation that because it is CCD money and it is coming from the County Commissioners that we needed to still follow those purchasing guidelines. I mean, I'm not out of line by telling them that?

Joe Harrison, Jr.: No, it is CCD money, it's their call. It is my recommendation that you follow the right procedures. You've got to get three quotes and come back to this body after you get your quotes. Does that make sense?

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

15

Commissioner Tuley: I would so move that we follow that advice.

Commissioner Jerrel: If that is in the form of a motion I'll second it.

President Mourdock: Since it was I will say so ordered and send you back with the task to communicate with Soil and Water expressing to them the County Attorney's opinion on that and then, obviously, so that we can act as promptly as we can to meet their needs go ahead and get the other two proposals.

Lynn Ellis: Okay, thank you.

President Mourdock: Oh, Lynn, before you leave one quick subject. Late last year I know you started to work on the RFP for the Welfare to Work group. I would very much...I am going to be speaking to that a little bit later under some of the new business items and just updates, I guess, old business. If you would, please give me a call because I need to work out a time when you and I and Joe can get together to talk about both the ordinance and the RFP.

Lynn Ellis: Okay. Right, I have the latest addition of that policy so we can go over that with some changes at your convenience. I know you've been tied up and out of town a lot.

President Mourdock: I apologize for not getting back to you since you brought that up.

Lynn Ellis: Well, that's okay. The agenda item that I sent to you was not appropriate to submit in final draft, so I just wanted for you to see my frustration before I came to the Commission meeting.

President Mourdock: Well, I appreciate the fact that, Pat's heard me use this word many times and Bettye Lou will, you were consistent. The policy says what we are supposed to do and we are being consistent with it and I think that is the important thing, so that is the right way to do it.

Lynn Ellis: Okay, thank you.

Commissioner Jerrel: We need to adopt a county purchasing policy--

Lynn Ellis: Yes, ma'am.

Commissioner Jerrel: --and I have the book and have been going through it and making notes. I just didn't want to say anything, but I think we need one and we need to have people using purchase orders when they order. I'm going to be very serious about that. I just didn't want to bring up the issue tonight.

Lynn Ellis: That was the reason for my little plug in there, but, yes, I agree we definitely need a policy to help the county comply with the statute.

President Mourdock: Okay, thank you very much.

Lynn Ellis: Okay, thank you.

**Joe Profaizer - Software service agreements**

President Mourdock: Joe Profaizer.

Joe Profaizer: My name is Joe Profaizer. I'm with the computer services department. What I have handed you is three software service agreements, all of which have been approved by the Data Processing Review Board on January 22, 1997. The first of which is recommending approval of the Financial Accounting Solutions for Business and Education Software. To summarize, that is the finance and payroll software services agreement to Interactive Systems Incorporated.

Commissioner Jerrel: Do you want to do these individually?

Joe Profaizer: Well, we can do--

President Mourdock: Let me ask a question first. Has the county attorney had a chance to review these lease agreements and/or contracts?

Joe Harrison, Jr.: No. Maybe you can talk about them or...

President Mourdock: Yeah. I guess I've got one of two questions.

Joe Profaizer: Okay.

President Mourdock: Can you tell us a whole lot more about them or are we better served to take this under advisement for a week realizing that we want to read something before we sign it?

Joe Profaizer: You can go ahead and read them. I have consulted with the County Auditor and the City Controller on all these contracts and we've negotiated with all three of the firms and have come to the general agreement which has been the general practice and then before the Commissioners and the Board of Public Works meeting submitted for both attorneys to review. If you would like the County Attorney to review them, so be it.

President Mourdock: I'll ask the Auditor if she has any comments. You said the Auditor or the Assessor? You said the Auditor, right?

Suzanne Crouch: Yes.

Joe Profaizer: With FASBE and PDS and Tiburon which is our public safety software.

Commissioner Tuley: Joe, are these renewal contracts?

Joe Profaizer: These are renewals. One year annual renewal contracts.

President Mourdock: That makes a difference in my mind.

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

17

Commissioner Tuley: Yeah. Any significant changes or anything that we need?

Joe Profaizer: No significant changes and normal...there was like a seven and a half percent increase on the Personnel Data Systems agreement, but everything else on the maintenance has not gone up.

Commissioner Tuley: Joe has just made a quick point here--

Commissioner Jerrel: I would like to move approval subject to the attorney's agreement for FASBE, Tiburon and PDS.

Commissioner Tuley: Excuse me. Joe, you have indicated that these are annual and this one says three years.

Commissioner Jerrel: Which one?

Commissioner Tuley: FASBE.

Joe Profaizer: Yes, I stand corrected. The one for Interactive Systems Incorporated is a three year agreement.

Commissioner Jerrel: What was the previous term?

Joe Profaizer: The previous term was also three years.

Commissioner Tuley: So the other two are annual and this is just following it?

Joe Profaizer: The other two are annual renewals.

Commissioner Jerrel: Well, the motion simply is to approve based upon the agreement--

Commissioner Tuley: Well, we just wanted to clarify the record. I'll second your motion.

Joe Profaizer: Okay.

President Mourdock: Okay, I will then so order. What was the second one?

Joe Profaizer: The second one was for Tiburon, Incorporated. They provide our computer aided dispatch and E-911 software and the Police and Sheriff's record management software.

President Mourdock: That, again, was a renewal.

Joe Profaizer: Anything else? That's it.

Commissioner Jerrel: Before you leave--

Joe Profaizer: Yes?

Commissioner Jerrel: The Data Board receives information from you regarding projects within the Civic Center that are county oriented.

Joe Profaizer: Yes.

Commissioner Jerrel: I think it would be helpful if the Commissioners had a prioritized list based upon your recommendation for us to just look at. You don't have to go into detail, but just a list of those--

Joe Profaizer: Projects?

Commissioner Jerrel: --project that are ongoing.

Joe Profaizer: Okay, as a matter of fact, I have three copies right now. These are estimated time lines for all the projects in the fiscal year '97.

Commissioner Jerrel: Okay, thank you.

Joe Profaizer: There is no priority order now, but it will.

Commissioner Jerrel: It would help if you did some prioritizing on these.

Joe Profaizer: Yes.

Commissioner Jerrel: The reason that I am raising this issue is that the demand is increasing and some of the demand is originating from areas that are wanting to institute new programs and they all have merit, but, obviously, with a little over \$1 million budget that the Commissioners have responsibility for we need to have a realistic prioritizing of these and we will do as many as we can do in a given period of time. We do have the necessity of using SCT as our provider for these services and there is a limit to that capacity, so I want them prioritized, please.

Joe Profaizer: Absolutely.

President Mourdock: Okay, coming back from that for a second. We had a motion and a second and I so ordered the first of the software packages.

Commissioner Jerrel: No, I did all three in that motion.

President Mourdock: None of the rest of us heard the other two then.

Commissioner Jerrel: Yeah. Do you want a motion on Tiburon?

President Mourdock: If you would, please.

Commissioner Jerrel: Okay, I'll move approval of Tiburon, Inc.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: I'll move approval of PDS.

Commissioner Tuley: Second.

President Mourdock: So ordered. Sorry, Bettye Lou, you got

ahead of me.

Commissioner Jerrel: Okay.

Joe Profaizer: Thank you.

President Mourdock: Thanks, Joe.

**Bill Bivens - Permission to advertise vacation of easement**

President Mourdock: Bill Bivens. Is Bill in the audience? I don't see Bill Bivens. We will...go ahead, Charlene.

Charlene Timmons: That is just an agenda request that I put in with his name on it.

President Mourdock: Okay.

Charlene Timmons: It is just to get permission to advertise.

President Mourdock: Alright.

Commissioner Jerrel: Does that require a motion?

President Mourdock: Yes, it does.

Commissioner Jerrel: Okay, I'll move approval to advertise the petition to vacate an easement for Bill Bivens.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered and just for the record that is for a 12 foot public utilities easement and drainage easement centerline between Lots 3 and 4 in West Haven Hills 2, Section E.

**Andy Easley - Permission to advertise vacation of easement**

President Mourdock: With that one done we will move to Mr. Andy Easley who also has a petition to vacate that we need to act for an advertisement.

Andy Easley: I have a large drawing that shows the location of the easement that goes between two commercial lots on the west side on Weston Road which is at the northwest corner of Red Bank and the Lloyd. There is a motel back in here. There is a Fazoli's. There is an easement that cuts right here. It is on Lot 2. It is the east side of Lot 2 and they want to put a building over it. We have letters from all the utilities that are affected by it. There are no utilities installed. There is also a drainage easement and I believe that Bill Jeffers has said that he has no objection to it being vacated because nothing has been installed and it was platted for the benefit of the lot or the lots.

Commissioner Tuley: Is this not a request for a public hearing on that date? Tonight's meeting is just a request to have a hearing on the 18th. Is that correct?

Andy Easley: Right, that's correct.

Commissioner Tuley: I'll so move at this time then that we set a public hearing for the petition to vacate as described for February 18th.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Charlene Timmons: Excuse me. I spoke to Richard about that earlier and we changed the date on that--

President Mourdock: It's the 11th.

Charlene Timmons: --to the 11th.

Commissioner Tuley: Oh, to the 11th?

Charlene Timmons: I'm sorry.

President Mourdock: You're in agreement with that Andy?

Andy Easley: That's fine.

Commissioner Tuley: I'll amend my motion then.

Andy Easley: Would it be possible having done that to get the President of the Commissioners to sign this letter? It would help us to get a zoning use permit. Barbara Cunningham said that as long as we are working on it and it appears that there is no apparent opposition to it, it would benefit my client if I could have your signature. All it says...and I do have the...I think the letters are attached to the petition. We have the concurrence from the utilities and we don't know of anybody else who would object to it. It is our risk. We understand that you are not going to guarantee that it would be vacated.

President Mourdock: A question for the county attorney then. If we accepted or acted on such a letter conditional upon new information are we getting too far out on a limb to do something like that?

Andy Easley: It just says that you are going to hold a public hearing and it would not appear that there would be any remonstrators. He is not going to start pouring any concrete between now and the 11th, but I think he wants to go ahead and purchase the property.

President Mourdock: Any questions? Yeah, the question was just raised the first line of the second paragraph says since all public utilities have notified us in writing...

Andy Easley: We have a copy--

Commissioner Jerrel: We didn't have them with us.

Andy Easley: Well, she has those, I'm sorry.

President Mourdock: Okay, we do have those on record?

Commissioner Tuley: Charlene has them?

Andy Easley: Yes, they were filed.

Commissioner Tuley: You said that, but we didn't have them here.

Andy Easley: I understand. I was thinking that she gave you a copy of them. We have contacted everybody.

Joe Harrison, Jr.: If you all are comfortable with reviewing this information before you do anything, again, you are advising that you have reviewed the proposed drainage and public utility easement and I would ask that you do that. If you are comfortable with the information that is in front of you then you can do this.

Commissioner Tuley: Subject to information and approval may not be granted on the 11th?

Joe Harrison, Jr.: That's right.

Andy Easley: We understand that.

Commissioner Tuley: I will move then that the President be given permission to sign such a letter if he so chooses.

Commissioner Jerrel: Second.

President Mourdock: I will say so ordered.

Andy Easley: Thank you, sir.

President Mourdock: Again, for the record that acceptance is conditional upon the any receipt of new information.

Andy Easley: Thank you very much.

**Voices for I-69 - Service agreement**

President Mourdock: The next item on our agenda is we have a service agreement with the Voices for I-69 group. Just by way of background, if you will, that group is working to lobby both at the state and federal level and also, I guess, at the local level on a number of counties to win support for the I-69 project. Specifically, on the Bloomington to Evansville stretch. In the past, the County Commission has supported the Voices of I-69 group in the amount of \$20,000 and they are asking that we again renew that commitment.

Commissioner Jerrel: I would like to move approval of this agreement for services. It is a continuation of the same service that we entered into some six years ago and it is in the amount of \$20,000.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered and wish that was all there was to do to get this done.

**Weights & Measures - Lease agreement**

President Mourdock: We have a real estate lease agreement for the Department of Weights & Measures.

Commissioner Jerrel: I would like to move approval of the lease agreement for Weights & Measures and that will be in the amount of \$425 monthly.

Commissioner Tuley: I will second.

President Mourdock: So ordered. I will note that when this was in the packet be sure you sign the correct one since Ms. Jerrel was successful in renegotiating a lower rate than previously existed.

**Gerald Bole - Veterans Service Appointment**

President Mourdock: Mr. Gerald Bole on a Veterans Service appointment. Is he present this evening? We have in our packets tonight the proposed 1998 holiday schedule which we need to accept.

Commissioner Tuley: Wait a minute. What happened on that last issue?

President Mourdock: I didn't see Mr. Bole here.

Commissioner Tuley: No, we just passed it off last week and it didn't get done...or two weeks ago because I wasn't here so unless--

Commissioner Jerrel: (Inaudible comments -- mike not on).

President Mourdock: Oh, you're right. I saw it down below under Veterans Service under the travel request and I was thinking that was the appointment. Your question is regarding the appointment?

Commissioner Tuley: Yeah, I mean, unless there is a question I don't know why we are not. Unless there is...

President Mourdock: Yeah, I agree. I just thought it was later in the agenda.

Commissioner Tuley: That's okay.

President Mourdock: The question, and I misread our section here, I thought the appointment of the Veterans Service Officer was under the consent items, but, in fact, the discussion of the Veterans Service appointment raises the question are we ready to make the Veterans Service Officer appointment? The letter that we have from Mr. Bole, I think, is in support of Mr. Acker.

Commissioner Tuley: Right.

Commissioner Jerrel: I don't have a problem. It needs to be made by the 31st.

President Mourdock: Okay, I would then accept a motion to reappoint Mr. Mark Acker as the Veterans Service Officer.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I will second.

President Mourdock: So ordered. Thank you for stopping me, Pat.

Commissioner Tuley: Yeah, I misread it too at first.

### **1998 Holiday schedule**

President Mourdock: The 1998 holiday schedule is in your packet. I went over these holiday dates and I am assuming that they will meet the union contract that we are currently negotiating?

Commissioner Tuley: Yeah, I think the wording in the contract if it is approved is such that the holidays--

Commissioner Jerrel: Whatever dates?

Commissioner Tuley: --are as specified by the County Commissioners.

Commissioner Jerrel: Right. I'll move approval that we accept the 1998 holiday schedule.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

### **Vision 2000 Report**

President Mourdock: Vision 2000 report. I think the only reason that this is on the agenda is so that I can report that I met with the Vision 2000 Board a week ago on Thursday and I found it of great interest that one of their primary agenda items for this year is to very much move in parallel with what we discussed in our first meeting of the year which is to determine which way this county is headed regarding heavy economic development or lighter development or retail or residential. They have a new budget item before them to basically fund a study to do that, so I think the right questions are being asked at the Vision 2000 level as well.

### **Any group or individual wishing to address the Commission**

President Mourdock: Any member of the audience wishing to bring an issue before this Commission, this is the time even though it doesn't say it, but you are welcome to do that, so please come forward and identify yourself and the issue.

Cynthia Maasberg: My name is Cynthia Maasberg. Commissioners,

as a matter of record I want to advise you that there is a counter petition on the establishment of the fire protection district in German Township and is being circulated among the property owners. I want to emphasize that this fire protection district is a very important issue affecting all freeholders in German Township. Time is of the essence because of the February 18th deadline that was set at your January 13th meeting. The committee heading this effort is trying to comply with Indiana Code governing the submission of qualified signatures. However, cooperation on providing previously qualified signatures in the amount of 896 is not to be extended to us. We ask for your assistance in securing this information from the Auditor in the interest of all the property owners in German Township. Commissioners, are you willing to assist in securing the 896 freeholder's signatures and making them available to us?

President Mourdock: I don't know how we can assist. The County Auditor's Office has the listing.

Suzanne Crouch: Yes, and I have spoken with Ms. Maasberg. On the advice of the County Attorney, the names of the qualified and non-qualified were work papers. We worked off...because of the complexity of this issue, we worked off of four separate lists. If the Commission so desires we will be happy to comprise a list. It will take several days and we could probably have that ready by Friday if that meets with the County Attorney's approval.

President Mourdock: Ping hit it to pong, Joe?

Joe Harrison, Jr.: Yeah, I mean she has got the names that qualified, so I don't have any problem with that. Are you making a formal request right now?

Cynthia Maasberg: Yes.

Joe Harrison, Jr.: Is that okay with you?

Cynthia Maasberg: By Friday?

Joe Harrison, Jr.: Yeah, if you can come pick it up on Friday.

Cynthia Maasberg: Yes, that will be fine.

President Mourdock: The information is public information, obviously, so...

Suzanne Crouch: Well, if the Commission so chooses. I was advised by the County Attorney that the petitions were public record because they did go through the meeting. Because of the complexity and working off of four separate lists that those were work papers and they are now submitting a formal request to the Commission and the County Commission and Attorney so ordered and we will provide a master list. We will have to pull off of our four work paper lists to come up with that, but we can do it but it will take several days.

Commissioner Tuley: The list that was certified and accepted is that not...that is four sheets? That's not a separate list?

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

25

That's the names your after, is it not?

Cynthia Maasberg: The 896.

Joe Harrison, Jr.: She probably has hundreds of pieces of papers.

Commissioner Jerrel: Yeah, the 896. Are they separated out?

Suzanne Crouch: Off of four separate lists. I'm not sure that--

Joe Harrison, Jr.: They want to know the names of the certified signatures.

Commissioner Tuley: Right.

Cynthia Maasberg: A list of just the 896 signatures.

Joe Harrison, Jr.: Right and it would be easier rather than you sifting through information that you may not know who was counted, you want to know the names.

Cynthia Maasberg: Correct.

Suzanne Crouch: We'll have to sift through and come up with a separate list because we can't run out...the computer would not run off a master list. We had to work off of four separate lists to come up with the qualified and not qualified.

Joe Harrison, Jr.: Which is fine.

Suzanne Crouch: Certainly we can do that.

Commissioner Tuley: Okay, so do we need that in the form of a motion?

Suzanne Crouch: Yeah.

Commissioner Tuley: I would like to ask then that the Auditor prepare those copies as requested and have those ready...what time Friday is reasonable, Suzanne?

Suzanne Crouch: Lunch time or thereabouts.

Commissioner Tuley: By noon. Is that fair enough?

Suzanne Crouch: That would be fine and the normal copying charge.

Commissioner Tuley: Yeah.

Cynthia Maasberg: Which is?

Commissioner Tuley: One dollar a page...?

Cynthia Maasberg: I've been given different price quotes.

Commissioner Tuley: Is it a dollar a page?

Suzanne Crouch: If it is something that we can work up it would be thirty-five cents. If it is something that computer services has to generate an individual list and they have to write a program for it then it's one hundred...or a dollar a sheet. What we will do is go off of our four individual lists and comprise a list out of our office.

Commissioner Jerrel: For thirty-five cents.

Commissioner Tuley: Okay.

Commissioner Jerrel: I'll second that motion.

President Mourdock: Okay, then I will so order.

Commissioner Tuley: By noon Friday.

Cynthia Maasberg: Thank you, Commissioners.

Commissioner Tuley: Okay.

President Mourdock: Yes, ma'am. Ms. Maasberg, for the record did you state your address?

Cynthia Maasberg: No, I didn't. It's 15465 Big Cynthiana Road.

President Mourdock: Thank you.

Priscilla Quinlin: Hi, Commissioners. My name is Priscilla Quinlin. I live at 7011 North Happe Road. I am a property owner in German Township in Vanderburgh County. This is the first of these kinds of meetings I have ever attended. I have one question. If I am out of order, then so state. I would like to ask the county attorney, I think that is you maybe? I don't have the number in my head, but this law or statute that we are looking at that allows a township to establish its own fire protection district. My question to you is does that statute mandate to this Commission because the 20% signatures have been raised does it mandate to you that you must allow this fire protection district to be established or do those of us in our township still have a fighting chance to get our two years to find out what this is all about?

Joe Harrison, Jr.: You have the opportunity to come up with the requisite required signatures.

Priscilla Quinlin: The 51%?

Joe Harrison, Jr.: Yes.

Priscilla Quinlin: Is that what you are referring to?

Joe Harrison, Jr.: Yes, and then they will make a determination if there are signatures presented to the Auditor's Office, then they will make a determination as to whether the qualified signatures after they are qualified by the Auditor if they meet the 51% threshold. If that happens, then the petition will be dismissed.

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

27

Priscilla Quinlin: Being a novice now I want to make sure I understand what you are saying. If we cannot produce 51% of the signatures within that township, then this thing is going to fly. Right?

Joe Harrison, Jr.: Yes.

Priscilla Quinlin: Because of our own ignorance within the township?

Joe Harrison, Jr.: Well, I don't know if you are using the right words!

Priscilla Quinlin: Well, we were not aware...I shouldn't say that. I'll say that I was not aware that this was coming down the pike. I do not truly believe that we can get 51% of the vote of the township on signatures simply because of the time frame and the area of our township.

Joe Harrison, Jr.: All I am doing is just telling you what the law states, but it is my understanding that you have counsel out there that is assisting you all and you ought to confer with him.

Priscilla Quinlin: Okay, my only question to you was simply because you have the 20% you are already mandated to let this thing come into being if the 51% doesn't materialize. Am I understanding that correctly?

Commissioner Tuley: Yeah. Basically...I don't mean to jump in here because you asked the question of Joe, but it is a question that has been asked to me so I have already asked Joe. This Board is bound by the will of those signatures. If the--

Priscilla Quinlin: Of that 20%?

Commissioner Tuley: --20% work and we don't get the 51% then it will. If you guys get the 51% then we are bound by that 51%'s will and then it does not happen. Correct?

Joe Harrison, Jr.: Just as if this Board would have never acted upon the original petitions that were filed with the Auditor. If they decided not to pay any attention to that information then they would have a problem under state law with what was produced to them.

Priscilla Quinlin: Well, I just didn't know how the state...I mean, I didn't know if this law or this statute was mandating because you had the 20% if you do not get the 51% that you absolutely must do it. That's my question. I thought maybe the Commissioners had the final decision of yeah or nay.

Joe Harrison, Jr.: No, the statute is written and they have to abide by the statute. Once the process is started with the petitions and certification and the determination by this Board the process is moving.

Priscilla Quinlin: Okay. One more question that I have to you. I'm sorry I don't exactly know how to word this. Correct me if

I am wrong, is it correct that the sole purpose of this particular law is to establish another or a different taxing authority?

Joe Harrison, Jr.: I have no idea. There may have been a number of purposes for the law, but I really...the bottom line is that it is for the establishment of a fire protection district. That is the title of the statute or this particular chapter, so it is the establishment of a fire protection district and it informs those residents within the state of Indiana how to go about such a process to secure it or to defeat it if a petition is sought.

Priscilla Quinlin: But it does establish another taxing agency, does it not?

Joe Harrison, Jr.: There is that possibility, yes.

Priscilla Quinlin: Okay, thank you very much.

President Mourdock: Thank you.

Commissioner Jerrel: What does the law say regarding the appointments of the trustees that oversee the budget if this passes?

Joe Harrison, Jr.: I don't have the statute in front of me, but this body appoints at least three members to the Fire Protection District Board. I believe there can be more than three, but this body appoints the three and they will make the determination as to the budget that is established.

Commissioner Jerrel: The budget of the district.

Joe Harrison, Jr.: And decide what, if any, money is spent and what it is spent on.

Commissioner Jerrel: I think there are some qualifications for these appointments, but they still have to be made by this body.

President Mourdock: Any other issues or discussion from the audience tonight before we go to our department heads? Okay, thank you for your patience and bearing with us through all the other issues.

**John Stoll - County Engineer**

President Mourdock: John Stoll.

John Stoll: The first item that I've got is a permit for the Levee Authority for construction of the Fulton Avenue Bridge. Although there is no timetable for the construction as of yet, this is one of the permits that we have to file in order to be ready to build the bridge once the federal money becomes available. It is just a permit to build the approach to the bridge across Levee Authority property.

President Mourdock: Okay, and this is a permit through the state

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

29

or the feds?

John Stoll: It will be submitted--

President Mourdock: Oh, District Corps of Engineers.

John Stoll: Right.

President Mourdock: So it's a fed.

Commissioner Jerrel: This requires a motion?

President Mourdock: Yes.

Commissioner Jerrel: I would like to move approval of the permit for the Evansville-Vanderburgh Levee Authority District and grant them permission.

Commissioner Tuley: Second.

President Mourdock: So ordered. John, you said I need to sign this both on behalf of the local interest and the other? Okay. Go ahead, John.

John Stoll: The next item that I've got is in regard to the Burkhardt Road project. Last week we received the appraisals for five parcels of right-of-way on this project. At this time I would like the Commissioners to authorize me to sign off on the appraisal on behalf of the county for Parcel 4 to William S. Hirsch for United Consulting to be able to make an offer on that parcel. If I can sign off on this then they will get the offer out for that parcel this week.

Commissioner Tuley: John, are the rest of these already done?

John Stoll: No.

Commissioner Tuley: Or is this just the start of the process?

John Stoll: Right. Parcel 2, 3 and 6 are all part of the southeast corner of Burkhardt and Lloyd. There is currently that pending lawsuit between the property owners and the city in regard to the zoning, so depending on how that goes that property may be dedicated at no cost to the county, so those offers should be held off on until that gets resolved. Parcel 5, that is a strip of land between Columbia Street and Oak Grove Road, and that one is not critical at this time that we have that acquired to start the construction. The one we need right now is Parcel 4.

Commissioner Tuley: Okay, then I'll move at this time that permission be granted with regard to Parcel 4 to make an offer of the appraised value to the property owner.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Again, for clarity that was specific to number four?

John Stoll: Yeah.

President Mourdock: Yes.

John Stoll: Next I've got a travel request for Valerie Harry and Tim Spurling to attend the Storm Water Drainage Conference at Purdue on February 12, 1997. The registration fee for this seminar is \$30 per person. It will involve a one night stay and it will involve the use of a county car to travel up to Purdue and I would recommend that it be approved.

President Mourdock: It is in the amount of \$60, by the way.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is a time extension request for our concrete repair contract with Concrete Pavers. This extension is necessary due to the poor weather that we've had in the past month. This would be the second extension that would be granted on this contract, but given the snow and ice that we have had as of late they haven't been able to complete the project. This would be for a one month extension which would run the contract to February 21st and I would recommend that the time extension be granted.

Commissioner Tuley: So moved on the engineer's recommendation.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The final item that I've got is in regard to Strawberry Hill Bridge. Whenever the discussion was held on that two weeks ago I mentioned the possibility of a DNR permit and no DNR permit is required. The drainage area is not great enough, so we don't have to go through that for that bridge.

Commissioner Tuley: Well good. John, reading through the minutes from last week, then without the need are we talking about the possibility of construction or letting in February?

John Stoll: Probably late February.

Commissioner Tuley: Okay.

John Stoll: Valerie has submitted some comments back to the designer on making some changes in the plans, but for the most part they were in pretty good shape. I would think that by the end of the month we should have it finalized.

Commissioner Tuley: Okay.

John Stoll: That's all I have.

President Mourdock: Bettye Lou, do you have anything for John?

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

31

Commissioner Jerrel: No. Are we moving along to the issue of the bigger picture?

President Mourdock: Uh-huh. I'm going to bring that up. Do you have anything for John?

Commissioner Tuley: I'm not sure what bigger picture she is talking about, but I guess I'll find out in a minute.

President Mourdock: Yeah. Nothing that startling. One item, John, even before I get to that. John and I attended a Transportation Committee meeting of the Chamber of Commerce one day last week and the gentleman from the state whose name is can't remember...Greg Curtis?

John Stoll: Greg Curtis.

President Mourdock: He made reference to a list of projects for which the funding was approved and out there. Remember that comment?

John Stoll: Yes.

President Mourdock: Someone from the Chamber of Commerce Committee made reference to getting that list. Do we already have that list? If not, please call Curtis and get it.

John Stoll: Okay. The only list that I have seen similar to that was what they gave out last April, I believe it was, at a round table discussion of their proposed projects, but if they've got an update of that list I can get that.

President Mourdock: Okay. Secondly, I have a letter from Butler, Fairman and Seufert of somewhat the same thing and I guess this is for the Board's interest, but it falls under John's request. Did you all get this?

"Providing the enclosed information to keep you appraised of the upcoming state projects in your county. This information pertinent to Vanderburgh County has been highlighted."

So I will just initial this right now and make sure each of you get to see it.

Commissioner Jerrel: Can I take that with me?

President Mourdock: Sure.

Commissioner Jerrel: Let Pat look at it.

Commissioner Tuley: Oh, if we could just get someone to make a copy of it and then just take it if you don't care?

Commissioner Jerrel: I want to take it with me tomorrow.

President Mourdock: Okay. The third item which is coming as a surprise to Pat, but really it isn't once he hears it. One of the things that you and I have spoke about a little bit, John,

is so that members of this Board can get a better idea at a glance as to where we are with all the different projects would you, by certainly no later than the first Monday in March and hopefully even before then, get us a, again, something we can put on the wall in here so that we can see where every project is so you can tell us when you make these presentations how it relates...what the specific item of interest that you are bringing to us on that night, how it relates to what is on that map. For instance, you just made reference to some right-of-ways on a given parcel and where they are. Also, with that we will have a lot better tool in knowing where our funds are being spent and where our additional monies are being spent. I have to agree with the old proverb something about a picture and a thousand words and that would be very helpful to me. I presume that was the comment you were referring to?

Commissioner Jerrel: That's exactly right.

President Mourdock: No later than the first Monday of March and hopefully even before then.

John Stoll: I can get that.

President Mourdock: Okay. Any other comments or questions?

Commissioner Tuley: That's the big picture.

President Mourdock: That's the big picture. Okay, thank you, John.

<b>Milton Hayden - County Garage</b>
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President Mourdock: Milton Hayden, County Garage.

Commissioner Tuley: After Milton do we have to stop and do the rezonings or what are we going to do about that? Or are we just going to continue on and then come back?

Commissioner Jerrel: Let's do Milton.

President Mourdock: Yeah, let's do Milton.

Commissioner Jerrel: Because he's been here.

President Mourdock: We'll do Milton and then take a quick recess. Hello, Milton.

Commissioner Tuley: Hello, Milton.

Milton Hayden: I see on one of these reports the date is wrong. If you would just look at this simple mistake that they made. I can get this corrected.

President Mourdock: Okay. Any particular questions or comments from you, Milton, on this?

Milton Hayden: The only thing that I have is I think the guys did an excellent job when we had our snow removal.

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

33

President Mourdock: Okay.

Milton Hayden: We did complete our barn. Our salt barn is completed. We have to have the lighting fixed yet, but due to the weather we couldn't get that done, but as soon as there is warmer weather we can have that completed.

Commissioner Jerrel: At this time I would like to make a recommendation that Mr. Hayden receive the differential between the Superintendent and his Assistant salary since he is acting in that capacity.

Commissioner Tuley: I will second.

President Mourdock: I will gladly say so ordered.

Milton Hayden: Thank you.

President Mourdock: Milton, we appreciate the job you are doing out there and keep them on their toes and keep the snow away from us.

Milton Hayden: We'll try to.

President Mourdock: We'll give you an incentive plan if you'll make sure it never snows.

Milton Hayden: I wish I could do that. Ms. Jerrel, I have a gentleman that has called. I'm sorry to bring this up in a meeting, but...

President Mourdock: After the last item you'll note!

Milton Hayden: This gentleman called me and said he knew you very well.

Commissioner Jerrel: That depends.

Milton Hayden: He wanted me to get on this job right away. I kindly explained to him that due to the weather we couldn't get this equipment out there to do this job.

Commissioner Jerrel: Oh, is this the gentleman who called that had been started--

Milton Hayden: We started the job and didn't finish it--

Commissioner Jerrel: --and didn't finish it? Right, and I gave you a note about that.

Milton Hayden: Yes, we had gradall trouble so I explained to him that we will eventually get to him. This other gentleman, this Mr. Martin on Pine Ridge, he also called--

Commissioner Jerrel: I've got a lot of new friends!

Milton Hayden: --and said he knew you and we would get his road. Well, there is only 12 people on that road.

Commissioner Jerrel: Who is this?

Milton Hayden: It's a Mr.--

Commissioner Tuley: Is he the guy that doesn't want the salt and sand?

Milton Hayden: He doesn't want the salt and sand in front of his house.

Commissioner Tuley: But he is the only one, is what I was told.

Milton Hayden: He is the only gentleman on that street that doesn't want it.

Commissioner Jerrel: All the rest of them do?

Milton Hayden: The rest of them do, so--

Commissioner Jerrel: Well, this person...I need to have his name and I'll call him.

Milton Hayden: I wish you could explain to him.

Commissioner Jerrel: I will. I don't know who it is, but let me see.

President Mourdock: In a situation like that I have to argue that even if all 12 of them said they didn't want it the county would be accepting a great liability if we didn't do it.

Commissioner Jerrel: Yeah, I don't even think I know who it is, but let me see.

Milton Hayden: Yes, especially on that hill.

President Mourdock: Yeah. Sorry to make the guy uncomfortable, but I don't know that we have a choice.

Milton Hayden: Well, I wasn't uncomfortable, I just told him like it was.

President Mourdock: No, no. I meant to make the gentleman...

Commissioner Tuley: Milton, you need to offer to the other two Commissioners the same opportunity that I got the first day we were out of school for snow and that is to get up in one of those plows and ride around for a while.

Milton Hayden: Oh, yes.

Commissioner Tuley: And see what kind of job those guys are faced with.

Milton Hayden: It's really an enjoyable ride.

Commissioner Jerrel: Well, I have done it at four in the morning to supervise the roads, so I have a little idea of what that's about.

Commissioner Tuley: Up on a snow plow?

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

35

Commissioner Jerrel: No, the School Corporation county roads.

Commissioner Tuley: Oh, yeah, but I mean up in one of those plows. Those guys taking that 12 foot wide blade and pushing that snow to the edge of the road and not knocking down any more mailboxes than they do it is amazing.

Milton Hayden: They do an excellent job.

Commissioner Tuley: They do.

Milton Hayden: They put in a lot of hours, too. Anything else?

President Mourdock: I don't believe we have anything else.

Commissioner Tuley: I have nothing else for Milton.

President Mourdock: Yeah, thank you, Milton. I hope it never snows, but when it does please give me a call and I would like to do that.

Milton Hayden: Pleasures all mine.

President Mourdock: At this time we need to as a County Commission Board need to take a temporary recess because we have advertised a special rezoning meeting for 7:00 p.m. I would ask for a motion that we temporarily recess.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was recessed at 7:05 p.m.

The meeting reconvened at 7:15 p.m.

President Mourdock: Okay, we'll call the Vanderburgh County Commission meeting of January 27 back to order at 7:15.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: We are at the point in the agenda for the County Attorney's report.

Joe Harrison, Jr.: I really don't have anything other than I have continued to meet with the past county attorneys and are going through the files that are out there. As we discussed before and I will provide you with as time goes on a list of those cases where the current or the past county attorneys are going to continue to handle and will keep you advised of that. Also, there are two other cases that I have discovered that our firm has a conflict in. One of the cases that I thought we did conflict in before that case was retained by Carl Heldt. So that case was not transferred to Jeff Ahlers pursuant to your motion back there on the 6th of January. There are two cases that are out there pending that involve the Weights & Measures Department. If agreeable, I would recommend that those two

particular cases be referred to Mr. Ahlers for his representation of the county at the litigation rate of \$70 per hour. Again, he did not receive that other case that we referred to before involving Jackie Trail, I think it was her lawsuit against the county. Carl Heldt is keeping that particular lawsuit. Other than that, I will keep you advised as time goes on with matters and it has been quite interesting so far and I have enjoyed to opportunity to serve you all.

Commissioner Jerrel: Do you want to...we need to initiate correcting our budget for `97?

President Mourdock: Yeah, with that item you mean?

Commissioner Jerrel: Yes.

President Mourdock: Yeah.

Commissioner Jerrel: Is that appropriate now?

President Mourdock: Sure, we can do that now.

Commissioner Jerrel: Okay, I would like to move approval of the agreement concerning compensation for Vanderburgh County Attorney and the salary would be the same as the county attorney's previous salary for 1997 which was \$45,022. The other salaries that are currently listed I would recommend that they be transferred into legal services account. I do not have the identification number for that account, but I would move that those be transferred into that account and I would pass the agreement down to Mr. Tuley to review.

Commissioner Tuley: I do not have a problem with this.

Commissioner Jerrel: This was the suggestion that you had made.

Commissioner Tuley: Right. That's why I don't have a problem with it!

President Mourdock: We had a motion.

Commissioner Tuley: I'm sorry. I will second.

President Mourdock: Okay, and I will say so ordered. Joe, in this agreement I have multiple copies. How many copies do you need executed of this?

Joe Harrison, Jr.: I think I gave you four copies or so, but the original is on top.

President Mourdock: Okay. I'll go ahead and sign those. Go ahead.

Joe Harrison, Jr.: Yeah. I think we need a motion regarding the two Weights & Measures cases and then also I have another matter that I need to make reference to with respect to the Auditor's Office.

President Mourdock: Okay, do I hear a motion for the

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

37

reassignment or...well, how do I want to say this? A motion that the cases referenced by the County Attorney be handled by someone other than his firm given the potential for conflict of interest.

Commissioner Tuley: I would so move at this time.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other matter that I neglected a few minutes ago was the Statement of Receipts and Employee Compensation statement that needs to be advertised by the Auditor's Office. That particular document has been forwarded to me and pursuant to state statute it has to be published in the newspaper pursuant to state law. I have reviewed the document and it looks in order. I don't think this body needs to act upon it. It is something that the Commissioners need to do, but if they want to approve it they haven't look at it.

Charlene Timmons: That went through their meeting on January 13th and you guys accepted it.

Joe Harrison, Jr.: Right, but the document looks fine. Who knows what the cost of that will be. I'm sure it will be a pretty penny for the county, but I'm sure the newspapers will enjoy receiving the funds.

Charlene Timmons: I'm just looking for permission to advertise, basically.

Joe Harrison, Jr.: Is there a motion to that effect?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else for Joe?

Joe Harrison, Jr.: I don't have anything else.

President Mourdock: Okay. A couple of items that I would bring to your attention. One is what you heard me mention to Lynn Ellis earlier this evening. I would like it if you and she could get together prior to the end of the week and I will try to be in that meeting regarding the Welfare to Work ordinance. The second thing is that we had as ongoing business from the prior commission the erosion control ordinance. I know the city has approved that. Have you had any discussions with Mr. Kissinger regarding that ordinance?

Joe Harrison, Jr.: No, but I do have a draft of the ordinance that I believe was faxed to me by the Auditor's Office that they had in their possession. I received it late last week and I have not had an opportunity to look at it yet, but I will be doing that.

President Mourdock: Okay, if you would perhaps by Thursday of

this week give Mike Wathen with the Soil and Conservation District a call. He has a couple of questions on that and certainly has an interest to move it along.

Joe Harrison, Jr.: Okay, no problem.

President Mourdock: So that would be the 31st.

### **Superintendent of County Buildings**

President Mourdock: The Superintendent of County Buildings is not here. Ms. Mayo having gone to work for the County Clerk's Office, but in here stead Tony do you have anything to bring to our attention?

Tony Greubel: I just wanted to say that I investigated how the Auditor's Office does their personnel policy with how the workers work through the week to make sure that the Commissioners' Office was following that line in case we put a time clock in we wanted to have questions done. I have a few questions that I am going to have to go over with you sometime on that about working hours. Sarah Crow who had been working...who works half for the County Council and half for the County Commission. The previous few years, as you know, she was doing work for another organization in place of the Commission, but that organization is to the point where they really don't need her. Their funding is fine now. Especially starting tomorrow she is going to come back and do more work for the Commission.

President Mourdock: Okay, very good. Questions or comments of Tony?

### **Consent items**

President Mourdock: Consent items. You have in your packet a very large list of consent items. One addition that I am aware of is a travel request item by Commissioner Jerrel to meet with INDOT this coming week, I believe...actually tomorrow.

Commissioner Jerrel: Tomorrow.

President Mourdock: We also have Veterans Service agreements, County Auditor's information, Health Department, Burdette Park, County Assessor and Weights & Measures. We have the Treasurer's monthly report included as a consent item. We have the leave of absence from the German Township Assessor pursuant to the Family and Medical Leave Act. We have the acceptance of the Knight Township Poor Relief guidelines and we have the acceptance of a drainage book which as I recall was simply something that we received from the state of Indiana regarding drainage.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I've only got one question. Bettye, you said your going to INDOT to meet with the new director, Mr. Curt Wiley, right?

Commissioner Jerrel: Yes.

Commissioner Tuley: Okay. Because we had that discussion January 6th about prioritizing things and because of my absence we've not really had a chance to go back and discuss that. So you are going up there as Commissioner Jerrel not as this Board. Is that correct?

Commissioner Jerrel: The goal is to expedite information regarding the amount of money that we will be eligible for. There has been some discussion. John had indicated that INDOT had said the funding was not available because they did not have authorization from the federal funds. So what I have done is I have initiated a meeting with Rose, John and Senator Lugar's office to find out what was actually available in the form of appropriations from the federal government and then when I go tomorrow I am going to have all that information available, so that then when we speak we'll all be speaking with the same information. I have a critique of the history of Lynch Road, Burkhardt and any other projects that have been going on. It is my goal to find money.

Commissioner Tuley: Okay. At last week's meeting I know John had asked to go to some bridge seminar or something and you asked him to come back and share that information with you because you are new. I'm new too. Well, I've been here four years, but it would be nice if all that information could be shared with everybody. If you would come back and report that to the Board as well when you come back that would be great.

Commissioner Jerrel: That's exactly right.

Commissioner Tuley: So that we all, as you say, can be signing the same...to paraphrase you phrase.

Commissioner Jerrel: No, I want to be very visible...all of us to be very visible because I think we are more likely to receive recognition. For instance, I have a map from 1976 and a map from 1996. If you look at the 1976 map you will see that all of the major areas have built highway loops around them now. For instance, in the northwest which is Gary, South Bend, Elkhart, Fort Wayne and the area referred to as Louisville/New Albany. In 1996 ...none of them had it in '76. None of them had loops around them in 1976 and they all do now except us. That is just one of the pieces of information and I'm going to be nice. Real nice to start.

President Mourdock: Do I have a motion to approve the consent items as follows?

Commissioner Tuley: She made a motion, I think, so I will second.

President Mourdock: I will say so ordered.

**Scheduled meetings**

President Mourdock: We have a scheduled list of meetings attached as always which I am not going to read into the record

for the sake of time.

**Old business**

President Mourdock: Old business. The first item that I have listed is the appointment for the Burdette Park Advisory Board or Board of Trustees.

Commissioner Tuley: Let me try and do this right. I would like to move at this time then...the continued appointment, I guess is a better term, of Mr. Kent Reddington who presently serves in that capacity and I am looking through this for his address. It's the same address, he hasn't moved. It's 6024 Ohara Drive.

Commissioner Jerrel: I would like to move the appointment of Don Hess who lives on the 7000 block of Bayard Park.

President Mourdock: I will move as my appointment Mr. Jerry Schmits and that's S-c-h-m-i-t-s. Just one T. I am not sure of his address, but I can get it for you in the morning.

Commissioner Tuley: It's 3626 Richardt, according to this.

President Mourdock: That's it, Richardt. With all three of those suggestions I would accept one motion on behalf of those three people.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Do we have any other Board appointments open and vacant that we wish to fill this evening?

Commissioner Jerrel: I'm not sure if we were prepared to...the Land Evaluation is on hold.

President Mourdock: That's correct.

Commissioner Jerrel: So that one...and the Domestic and Sexual Violence.

President Mourdock: I think the one question there is the number of outstanding appointments. I know who I would like to appoint as a proxy, but perhaps we need to clarify the number of outstanding appointments.

Commissioner Jerrel: Would it be alright to defer these until next week?

President Mourdock: Sure.

Commissioner Tuley: Good idea.

President Mourdock: Okay, we will consider those deferred. Any other old business before the Board? Pat?

Commissioner Tuley: I'm sorry, no.

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

41

President Mourdock: Any other old business, Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: Okay, I'll bring up a couple of items just for the sake of getting them out here. One of the things that we talked about some months back was a county administrator. Now that the Superintendent of Buildings position is open, I would like to see if this Board is amenable to perhaps having some discussions with the idea of drafting a new job description for review that would include the duties of the Superintendent of County Buildings, but also be broadened to include many of the duties that are non-policy issues that we have to deal with. This past week, and I suspect that this is not unusual for the President of the Commission, but this past week I had 52 phone calls at my place of business regarding the business of the county. We definitely need, I think, someone in this office on a day-to-day basis with some experience in every area of county government that can help us deal with those sorts of non-policy issues. I'm open to discussion regarding that subject.

Commissioner Jerrel: I think that is fine, but you are not precluding somebody that doesn't have that experience from this building? Is that what you meant when you said that?

President Mourdock: Restate your question. I'm not sure I understood the question.

Commissioner Jerrel: Well, you said that I want to advertise a position with somebody that has knowledge of all aspects of our county government.

President Mourdock: Right.

Commissioner Jerrel: So if they don't know it right now they can't learn it?

President Mourdock: No, I am not necessarily saying that. My point of view is if given the choice between someone who has experience in all areas of county government or someone that we would have to train from scratch, I am heavily on the prior side not the latter.

Commissioner Jerrel: Alright.

Commissioner Tuley: We've had some discussion about that before. I think it is a move...I mean, we've talked about it. Right now all three of us have full-time other jobs and this job just becomes more and more overwhelming. I can sympathize with you to a certain degree for your 52 calls. As the minority member I no longer have to deal with that many phone calls, but I did last year so I can appreciate that. I think it is important that we get someone with some sense of background or understanding because there are so many different areas that we supposedly have to be experts on. So good luck in your search.

Commissioner Jerrel: Are you suggesting that we have...we do have a job study, so we do need to approach the job study representative to solicit input on what we want. I mean, I

think it might help if you would put down...

President Mourdock: My thought was to bring to this Board next week or get it to you before the meeting next week a draft job description of what at least I see that position would entail and then ask each of you to contribute to it or delete from it and then hopefully if we can reach some consensus we'll pass that on to the job study group as a starting point for them.

Commissioner Jerrel: You will list qualifications?

President Mourdock: I'll list what I feel they should be.

Commissioner Jerrel: Okay.

President Mourdock: But I am not bound.

Commissioner Tuley: You might consider treating this position almost like a Chief Deputy position and then they would be whatever classification where they don't have longevity and what have you where we can pay this individual their worth, so to speak, so we can get some quality people involved.

Commissioner Jerrel: Right.

President Mourdock: Excellent point.

Commissioner Jerrel: Do we need a motion to that effect or just do it?

President Mourdock: I don't think--

Commissioner Jerrel: Just do it and we'll look at it.

President Mourdock: I think to just do it will be sufficient on this one.

Commissioner Jerrel: Okay.

Commissioner Tuley: Under old business and I kind of said no, it's not, but we've had several, and it's been going on for a while I think, John said there are some people that live out in, I think it is Westwood Subdivision, some roads that have not been accepted by the county. I think there was an estimate done a year ago that approximately \$245,000 is what it would take to bring it up to county standards so that it would be accepted by the county for maintenance. There are 84 homes in that subdivision and I don't know if the Barrett Law is something that is a possibility to help them with the particular problem. The concern I have now as much as anything is one of the gentleman that continues to call me and talk to me about this says that the school buses now are no longer wanting to come in there because the road conditions are so bad particularly in periods of ice and snow when we cannot go in there and clean the roads and clear a path for them. We've got a lot of kids apparently who will be walking down maybe to the intersection of Boehne Camp and Upper or Middle Mount Vernon, whatever this is, so I will just kind of throw this on the table and get some thought or input on how we might address that situation, if we

can do anything at all.

Commissioner Jerrel: Have you...well, after the attorney looks at it if it is a possibility then I guess the next step would be to see if that is something that the homeowners want to participate in.

Commissioner Tuley: Right.

President Mourdock: Sure.

Commissioner Tuley: I agree. If Barrett is something that is an option to us, then we have to go through that process. Obviously, we can't go in and spend \$245,000 of the taxpayers money--

Commissioner Jerrel: No.

Commissioner Tuley: --to fix that up.

President Mourdock: That was Westwood Subdivision?

Commissioner Tuley: I believe it is called Westwood or Westwood Hills or Westwood Subdivision.

President Mourdock: I think where you are headed with that is to have Joe report back to us as to whether or not Barrett Law is applicable.

Joe Harrison, Jr.: Yeah, I'll take a look at that.

Commissioner Tuley: If that is not an option I don't know where it is going to go.

President Mourdock: Okay, alright. Will you be able to report next week, Joe, on what you've found?

Joe Harrison, Jr.: Yes.

President Mourdock: Okay, thank you. Any other old business?

**New business**

President Mourdock: New business. Commissioner Tuley?

Commissioner Tuley: I don't have anything.

Commissioner Jerrel: No.

President Mourdock: Okay, a couple of items here. One is a report or a resolution that the Indiana Association of County Commissioners forwarded to us. What it is in regards to is transportation and trying to get the General Assembly to address the local transportation issues. This has been circulated among the three of us. It came back to me tonight and it appears that both of you feel that we should support this, so I would ask for a motion to have this Board act to approve the resolution calling for transportation funding through the Indiana General Assembly for local county issues.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: I will so order. One other issue that I have as a new issue. I don't know if tomorrow is the proper time to do it, Bettye Lou, since you will be in Indianapolis, but it has been in the papers at every level of government of late the issue of campaign funding. It has been in county campaigns, campaigns for County Commissioner and from there upwards to the Presidency of the United States. I know at one point the city and I believe county government and perhaps Suzanne can help me out on this one. I think when Mr. Harding was the Democratic Chairman and I believe when Suzanne was the Republican Chairman there was a move afoot to try to get a county ordinance to limit campaign funding or at least some agreement. Do you recall that Suzanne? I'm sorry to put you on the spot with that.

Suzanne Crouch: There is a vague recollection. I think if memory serves me correctly and don't quote me, but I believe it was something that was put forth by Mayor McDonald actually.

President Mourdock: Okay.

Suzanne Crouch: But that goes back a long time.

President Mourdock: Yeah, it does. The state of the campaigns being such that I would like to see us try if it is legal through the state to somehow determine what a reasonable limit for campaign funding would be. This is a non-election year which would seem to me to be the ideal time to do it. Quite honestly, I don't expect much leadership from the very top on this issue and I think it is time for us to lead from the bottom. Joe, could you research and let us know what our options are in that regard and perhaps, Bettye Lou, when you are in Indianapolis I know there is some legislation on the floor up there to see if somehow the county could be given the authority if it doesn't already have it to see if we could impose some sort of limits if it is the will of this Board to predicate that I guess.

Commissioner Jerrel: I'll find out. I'll ask Legislative Services. I know they've got a list of all the bills. I think it is even on the Internet. I haven't, to be honest with you, I haven't looked for it.

President Mourdock: Okay.

Joe Harrison, Jr.: Yeah, I'll take a look at that. I know there is some legislation pending and one of the authors may even be one of our own representatives here in this area. I think the limits that they might be proposing would certainly affect local races. It would affect statewide races and local races.

President Mourdock: By local do you mean county races?

Joe Harrison, Jr.: Yes. All the laws that are out there now that affect statewide candidates affect those running for County

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

45

Auditor and County Commissioner as well.

President Mourdock: Let me restate when I raise that issue on the county. I understand that there may be a limit that they would wish to impose on counties by individuals, but I'll guarantee you that it is not reasonable to say that someone running for a county office in Hamilton County right outside of Indianapolis, a very wealthy area, should have the same sorts of spending limit as what the people who are Commissioners say in Orange or Crawford County would design. I guess what I am looking for is kind of that home rule authority. I think Boards like this are elected to deal with that type of responsibility. Certainly election stuff can come under the Clerk's Office, so it is a local issue in that regard. Again, I realize that I am speaking for myself and I may or may not represent the consensus of the Board, but I think it is an issue worthy of our investigation.

Commissioner Tuley: Having just gone through one of those elections and trying to raise that kind of money I think it is something worthwhile that we can do.

President Mourdock: Yes. Any other new business to come before us this evening?

Commissioner Tuley: Did the other Commissioners get...and I was looking for mine in my briefcase so it must still be at my house, but the notice from the Association of Indiana Commissioners about legislative day and a day set aside for Commissioners to meet with legislators and what have you the 24th or 25th of February?

Commissioner Jerrel: Oh, I think I did read that.

Suzanne Crouch: I wonder if it is the 26th maybe?

President Mourdock: I was going to say the 23rd.

Commissioner Tuley: Well, there is the regular AIC meet your legislator, but that's before. I think the Commissioners have got one set up just for Commissioners and the legislators. Now would be a good time for us to make our presence known up there.

President Mourdock: That's a very good suggestion. Tony, perhaps you can double-check on the date. I've got one at my house as well.

Joe Harrison, Jr.: I think we may have subscribed to that service. They were going to fax out...or the Commissioners I know were looking at that service. They were going to fax out their weekly legislative letter. I know that they have some information that they can provide to us probably on that if Tony gives them call.

President Mourdock: Any other new business to come before the Commission this evening? I will search, entertain...

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: And we are adjourned.

The meeting was adjourned at 7:40 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene M. Timmons  
Tony Greubel  
Mike Shoulders  
Michael Buente  
Edward Moser  
Dan Spindler  
Lynn Ellis  
Joe Profaizer  
Andy Easley  
Cynthia Maasberg  
Priscilla Quinlin  
John Stoll  
Milton Hayden  
Others unidentified

**Vanderburgh County  
Commissioners Meeting  
January 27, 1997**

47

Members of the media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
February 3, 1997**

The Vanderburgh County Board of Commissioners met in session this 3rd day of February, 1997 in the Commissioners' Hearing Room of the Civic Center Complex at 5:34 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the February 3rd meeting of the Vanderburgh County Commission. We will get started with our introductions. To my far right is Mr. Tony Greubel, Administrative Assistant for the County Commission; to his immediate left is our County Attorney, Joe Harrison, Jr.; to Joe's left is Commissioner Patrick Tuley; to my left is Commissioner Bettye Lou Jerrel; to her left is Suzanne Crouch, the County Auditor; and to Suzanne's left is our Recording Secretary, Charlene Timmons. I will ask you to join us all as we do the Pledge of Allegiance. As a matter of general housekeeping, there are agendas published for this meeting. If you would like one they are on the far table over there if you did not get one coming in the door. We would ask you also to sign the attendance sheet we have this evening as this is an official meeting of the County Commission and we take all of our minutes verbatim and we would like to have your name and address for being in attendance. Also, as we get to that point in the program where you may wish to make some comments we ask you to make all comments at the microphone and, again, please state your name and address for the record.

**Certification of Executive Session**

President Mourdock: With that out of the way, we have several action items that we have to deal with. First of all, unlike most Monday nights, we did not have an Executive Session prior to this meeting as we met in a combined meeting with the City Council and the County Council regarding an issue that we will deal with in a few moments.

**Approval of minutes**

President Mourdock: With that out of the way, the first item on our agenda is the approval of minutes from the meeting of the County Commission on January 27, 1997.

Commissioner Jerrel: Move approval.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Joint Resolution requesting Building Authority action**

President Mourdock: The second item that we have on our agenda is a joint resolution from the Building Authority regarding the purchase of certain property which is known as Lot 7 through 11

on Southeast Martin Luther King, Jr. Boulevard and the adjoining surface parking lot. That property is going to be used, if purchased by the Building Authority, to provide parking to help make up for some of the parking lot space that will be lost through the expansion of the auditorium and civic center. Commissioners, you were both with me at that meeting, any comments from that meeting or any issue you would like to discuss?

Commissioner Jerrel: I would just like to take this opportunity to indicate that I would like to compliment Mr. Leich on his presentation and would like to enter a motion to approve the resolution.

Commissioner Tuley: I will second your comments and your motion.

President Mourdock: I will third them, although I guess that is not proper protocol, but it does seem like it is the right property at the right time and I think it is going to be a good addition. Since this is a public meeting, are there any comments regarding this? Did anyone come to this meeting specifically on this issue? Seeing no hands raised, I will then say so ordered and we will be signing this with our documents later this evening.

<b>Lynn Ellis - City/County Purchasing</b>
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President Mourdock: Next on the agenda is Lynn Ellis from City/County Purchasing.

Lynn Ellis: Okay, we have several things and a couple of them I gave you late. The first is a follow-up from last week's meeting regarding the purchase of the Blazer for the Soil and Water Conservation District. I received a quote from Kenny Kent Chevrolet. Their quote was in the amount of \$24,710.00. North Side Chevrolet bid \$25,397.47 and Broerman Chevrolet bid \$25,575.00, so Kenny Kent is the low bidder.

Commissioner Jerrel: May I ask a question?

President Mourdock: Sure.

Commissioner Jerrel: Which department is this about? Which department are you talking about?

Lynn Ellis: This is the Soil and Water.

Commissioner Jerrel: Okay, Soil and Water.

Lynn Ellis: This is the purchase that is out of the Commissioners' CCD Fund. Because the county is not anticipated to purchase any other type utility vehicle during this year, then it would be appropriate to handle the purchase in this way.

Commissioner Jerrel: We don't require a motion on this?

President Mourdock: Yes, we do.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

3

Commissioner Jerrel: We do require a motion?

President Mourdock: Yes.

Commissioner Jerrel: Okay, move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Lynn Ellis: Okay, the next item is the award of bid number APA017-97 and that is for guard rail, end sections and pipe. There is a little bit of information that would need to be given to you so that you make an educated decision on this bid award. In the past the county has received typically one bid for each type of material. For example, PVC Plastics is the only bidder on plastic. Then we've purchased the guard rail from CPI, concrete pipe from M & W, the aluminized pipe and the aluminum pipe from CPI. This year we got additional bids from surrounding areas which is wonderful, the competition, but it complicated the bid process just a little bit due to the information that is on the agenda item. My recommendation is to award the plastic pipe to PVC Plastics. They are the low responsive and responsible bidder. The other bid that we received was from Sidenor Supply out of St. Louis. The cost savings is about \$0.29 per foot going with PVC Plastics as opposed to Sidenor. The guard rail, my recommendation is to award it to all three vendors submitting a bid for guard rail. That would be the Hoosier Company, M & W Concrete and CPI Supply. There was a problem with the guard rail. Hoosier Company is low, but on the first page of the bid summary I highlighted the guaranteed delivery schedule and that is indicated to be 30 days. Now if someone runs into the guard rail along one of the county maintained roads, then the county crews cannot wait 30 days to get guard rail in here to make a repair. It is just not reasonable. I contacted the company and the president and any persons in the company that could commit to lower than that are out of town and won't be back until Wednesday, I believe, so I wasn't able to get anything in writing to confirm that they could lower that. The other two bids, M & W Concrete is 14 days and CPI is seven to nine days which is more reasonable. According to County Highway, both of those vendors typically deliver in far less than that. They'll deliver sometimes the same day and usually within three or four days.

President Mourdock: Excuse me, Lynn. How can you do this with all three bidders though? I understand where...let's use asphalt for an example. You may have three people supplying asphalt. Depending on whose closest to the job it would save you money. How can you do that with the steel guard rail though? I don't understand.

Lynn Ellis: Well, the County Highway Superintendent or staff would have to contact the low bidder, which would be the Hoosier Company, and see first of all if their delivery were appropriate or acceptable. If they can wait the 30 days and that is what it is going to take for them to deliver that particular guard rail then they would proceed with that company. If it is a situation

where they cannot wait the 30 days and it is going to take them that long to get the guard rail to the county, then they would have to go with one of the other two bidders. The low bidder in that case.

President Mourdock: Okay.

Lynn Ellis: It is my understanding from talking with other counties that many counties do award it to all the vendors submitting a bid. That is not normally my recommendation and I don't like to do that. It makes it a little bit messy, but in this case because of the delivery schedule the county's option is to throw the bid out from the Hoosier Company because of the delivery schedule because it is unreasonable and then just make an award to the next low bidder. You can certainly do that.

Commissioner Jerrel: Would it be your intention to put those recommendations in writing that if you did go with all three that there would be a delay and unless that delay could be reversed...for instance, if there was an emergency and you had to put a rail back in right away, that you're recommending that the low bidder be used in all cases? Would that be what you would send to the...?

Lynn Ellis: To the vendors and to the department.

Commissioner Jerrel: Uh-huh, right.

Lynn Ellis: Yes, and I have done that in another situation where the vendor...well, for the printing of the tax bills where the vendor was put on notification that if you fail to perform in accordance with the bid that it will be rescinded, the award will be and you will basically be removed from the bid list for a while because of the problems that we had with them in the past. I would certainly put that in writing and include that with the award notification.

President Mourdock: When the situation comes up that we need to replace that section of guard rail, who will be calling the vendors? Would that be done through your office or would the Garage do it?

Lynn Ellis: Normally it would be with the Garage. I would not get involved with the purchase or the contact with the vendor unless there was a problem with it. Then the garage would contact me to make a contact with them, but if you would prefer for the phone call to come from Purchasing, I would be glad to do that.

Commissioner Tuley: My concern, and I was just asking Joe, if we followed using all three, then I would prefer it come from Lynn because of that documentation and what have you that we have to make sure that we are covered on it.

Commissioner Jerrel: That's right. Are you ready for a motion?

President Mourdock: I am if it includes the words about her doing a letter.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

5

Commissioner Jerrel: I think that I would like to move approval of PVC, Hoosier and CPI. Is that the three correct ones?

Lynn Ellis: For the guard rail.

Commissioner Jerrel: For the guard rails with the caveat that you send a letter to the Garage and to the three companies so that when the time comes if we need we can refer to the time element.

Lynn Ellis: Okay, and then the plastic pipe would go to PVC Plastics, the concrete to M & W. Aluminized, CPI was the only bidder. M & W was the only bidder on concrete. Similarly to the guard rail we have the aluminum pipe and, again, the delivery schedule is the problem. Well, Metal Culverts just has a problem period, but Metal Culverts and--

Commissioner Jerrel: Why don't we do this bid and then move to the next one because they're kind of overlapping. Let's make sure that we get them all with what you're exactly wanting. We've got one motion on the floor.

Commissioner Tuley: Let me make sure I understood your motion. For the plastic pipes you had PVC Plastics. Correct?

Commissioner Jerrel: Right.

Commissioner Tuley: Then for the guard rail, all three bidders as outlined--

Commissioner Jerrel: Right.

Commissioner Tuley: --by the procedure?

President Mourdock: Lynn, please say the three out loud again.

Lynn Ellis: The Hoosier Company, Incorporated, M & W Concrete Pipe & Supply, Incorporated and CPI Supply.

Commissioner Tuley: Okay. Is that where we are at?

Commissioner Jerrel: That's the motion.

Commissioner Tuley: I'll second.

Commissioner Jerrel: Okay.

President Mourdock: I will say so ordered.

Lynn Ellis: Then the bid for concrete pipe. The only bidder on that was M & W Concrete Supply.

Commissioner Jerrel: I'd move approval of M & W Concrete Supply for the concrete pipe.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

Lynn Ellis: Okay, then the aluminized type 2 pipe the only bidder on that pipe was CPI Supply.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Lynn Ellis: Then the aluminum pipe there is a very detailed description of their bid. Metal Culverts is the low bidder. They failed, however, to submit at the time of bid opening the bid forms that were requested. The Commissioners have the right to reject their bid. They're the low bidder. They have subsequently submitted those forms and the information submitted is acceptable, but it wasn't submitted with the bid. I do include the Form 95, which is a state required form to be filed, which is the form that you execute to enter into the contract. I also include a bid proposal form where they indicate information such as delivery terms, whether it is FOB, Vanderburgh County, or their plant or whatever, their delivery schedule, the terms for discounts, and those kinds of issues. They did not submit that with their bid at the time of bid opening. They did include Form 95. They did include their bid bond which are the two things that are required through the state statute, but they did not include our bid forms. The bid clearly states that if you fail to provide these forms or include them with your bid, that your bid is subject to being rejected.

Commissioner Jerrel: So what are you recommending?

Lynn Ellis: Well--

Commissioner Tuley: Let me take you off the hook, Lynn. You've still got the other two listed on there as well. You know, like the guard rail. Was there some delivery situation still? Even if you accept or throw them out we still have CPI and M & W listed on here.

Lynn Ellis: Right, and CPI has the best delivery schedule because theirs is seven to nine days. They are one vendor that has worked in the past with the county garage and meets their schedule and, again, typically delivers in fewer than that. The delivery schedule from Metal Culverts is two to three weeks, and the delivery schedule from St. Regis is two to six weeks. The six weeks is like that of the Hoosier Company and is unreasonable and we can't wait six weeks for pipe. To be perfectly honest, I have mixed feelings about it because on the one hand we are saving the county money if we go with Metal Culverts. It will save money in the purchase of the aluminum pipe, but they didn't follow the bid requirements. They received no information from my office or from anyone else. They weren't at the bid opening and so they didn't have access to any of the bids to know what any of the terms were from the other bidders, but they did submit that documentation after the fact.

Commissioner Tuley: Are they local?

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

7

Lynn Ellis: No. Metal Culverts is in Jefferson City, Missouri.

President Mourdock: Speaking as one Commissioner here, and Pat has heard me say it enough and I suspect that Bettye Lou will, the word is consistent. Last week when we looked at dealing with the vehicle that we acted on a few minutes ago, we decided to put that off a week because the policy wasn't followed and we wanted to be consistent with the policy. It seems to me as a person who is sometimes on the other side of the fence submitting bids like this, the rules are what the rules are and if it's not considered...if the package isn't fully returned the way it is supposed to be it is considered a nonresponsive bid.

Commissioner Tuley: I tend to agree with you.

Lynn Ellis: I would prefer that. It makes it cleaner.

Commissioner Jerrel: So your recommendation is that is the policy...

Lynn Ellis: If that is agreeable to the Commissioners, then I would recommend that the aluminum pipe be awarded to CPI Supply and to M & W because they bid on the aluminum pipe as well with the preference going to CPI because they were significantly lower on the pipe price than M & W.

Commissioner Jerrel: How do you indicate that? I mean, if you put two bids in then they will just call whoever. If one phone is busy and then the other one answers...?

Lynn Ellis: Well, in this case just going straight with CPI would be fine because their delivery schedule is better than the other bidder, so if the Commissioner would prefer and that would suit me just fine and I would prefer that personally. The guard rails are going to be a problem because I'll have to get involved with every purchase that they make and it would be preferred that I not get involved with the aluminum pipe. If an award is just made to CPI then it would certainly be better.

Commissioner Tuley: Taking Metal Culverts out, they were lowest and most responsive?

Lynn Ellis: Yes.

President Mourdock: Well, not responsive.

Commissioner Tuley: CPI was most responsive.

President Mourdock: Oh, most. I thought you said Metal Culverts.

Commissioner Jerrel: Well, I don't care. Do you want to do the same thing that she did with the other three in that she sends a letter indicating or just go with the one?

Commissioner Tuley: Well, to me they both have worked with us in the past and they both apparently have done a good job, but if one is clearly the better and most responsive bid I think it

just bodes well for all of us to accept that.

Commissioner Jerrel: Okay, that is CPI?

Lynn Ellis: Yes, ma'am.

Commissioner Jerrel: Okay, I'll move approval of that contract to CPI Supply.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

Lynn Ellis: Steel pipe would...the recommendation would be because we have rejected the bid from Metal Culverts would be St. Regis. The county does not have a history of purchasing steel pipe. I'm not real sure why we continue to include it in the bid although it has been requested from County Highway in the past, so it was again included in this year's bid. It would be unlikely that we would ever purchase it, but so that we don't have to bid it again I would just request that it be awarded with the unlikely nature that it would ever be used.

Commissioner Jerrel: To St. Regis?

Lynn Ellis: Yes, ma'am.

Commissioner Jerrel: I would like to move approval of the steel pipe bid being awarded to St. Regis.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Thank you and I am sorry for the confusion with that.

Commissioner Tuley: All you can do is give us a recommendation.

President Mourdock: Yeah.

Lynn Ellis: Well, I want to make sure that you are educated in that and you know what is going on so that if anybody comes back and says anything then I haven't appeared to mislead you.

Commissioner Tuley: That's the only thing that's important with these other ones and I think that we probably made the right decision in reference to your guard rail. I still feel strongly, though, that you should be the one doing that so that we can keep our documentation all in order in case there is a question.

Lynn Ellis: Okay, I'll give that message on to the County Highway so that they are aware of that. The last item that I have, and then I will be here to help Joe address a couple of items, is to approve the letting of bids for bid number VC97-02. This is to purchase semiautomatic handguns for the Vanderburgh County Sheriff's Department. The anticipated purchase will not exceed \$75,000, so I would not recommend that we advertise, but

that we do a formal bid. The bid is ready and I am waiting on the Sheriff's approval of it. He has the bid document, but I would request that we be allowed to bid this purchase.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Joe Profazer - SCT Services**

President Mourdock: The next item on our agenda is Mr. Joe Profazer regarding some computer acquisitions.

Joe Profazer: Yes, Joe Profazer with Computer Services. I have some software and hardware acquisitions all of which are over \$10,000 in price which the formal requirements on the city side require BPW approval. Therefore, since they are joint purchases, it is going to require the Commissioners' approval also. The first item on the agenda is approval of a TZ887 network tape backup unit. The lowest and most responsive vendor was CPU Options for \$11,045.00. The city's expenditure was \$4,217.27. The county's expenditure was \$6,927.73. The hardware installation service from Digital Equipment Corporation is \$925.00. The city's expenditure of \$350.02, and the county's expenditure of \$547.98. This was approved by the Data Processing Review Board on January 22nd. These were all informal quotes to three vendors.

Commissioner Jerrel: I would like to move approval of the CPU Options for the county expenditures in the amount of \$6,927.73 and the hardware installation from DEC for \$574.98.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profazer: The second item is the Public Safety Alpha and Layered Product software and hardware upgrade. This project was approved in Computer Service's budget for FY97. The Alpha system itself was quoted separately from the layered product hardware and software support due to the fact that I can get more competitive quotes for them rather than bundle them all up in one quote. The Alpha 4100 system expenditure was \$52,040.00. The city's expenditure was \$19,691.94, and the county's expenditure was \$32,348.06. The layered product hardware and software peripherals expenditure was \$67,407.45. The city's expenditure was \$25,506.98, and the county's expenditure \$41,900.47.

President Mourdock: Just a question before I hear a motion.

Joe Profazer: Yes.

President Mourdock: We consistently see about a 40/60 split with the city and county?

Joe Profazer: Correct.

President Mourdock: Do you want to mention why that is?

Joe Profaizer: That split is based on a percentage of hardware, software and CPU utilization. It is a formula derived and approved by the Data Processing Review Board. The county's expenditure right now is 61.38%, I believe, and the city's is 32.16. Those are approved in June of each year and they become effective January 1st of each year.

Commissioner Jerrel: Joe, do you actually have three approvals that you are seeking? This CLR Technology as well as the Alpha and the layered?

Joe Profaizer: Yes, I am.

Commissioner Jerrel: Okay, well I would like to move approval of the public safety, alpha and layered product software/hardware upgrade in the amount of \$119,447.45 and that is in your budget. Right?

Joe Profaizer: Absolutely.

Commissioner Jerrel: Okay, and the Alpha 4100 county share of \$32,348.06 and the layered product software in the county's budget for \$41,900.47.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profaizer: Thank you.

Commissioner Tuley: Joe?

Joe Profaizer: Yes.

Commissioner Tuley: You also sent us a memo here talking about projections and what have you.

Joe Profaizer: Projects, yes.

Commissioner Tuley: If I read this there are some things going on, department heads and office holders and what have you, maybe buying some different software packages and everything to increase their efficiency and what have you. At one time, and Bettye as a Council member and being on the Data Board you might remember this, but at one time did we not have to get approval from the Data Board before we made these purchases for the reasons that you have outlined here? To find an impact and time involved and what have you to make sure that it would not have an overall effect on your ability to do your job under the current contract?

Joe Profaizer: I would like to say yes, the Data Processing Review Board as a recommendation Board to enter into contracts with vendors and approve projects as such. For lack of better terms, I think ad hoc project requests are coming to the computer services department and there has to be a wall, I guess, of where do you draw the line when you take it in front

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

11

of the Data Board on a monthly request? Some are smaller and some are larger projects. It's really the day-to-day operations that are really eating us alive. People get computers and so forth of that nature, but they don't realize that behind the scenes day-to-day management and operations of it.

Commissioner Jerrel: Pat, we met this summer and last year also and I asked Joe, I said we have just so much money that we can commit to technology and all of us wish we had more, what are the priorities? The priorities have to be those things that protect safety, records and the integrity and accountability of government. Now that is where it gets kind of complicated, so the ones that we just voted on tonight were the priorities that Joe recommended the bids that we accepted. The courts, that was all number one priorities, those safeties. Now what you are saying is all of these are now in the loop?

Joe Profaizer: Those are all in the loop for FY97 and if we worked normal hours those would not be accomplished. It is the little ad hoc requests that are eating us alive.

Commissioner Tuley: That's where we need...I guess, what I am trying to get at is that we need some way to try to get a handle on that and put some sort of screening that determines what goes through that screening and gets done and what doesn't, I think, is what you are asking for as well.

Joe Profaizer: Yes.

President Mourdock: Do you have a recommendation, Joe?

Joe Profaizer: Well, I don't know if the structure of the Data Board should be reviewed and possibly revised or more frequent meetings of such. I hate to put off certain city and county department heads and officials who have their own projects which are number one priority to them. It's a tough call.

Commissioner Tuley: Sure.

Joe Profaizer: Right now I see the need for more manpower, but there has got to be a line drawn. Does everything have to come before Data Board or what? I don't know.

Commissioner Jerrel: I think the one key that we should try to encourage, and Joe is working on it, is we get, meaning SCT, gets numerous calls from offices for small things and this is a very typical way that it works. The goal should be to have a person in that office that can take care of most of that for the PC's. Isn't that the problem primarily?

Joe Profaizer: Well, it's a yes and no. You can have your departmental, let's say, computer liaison fix some problems, but then again they may mess...I don't want to say anything bad about anyone, but they mess up standardization features on our network on the PC's which then in turn will take more time for us to come down and evaluate and fix. It's a Catch-22.

Commissioner Jerrel: Would you like to share with us the cost that a new employee would be for you, or two? I mean, I think

that is something that is important for the Commissioners to hear.

Joe Profaizer: I'm not formally prepared to--

Commissioner Jerrel: Address that?

Joe Profaizer: --address that expenditure, but I will be glad to come back in an Executive Session or something like that.

Commissioner Tuley: It probably wouldn't be a bad idea to just kind of...everybody is aware that there is a situation that we need to be addressing and sit down and give you some time to think about it. Bettye, you're on the Data Board and you can meet with him or I can meet with him, but you are on the Data Board and I think you've probably got a little more insight to that big picture as far as the computers than I would have.

Joe Profaizer: We do have a meeting scheduled for February 18th and Bettye Lou is one of the attendees there. I think a lot of the issues will be brought up at that meeting.

Commissioner Jerrel: I can bring that back and share it.

Commissioner Tuley: I think your letter was kind of an FYI kind of thing to start with tonight, but to get us thinking in that mode that some way we need to get a handle on it.

Joe Profaizer: Yes. You know I've got a lot of dedicated employees who are actually working for their hobby! That's a good thing because they put in a lot of hours and I am kind of concerned about low morale here, too, so that is another issue and that's my problem.

Commissioner Tuley: Okay.

President Mourdock: Okay.

Joe Profaizer: Okay, I have one more agenda item. There is a possibility...it is not on the agenda, by the way. The Police and Sheriff Departments are going out for a jail mug shot video imaging system. It is potentially to be a sole source vendor due to the fact that they can integrate their mug shot and video imaging with the current public safety application. I guess the questions that I have for the Commissioners or for Joe how would we... do we have to bid to sole source vendors?

Joe Harrison, Jr.: My feeling is I have looked at...somebody else had a question for me. I think it was Suzanne regarding the time accrual. When you have something...I guess they're going to have to utilize a computer of some sort if they are going to use the imagery it is going to be going through a computer?

Joe Profaizer: Yes.

Joe Harrison, Jr.: --at some point? In these specialized software packages or hardware components that are necessary the thing that I have done some reading on or that some communities

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

13

here are going to the RFP proposal just to cover ourselves knowing that there is obviously only a few out there that may be able to respond. I think the county would be better served if you sent out an RFP on these types of technical matters that involve sophisticated software and hardware even though knowing from what you are saying that there may only be one or two out there. There may be more, but we doubt it.

Joe Profazer: Okay.

Joe Harrison, Jr.: My recommendation would be to go that route.

Joe Profazer: Go out for bid or proposal?

Lynn Ellis: The only problem with the proposal is that we ran into that before with a prior county purchase and Alan, when he and I investigated the statute, his decision after his investigation was that an award could not be made from an RFP. That was actually a prior computer system that was for the City Clerk's Office. We had to bid that twice and it was a big fiasco, but the decision was at that time that an award could not be made from a proposal. The city attorney has agreed with that summary. We may find otherwise and that would be fine, but what the process is supposed to be is that you do an RFP to gather data in order to prepare a bid. You solicit professional information and technical support in order to put a bid document together and then you go out for bid. Well, if the process is that there is only one vendor, then the documentation wouldn't have to be there to support that. Joe and I talked about this today. The statute allows you to not formally bid software. If it is specialized software that you cannot get competition on, there is a section of the statute that allows you to bypass the purchasing formal bidding process. Hardware, it does not allow for that. You have to bid that. Joe's analysis is that the total system will cost approximately \$120,000. This is a joint system between the Sheriff's Department and the Police Department and it would be an equal split, so you would have \$60,000 for the county and \$60,000 for the city. Approximately half of the cost in that \$120,000 is software and half of that cost is hardware and so you are looking at a cost of for the county of \$30,000 for the hardware and likewise for the city. My problem is how much can you nitpick this to separate it? The statute says, you know, the government entity spending no more than \$75,000 in a fiscal year, but if this system is combined and it is purchasing one system despite the fact that it is being split between two separate government entities, I can't...I don't know. I don't even want to venture to answer that one because Joe might have to defend it in court and that would be my problem. If I make a recommendation that we not bid it and we just sole source it and go on with it because the hardware is only \$60,000 then he may have to answer to that later. I want to make sure that, and my response to Joe was that I want to make sure that they can do that because you are going to involve the county attorney and the city attorney possibly. There are ways to get around it, but I don't know how much we want to break it down and nitpick it.

Commissioner Jerrel: Is the mug shot funding in place also?

Joe Profazer: Yes. That is out of the...that's not out of computer service's budget. That is out of the Sheriff's budget and then out of the Police Department's budget.

Commissioner Jerrel: Did the Sheriff...I don't believe that was in the...was that in the budget this summer?

Joe Profazer: In my budget?

Commissioner Jerrel: No, the Sheriff's budget.

Joe Profazer: They say they have the money.

Commissioner Jerrel: I don't think Council voted--

Commissioner Tuley: Was anything out of CCD granted to it?

Commissioner Jerrel: No, Council didn't vote that in. We didn't hear anything about that.

Commissioner Tuley: I thought we appropriated some money to the Sheriff's Department for imaging and this is it.

Joe Profazer: It was CCD maybe.

Commissioner Tuley: That's what I am guessing. That's what I am asking. CCD money maybe?

President Mourdock: I think you are right.

Commissioner Tuley: I think we did provide them with some money for imaging and what have you.

Joe Profazer: Yeah, they assured me that they have the money and that's all I can go on.

Commissioner Tuley: I'm confused. Is the software...there is a sole provider for the software and is it hardware driven? I mean, where you can only get one hardware or can it run on several?

Joe Profazer: I plan to get the hardware locally to save expenses. I mean it is going to be on a PC server and they are going to use PC's for the end users to get into the mug shot imaging. The problem is the proprietary software whereas you can't compare apples to apples with another vendor because their software is different.

Commissioner Tuley: Okay.

Joe Profazer: It will not function with the public safety system.

Lynn Ellis: Right. The other point that he raised was that this system that he would like to recommend will interact with the current system that the Sheriff and Police have. If not, then it is going to have to be a stand alone system that may or may not interact with future systems.

Joe Profazer: Right.

Commissioner Tuley: I think there is some provision somewhere.

Joe Harrison, Jr.: Well, there is an exception. I mean, if that is the only software out there then you don't have to bid it out. I mean, if you are sure that is the only software out there. I mean, that is one of the exceptions in the code, so if that is what you are saying...I would just say if it is not--

Joe Profazer: Yeah, to my knowledge that is the only one, but I think I tend to be on your right shoulder there and do an RFP.

Joe Harrison, Jr.: Well, you can always do an RFP to get clarification like you are saying and if that is the only one that comes in...

Joe Profazer: Yeah, it is better to be safe than sorry, I guess.

Joe Harrison, Jr.: That's what I am thinking.

Joe Profazer: Okay, thank you.

**Cheryl Musgrave - County Assessor**

President Mourdock: Okay, the next item we have on the agenda then after Mr. Profazer is Ms. Cheryl Musgrave, the County Assessor.

Cheryl Musgrave: Good evening, Commissioners. I'm Cheryl Musgrave, County Assessor. I am here to ask you to take whatever action is required to allow payment of the dues for the County Assessor's Office to the Realtor's Association. For the second year in a row this claim has been returned to me from the Auditor's Office without explanation. As President of the Board of Review and President of the Land Commission, we frequently hear appeals on taxable value based on land valuation. If you will recall the rather major hearing we held about the valuation of downtown land. As President of the Land Commission we have to assign taxable value to land and all of these values regarding land are market value currently and have been for quite some time. It is important for me to understand the valuation of land in the county and the Realtor's Association membership is just one more place where I can learn what is happening in our county and why and where future developments might take place. I don't know what action is required on your part. Last year I did bring this to the Commissioners and it was passed, but I am not sure how or why again.

Commissioner Jerrel: Thank you. I have the letter that was sent to Mr. Kissinger. You might want to send it on down to Mr. Harrison.

Suzanne Crouch: May I speak to this issue?

President Mourdock: Yes, please.

Suzanne Crouch: In January of last year that claim was paid. In

April of '96, if the Commissioners, the current ones, recall it was brought to their attention and it was also brought to the counsel's attention, Joe Harrison, who was council attorney at the time, the fact that State Board of Accounts in April of '96 in their County Bulletin stated that we know of no statutory authority for the payment of dues or related expenses of public funds for individual memberships in professional organizations. We had asked on two separate meetings for Mr. Kissinger to address this issue and he was working on it. He also communicated with Council Attorney at the time, Joe Harrison, Jr., who also was working on that issue. In speaking to the State Board of Accounts today they said that I had no right to pay a claim for dues in a professional organization. Unless someone else has any other information that is kind of where we stand.

President Mourdock: I guess my question is one of definition. I hear what you just read, Suzanne, to say individual dues. Is that the word that you used?

Suzanne Crouch: Let me put on my glasses to see. Individual memberships in professional organizations.

President Mourdock: Okay, is the membership of the County Assessor the same thing as, to use the example, Cheryl Musgrave's?

Suzanne Crouch: No, and perhaps County Attorney Joe Harrison can speak to that issue.

Joe Harrison, Jr.: That is a good question. The memo from the State Board of Accounts and we may have to...I may have to look at this further. It came out in April of '96 that basically said that it should be further noted that dues and professional associations such as the Indiana State Bar Association, American Bar Association as well as disciplinary fees payable to the Supreme Court Disciplinary Commission are not payable from county funds. They talk about they know of no statutory authority for the payment of dues or related expenses from public funds for individual memberships in professional organizations. Obviously, if the Assessor belongs she is an individual, but you can say that it wouldn't pertain either because it is the office and not the person.

President Mourdock: If it is an Assessor's membership, and that happens to be Cheryl, and if she quits tomorrow then her successor would be the member.

Joe Harrison, Jr.: Sure, there is certainly no problem with any office, Cheryl's office, belonging to the Indiana Assessor's Association, you know, with her belonging to that or the judges belonging to the Judge's Association or any individual member because that relates to their own particular office. With the Township Assessors, the Township Assessor's Association, but they are talking about professional associations and I can see why they don't want--

Cheryl Musgrave: Mr. Harrison--

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

17

Joe Harrison, Jr.: --those that are attorneys paying for the Evansville Bar Association dues or the State Bar Association or the American Bar Association dues.

Cheryl Musgrave: Is this the same thing though? The Realtor's Association, you know, with all due respect is it a profession? I always thought a profession was more limited.

Joe Harrison, Jr.: Well, that is probably why the Auditor mentioned that she had a problem with it. Just exactly what you are saying?

Cheryl Musgrave: Well, I think that realtors are different then say lawyers or doctors clearly recognizing--

Joe Harrison, Jr.: Well, it is still a professional association, but what she is saying is that it is not an individual membership it would be your office membership. That might be a different question. It is a professional association. I mean, I would consider that a professional association. What I would prefer that you all do is let me or the Auditor get back with the State Board of Accounts and ask them that specific question before you grant this today.

Suzanne Crouch: I did today.

Joe Harrison, Jr.: Did you--

Suzanne Crouch: Yes, we spoke to Tom Simpson, State Board of Accounts. In fact, Teri Woodward did, in my office who is the claims bookkeeper, and he said he would not authorize that claim.

Cheryl Musgrave: Is there a possibility that you could grant an authorizing ordinance if the county wishes to grant itself authority to continue these memberships? It is required that an authorizing ordinance be enacted by the Board of County Commissioners.

Joe Harrison, Jr.: Well, no. The thing is we can't do something that State won't allow.

Cheryl Musgrave: They're saying also that--

Joe Harrison, Jr.: That's just the way the law is.

Cheryl Musgrave: --the counties which do not have a home rule ordinance should adopt one immediately.

Joe Harrison, Jr.: That's what we are going to do with regard to you being in the Assessor's Association or a judge in the Judge's Association or something like that. These particular requests that are a little unusual would be where you would try to be in the Realtor's Association or a judge in the Evansville Bar Association that's not specifically related to that office. Now I can see where you would say well, assessors are related to realtors and that sort of thing, but if the recorder being a part of the Recorder's Association, the Township Assessor the Township Assessor's Association, the clerk the Clerk's

Association. Those seem to relate to that particular office and training and stuff comes from that particular office. They don't have a problem with those types of things. They're talking about different professional associations unrelated to the office.

Commissioner Tuley: I would agree to let you research it, but a couple of points. If she were a realtor that in order for her to maintain her realtor's license then I would say no. If you want to be a realtor and the assessor then pay your own realtors license, but I think this is a little different. Secondly, the Board of Accounts will tell you that their opinions are nothing more than audit opinions. They are not legal opinions, they are audit opinions. Have we ever been written up for paying any of these dues?

Commissioner Jerrel: I don't know, I don't know.

Commissioner Tuley: I think it is worthy of some research.

Cheryl Musgrave: I appreciate that.

Commissioner Jerrel: I don't know. I belong to numerous professional associations and I pay them and take them off of my two percent of my--

Commissioner Tuley: Taxes?

Commissioner Jerrel: --adjusted gross income.

Cheryl Musgrave: This isn't a hobby for me. I would never belong to the Realtor's Association if I were out of office. I never have before. If I get defeated in the next election I won't be. I do this for business purposes and that's it. When you get to the Perry Township Assessor may I make a comment?

President Mourdock: Sure. Okay we will take that under advisement then and, Joe, I made a note if you will report back on that issue next week?

Joe Harrison, Jr.: Sure, no problem.

President Mourdock: I cannot pass this up. Ms. Musgrave said there is a difference between realtors and auditors and obviously that's true because I have never heard a realtors joke.

**Stacy Hill - Welborn Health Plan update of services**

President Mourdock: With that, Ms. Stacy Hill, on Welborn Health Plan update of services.

Stacy Hill: Hi, I'm Stacy Hill with Welborn Health Plans. Thank you all for having me tonight. I am here mainly to explain the added benefit that has been added to your Welborn Health Plan Insurance. It is a free service, but due to Vanderburgh County being kind of a mixture of different employees of different areas, they told me that I needed to come to you all to make that decision if you all wanted to go with this program or not

and how you wanted to facilitate it. What the program includes it starts out with a health risk appraisal. Welborn took a stand on preventive health. As you know, we were third in the nation. A task force was formed with the people from Welborn Clinic, Welborn Health Plans and Welborn Hospital to evaluate a wellness program to be offered to the society. We decided...the task force decided that it should be a free added benefit to be added with your Welborn Health Plans, since we are a managed care organization. I was project leader of that task mainly because we key in on four health risk factors and of the four I've had three. I've lost over 200 pounds, so I am promoting this program very heavily because I know how much making yourself healthier can help. We start out with a health risk appraisal being kind of the cornerstone and the blue paper in your packet that is the health risk appraisal. A lot of health risk appraisals are very long. They are like ten pages long and they take like 30 minutes to fill out and employees do not like to do that because they have to do that on their own time. This one from start to finish you can fill it out in five minutes. We come onsite. Now since you have so many different sites I would suggest possibly one or two local sites like the courthouse possibly being one and bringing your people and filter them in. We come onsite and from start to finish we can do an employee in ten minutes. We key in on the four health risk factors of weight, blood pressure, cholesterol and smoking. Also a lot of times you have to wait and get your results some month or two later and they mail them in the mail. We give results immediately and give counsel. Kind of like striking while the fire is hot. So if we identify you with a problem of high cholesterol we immediately address it then and try to give that person counsel and tell them of upcoming events that may help them lower their cholesterol and give them educational material at that time also. We also give each employee a Health Wise Handbook guide which is a 325 page manual that one is given per household and these are given just for the employees. It is a guide so that if you have an emergency situation at home you have a reference tool. Our doctors have approved this and do agree with this book. We also have quarterly screenings on site. We'll come out and do a recheck of the cholesterol. We'll do another body comp analysis which measures the body fat and the calories burned if you do a particular activity. We'll do another blood pressure screening and then we will do a blood sugar screening. We will also offer each company a "Think Light" class which is weight management. We include smart cooking demonstrations if available and kind of alternate avenues to deal with stress rather than eating, to add your exercise and just try to learn how to read food labels and get you more conscious about what you are eating. We also provide a smoking cessation class. Now these two classes that I am speaking of those are offered free of charge. The one thing, the educational material for the employee, they have to buy their own educational material which is \$39 for the Think Light and \$51 for the smoking. Everything else though, if they are a Welborn Health Plan member, it is covered free of charge is the added benefit. The smoking cessation is eight classes long and those are taught on site. We'll also give educational counseling and follow-up to each of these members. Also, each member and their family, this goes to the entire family, that would be the gym discounts. We have the Mulberry Center which

is close downtown here. It has an indoor track, a swimming pool and aerobics. You'll see in your packet there is a price list for all of the gyms. We've contracted with all these facilities and you've gotten a pretty good discount. We've tried to make it geographically convenient. There's one in Newburgh which is The Edge, Fitness World on the east side, Tri-State Athletic Club will not give an individual, but they will give a corporate if you would like a corporate discount figure and then Bob's Gym on the west side and the Mack in Mount Vernon. We also track all of this to let you know how your people faired as far as absenteeism as far as how much they participated in each one of the programs and how it changed from year to year. Everything is confidential. We cannot show you what each employee did. Like John Smith smokes, but we can tell you that out of your 200 employees 25 of them smoke or this many have high cholesterol. There are examples in your packet of all the aggregate data there and what the printouts would look like. I did include a price list. That is because we do offer this to everyone, but it is free to the Welborn Health Plans. If there is an individual who would like to participate in this program also, we have listed everything at cost there and passed that along. That is pretty well the focus of the program. Do you have any questions for me?

President Mourdock: Questions?

Commissioner Jerrel: Stacy, I do. I think this is extremely well done, but I am just thinking in terms of how we would disseminate this and make it easy to understand. First of all, it is permissible for all employees to participate, however, it is free only to the Welborn members?

Stacy Hill: That's true.

Commissioner Jerrel: So we need something that says...you know what I mean? There needs to be something simple. Any kind of wellness program that helps the employees and improves their health improves the bottom line of the insurance program, but what we need is something that instead of it being listed in five or six different pieces of paper a real clear concise memo that could go to the members if the Commissioners would choose to participate. See what I am saying?

Stacy Hill: We could work that up for you. The main thing was we didn't know and it was going to be very difficult...I had went and talked to your agent when it was Mr. Feldhaus and you know we knew it was going to be very difficult to administer it to such a population, but we did not want to leave any companies out, of course. We are working special circumstances with special companies. We can work you up a memo so that it could be kind of universal to go out to all of your employees so that they know, you know, that it is available to them if they wish at a price and then notifying the Welborn people that it is free to them. Most of the Welborn people are going to know because I have put a lot out with the news releases and then Welborn has a newspaper that goes out to all of its members and it has been in that also. The gym discounts, you know, there is another article coming out about that, so they will be notified soon about that. I could definitely work up a memo.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

21

Commissioner Jerrel: I would recommend that we have something so that Mr. Greubel can have it in the office so if employees ask questions it would all be on one sheet of paper and then it would be easier to organize. Sometimes it helps if you say to your Welborn members that all those with initials beginning with A through M will be done on these days. I mean, there are ways to do this to make it work easier.

Stacy Hill: What we have asked, you know, we kind of do this as a joint thing with the companies because we kind of both reap the rewards. The company sees it as a decrease in absenteeism, increased job productivity. We hopefully see it as keeping our health care costs down and hopefully passing that along to you in future years. We do not do all the facilitating. It has to be kind of a joint effort.

Commissioner Jerrel: Right.

Stacy Hill: We would ask for...I don't know if there can be a person appointed to coordinate this with or kind of a central contact person, if that is a possibility or if that's totally out.

Commissioner Jerrel: Well, the Auditor has just reminded me, too, that our Insurance Committee meets next Tuesday and if you could have your memo there we could give them one in our packets and then you could send a recommending memo.

President Mourdock: Or would it not even be appropriate to have Stacy go to that?

Commissioner Jerrel: Yes, it probably would be.

Stacy Hill: I could have my assistant. I will be in Hawaii. That's my wellness retreat!

President Mourdock: In the cholesterol that you do, that is not a blood screening correct?

Stacy Hill: It is a finger stick.

President Mourdock: Oh, it is? Okay.

Stacy Hill: Yes, it is.

President Mourdock: Because I know that we are doing the same thing out at our company now and there was always some hesitation regarding what's being tested for.

Commissioner Jerrel: Could Mr. Greubel find out when that meeting is scheduled and the time and then you could communicate with him? Would that be fine?

Stacy Hill: My assistant Candy Harper, she can do the presentation then next week.

Commissioner Tuley: It is the 18th at 9:00 a.m.

President Mourdock: At 9:00 a.m.

Stacy Hill: Is that here?

Commissioner Jerrel: No, it's room--

Commissioner Tuley: It's 303. Is that what that is?

Commissioner Jerrel: I don't know.

President Mourdock: If you call the Commission Office we can get you the room number. We don't have it here in front of us, but it is here on the third floor somewhere and it will be posted downstairs on the bulletin board.

Stacy Hill: Okay. So if that...then they'll decide if they want to accept it or the next step after the memo? Is that how you want to do that?

President Mourdock: Right, that would be appropriate.

Commissioner Jerrel: That would be the best way to do it.

Stacy Hill: How many different...we have everything by numbers, you know, like the Sheriff's Department is one number. Do you know how many departments for Vanderburgh County?

President Mourdock: Total departments?

Stacy Hill: That's okay. I'll call the Commission Office.

President Mourdock: Okay.

Stacy Hill: Alright, thank you very much.

President Mourdock: Thank you.

### **Perry Township Assessor - Lease agreement**

President Mourdock: The next item on the agenda is the Perry Township Assessor's lease agreement. I think you have a letter in your packet regarding this and Ms. Musgrave I think you had something to say on that?

Cheryl Musgrave: Is this the lease agreement for their space on the west side?

President Mourdock: Yes, at 2926 Mount Vernon Avenue.

Cheryl Musgrave: For several years I have tried to convince the Perry Township Assessor that she needed to be in the building, but she just doesn't want to be in the building. I still think that for efficiency sake, for staff duplication services, that you all ought to sometime consider moving the Perry Township Assessor's Office back in the building.

President Mourdock: Thank you. Good question. Have you reviewed this lease agreement, Joe? Have you seen it?

Joe Harrison, Jr.: No.

President Mourdock: Just for the record, I have a letter from William Miller to Ms. Glen Koob who is the Perry Township Assessor.

"This letter will confirm our previous discussions regarding the lease agreement for 2926 Mount Vernon Avenue. It is agreed that you will lease these premises for the purposes of conducting the duties of Assessor. Monthly rental will be \$399.75 per month effective on 1/1/97 and due and payable in full on or before the first day of each month. The term expires 12/31/97 midnight. All prior written agreements remain in force and please see our letter to you dated January 1, 1996."

Which I do not have. Do you have anything else on this?

Joe Harrison, Jr.: No, I'm sorry. I have this letter, but that is it. I haven't seen their previous agreement. Is it around or has it always been on paper like this?

President Mourdock: I don't know. I don't recall this coming through before to be quite honest. Shall we take this under advisement and have the county attorney research this?

Commissioner Tuley: Yeah, just to make sure that everything is there and he is comfortable with it.

Commissioner Jerrel: Right.

Joe Harrison, Jr.: I would just prefer that you wait until next week.

President Mourdock: Okay.

Commissioner Jerrel: Do you need a motion to defer?

Commissioner Tuley: No, not necessary.

Commissioner Jerrel: Okay.

#### **Legal Aid Society - Board appointment**

President Mourdock: The next item we have is a board appointment for the Legal Aid Society. You have, again, a letter in your packet regarding Reverend Robert Tinner of the Evansville Rescue Mission who has consented to be on the Board of Directors.

Commissioner Jerrel: I'd move approval of the appointment of Reverend Tinner.

Commissioner Tuley: I'll second.

President Mourdock: So moved.

#### **Jeffrey Ahlers - Agreement for legal services**

President Mourdock: We have an agreement for legal services by and between Jeffrey W. Ahlers; Kahn, Dees, Donovan & Kahn and

Vanderburgh County. Joe, I think it is appropriate if you would make a comment or two.

Joe Harrison, Jr.: This agreement submitted by Mr. Ahlers relates to his compensation at the rate of \$70 per hour and his firms compensation at the rate of \$70 an hour for any work that they may do on behalf of the county. They've got a case or two now that they are working on behalf of the county pursuant to previous discussion from this body.

President Mourdock: Okay.

Commissioner Jerrel: I'd move approval of the agreement for legal services with Mr. Ahlers.

Commissioner Tuley: Yeah, just for clarification the \$70 an hour is the same rate that we have used in the past. There will be cases, I'm sure, where Bowers & Harrison as large as they are will have conflicts and we'll use him then. I guess the only other thing I just wanted to clarify normally it is in those cases I don't think we have to come back and get permission. If it is deferred and if it is for legal services and trial representation I think Joe needs to advise us that is what it is, but having said that I'll second your motion.

President Mourdock: With that understanding, I will say so ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: We are at that point finally for all of you who are getting tired of sitting there. If your agenda item has not yet been discussed or is not on the agenda you are welcome to take the microphone and address the County Commission on any issue. Yes, sir. Again, I would ask that you state your name and address and try to be as brief as possible.

Jim Ackerman: My name is Jim Ackerman and I live at 1406 Westwood Hills Drive which is the Westwood Hills Subdivision. I am here to ask your assistance in getting our streets fixed on what procedures do we need to follow? Our streets have not been accepted by the county and we realize that and that we are going to be held responsible for part of or all of the costs. I had discussions with Mr. Tuley from time to time and he has sent me a copy of the Barrett Law and, hopefully,,possibly this could be used in getting our streets brought up to date so that the county would accept them. Mr. Tuley also has had the County Engineer get approximate costs. If I remember correctly it is in the neighborhood of \$220,000. Is that correct?

Commissioner Tuley: It's \$245,000.

Jim Ackerman: Oh, \$245,000. We have 84 houses in our subdivision so I am asking you as a Board to give me direction on what should we do, how do we approach the matter.

President Mourdock: Very good question and we will turn to the County Attorney who just handed us a memo in regards to the Barrett Law.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

25

Joe Harrison, Jr.: I just gave them a little snapshot of some of the uses that Barrett Law can be applied. Your question relates to the streets?

Jim Ackerman: That is correct.

Joe Harrison, Jr.: You're not talking about a sewer tap-in or something like that?

Jim Ackerman: No, we are talking strictly streets.

Joe Harrison, Jr.: The statute relating to the Barrett Law can be used for streets. The only restrictions placed on improvements by a county are laid out in the statute. It goes on to say and states that improvement may be made only in unincorporated areas that contain residential or business buildings.

Jim Ackerman: Okay, we're residential and as far as I know we are unincorporated.

Joe Harrison, Jr.: Okay. That is in the county?

Jim Ackerman: Yes.

Joe Harrison, Jr.: Section A2 of that same statute states that improvements may not be made on a tract of land that consists of at least 10 acres and contains only one building that is used for residential purposes or used solely for agricultural purpose. Well, I doubt if that is the case in your situation.

Jim Ackerman: No.

Joe Harrison, Jr.: Barrett Law can be used for improvements to privately owned streets in the county as long as the improvement is in an unincorporated area. The financing mechanism is the next question and how you go about soliciting those who live in your area to see if they want to buy into this situation or into this mechanism that will improve their streets. The statute does give a little guidance on that, but the thing is I think what we are going to have to do is at some point the county or you may have to try and determine what the cost may be to do what you want done out there. We've got a number of projects here within the county and I think it would be better to kind of group, if we could, some of these into one if there is ever a bond issued with respect to paying off and paying for these improvements and roads in your case. It might be a sewer tap-in in another case. That may not be possible, but my hope is that if there was a bond issued that we could take into consideration several needs out there that exist within the county. As far as the funding for this particular bond, it would have to come from you all. Although, the statute does go on to say if the county is unable to pay this amount from the General Fund it may issue bonds or certificates of indebtedness to the contractor for the difference. It goes on to say that any difference between the total assessments for an improvement and the cost of the improvement must be paid by the county. I mean, the statute does say that. I don't think the county is going to be too enthused about paying any difference should there be any

difference between the assessment and the final cost. I think that is going to be up for them to determine. That's me just sitting here giving you a little explanation. What I think we can do is that the Commissioners are going to have to start dialogue with not only you, but with others that may have similar requests and see if the interest is warranted out there in your neighborhood and those who want to take part in this situation.

Jim Ackerman: Okay, do I need to get a petition signed by, you know, everybody in the subdivision? The ones who are for it or against it?

Commissioner Jerrel: Would it be helpful to begin maybe by giving you a copy of this?

Jim Ackerman: I would appreciate that, yes.

Commissioner Jerrel: Maybe you could begin to share that because the more informed your neighbors are of the process, the more likely that you'll meet with success and in the end it is better if everybody knows everything before they make a decision.

Jim Ackerman: Well, we've made plans at this point and tomorrow evening we are having a meeting of about five people to set out an agenda. Then we are going to notify everyone in the subdivision as far as a public meeting and this is what we need to present to them to see if they're agreeable or not.

Joe Harrison, Jr.: Just as a thought, I mean, do you know of anyone who would ever...a contractor who would come out and give you all just an estimate as to what you think the cost would be?

Commissioner Tuley: Let me interject here. When Mr. Ackerman contacted me, when was it...last summer?

Jim Ackerman: Last summer, yes.

Commissioner Tuley: When we first realized that they were not county roads, the County Engineer, or staff members, went out and did do a preliminary check and that's where I got the \$245,000 figure that it would take to bring those up to county standards. In talking to John today, you know, there is someone else in your area who lives out there, one of your neighbors, who is checking into this too, came in and his belief is that it is much less than that. You know, John said they are willing to go out and mark everything that needs to be corrected and if you guys want to hire your own person to go out and give you an estimate, you are welcome to do that as well. I think that what we sent was a package, Tony sent out to Mr. Ackerman, was that the package prepared by Mr. Rounder, as one of the attorneys?

Tony Greubel: Yeah.

Commissioner Tuley: So Mr. Ackerman does have that, but then that just brought more questions as it did to us and it did to him as well. I think a couple of things need to come out of here which Bettye has already said a couple. One, you need to get with your neighbors. I don't care if it is just informally

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

27

before you get too far out here or get too much money spent you need to make sure, number one, that everybody or that percentage necessary to petition the Commissioners that you've got those. A personal request would be to get a spokesperson for that group. We don't need to be getting three, four or five different people calling us, so there needs to be a centralized spokesperson that we can deal with one on one and then you can relay whatever information or whoever that person be you or whoever. I think part of that requirement in the package that Tony sent him was that there was a need to get an engineer's estimate. I think that has already been done. So what if it comes in less than that. Then this Board would have to make the determination do we want to do this? Do they have the proper number of people and go through the legal procedure which I'm not, again, familiar enough? We've only been faced...this is the second one since I've been up here. The first one just came last year as well. I don't know the legal procedure. Does he go gather signatures and petition this Board and then this Board by resolution agrees to do it or whatever?

Jim Ackerman: That's the question we had and I am seeking right now.

Commissioner Tuley: Right.

Jim Ackerman: What is step number one?

President Mourdock: In reviewing, and you've read that document that Mr. Rounder prepared since I have, Mr. Ackerman, but I believe the first thing to do pursuant to what that document says is to get together a petition, basically, of the people out there. As Bettye Lou was saying, I think you need to explain it to everybody up front. While I know that we've had the County Engineer give you an estimate of sorts, I would recommend to you that as a group you go ahead and hire an engineer to give you a better review of it and I would say that for two reasons. Number one, just a double check of the number and number two, to test the level of commitment of everyone out there who is ultimately going to be involved with this. If they are afraid to pay for an engineer, then I think you are going to find out they're probably afraid to really get into the project in any kind of depth.

Jim Ackerman: Okay, so I'll go back and, like I say, we'll have a meeting of the subdivision and have some sort of a petition of yea or nay signatures and then from that we can look at this engineer situation. We can also have that on the petition, you know, we've got to bear that cost.

Commissioner Tuley: The people in German Township out there are going to appreciate this comment. Make sure when you are dealing with these people that you make them fully aware that the county is ...I mean, if we do this the county is fronting the money, okay, but there is a cost associated. I mean, there is a pay back. Joe, if I understand it, this is a special assessment? This is a tax increase?

Jim Ackerman: Right. In other words it is attached to our property tax.

Commissioner Tuley: We're not going to come out and spend \$245,000 or \$220,00 whatever it is and say, okay, there you are. We're going to expect to get the money back and it will be through a special assessment.

Commissioner Jerrel: So if anybody is renting we'd need the property owner.

Jim Ackerman: I don't think anybody is renting out there, but I can check that out. By this assessment are you saying is this over a period of ten years or...?

Commissioner Tuley: I think all of that would have to be determined by the total cost or whatever. I think at \$245,000 and 84 homes it came out at about \$3,000 a home and that's if it was a one time payment. Obviously, if we take it five years or ten years or whatever it is, obviously, there is going to be some interest tacked on to it. I think that would be up to maybe this body as well as trying to work with your neighbors. I mean, sure, they are not going to come in and pay it in one assessment. If they could do that they would already have the roads fixed.

Jim Ackerman: No, I don't think that would go over. That would go over like a lead balloon.

Commissioner Tuley: Right.

Jim Ackerman: But on say, a yearly tax assessment, why I think the majority of the people will go along with it because the streets are getting to the point that you know the bus drivers are complaining nowadays. They're threatening to the point of saying, hey, I'm not driving on them anymore.

President Mourdock: The situation as it is and, again, Commissioner Tuley and Commissioner Jerrel just made some very valid points here. I said a moment ago about getting an engineer and it might even be worthwhile as a group to hire an attorney to look over this documentation to put it together. The first question that I would have is the assessment going to be on a frontage basis? How many lineal feet you have along that road or is it going to be on the total acres?

Jim Ackerman: Are you talking about so much per household?

President Mourdock: Yes, how it is going to be figured. I'm sure the Barrett Law has some provision for that. If not then the group that is formed by the Barrett Law has to define that and, again, that's where you need to get with an attorney.

Commissioner Tuley: The person on that first lot as you come in that subdivision may have a small lot and may not want to pay as much as the guy who lives up on the top of the hill at the very back of it and has a very large lot. You'll have to work all that out somehow.

President Mourdock: I don't know. There may be provision whether it is by square footage or by frontage.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

29

Commissioner Tuley: If you do, and it is probably good advice in terms of the attorney and maybe your own estimate, but you would have to coordinate that through our engineer's office so that they can mark the areas where there is a problem because maybe there is a stretch of a whole block in there that they don't have to do anything. They'll need to know what has to be done.

Jim Ackerman: Okay, so then if we hire this engineer then he should contact your engineer and both of them go out at the same time?

Commissioner Tuley: Well, they wouldn't have to go out at the same time, but John or someone from our engineering staff would have to get out there prior to that because he is going to have to mark everything.

Jim Ackerman: Oh, mark everything.

Commissioner Tuley: They're going to have to coordinate it so that they know exactly what has to be done in order to bring it up to county standards.

President Mourdock: Yeah, the last thing you want to do is to pay for these improvements and have the improvements made and then find out that you're still not at county standards.

Jim Ackerman: Hey, when this is all over with we want signed documents that it's done.

President Mourdock: That's fair.

Jim Ackerman: We're not going to go through this again.

President Mourdock: Okay, alright.

Jim Ackerman: Okay.

Commissioner Jerrel: They're making a copy of what I had, so that can just be added to the other material if you'll wait just a second.

Jim Ackerman: Thank you very much.

President Mourdock: The County Engineer, John Stoll, has a comment to make regarding this.

John Stoll: We had planned on going back out there sometime this week to try and mark the areas that need replaced. There is one problem in these kind of contracts and that's you don't know how bad the concrete might be until you start tearing it out because we've run across that in Melody Hills several times that there might be quite a few voids underneath a slab that looked perfectly good from the top--

Commissioner Tuley: You couldn't see if from the top.

John Stoll: --but you have to turn around and remove what appears to be good for the simple fact that it is going to crack

and fall in a hole any way. It's an educated guess sometimes at best, but there may be some overruns depending on what they find once they start doing construction work.

Jim Ackerman: If there is an overrun like that we're going to be held responsible for that additional cost. Correct or not?

President Mourdock: I would presume so.

Commissioner Tuley: I would presume so, too. I think the best case scenario what we are getting is an estimate of the cost to do it.

Jim Ackerman: Thank you very much. You say you'll have someone out there next week?

John Stoll: We planned on Thursday or Friday.

Jim Ackerman: Okay.

President Mourdock: Okay, thank you.

Commissioner Tuley: John, wait a minute. Too many times I know what happens here. Something happens between Thursday and Friday and he is going to hold you accountable for being out there Thursday or Friday. Find a number where if it is not going to happen that you can reach him.

#### **TAPE CHANGE**

President Mourdock: Okay, are there any other individuals with specific items of business?

Phyllis Happe: My name is Phyllis Happe and I live at 7001 New Harmony Road. I am here as a resident of German Township and I am concerned about the fire district petition that was brought to you on January 13th by our volunteer fire department. I would like to go on record as saying I think we have an outstanding fire department. They told us in one of our public meetings that we have been holding the last two Saturdays, they told us that they look to us in German Township when the nation wants to find out about a volunteer fire department, so that tells me that we have an outstanding fire department. That also tells me we have a very well run and well supplied fire department and so I would wonder at any great need that we have for too much improvement. I'm not to say that we're not on the move and always improving, but I wonder a little bit at the great need that they are professing that they need out in our township. At my church in a meeting one Sunday afternoon right after the services, a very brief meeting, in fact, I wouldn't even call it a meeting, it was just a time to talk to Mr. Buckman, our Fire Chief. He presented a petition to us and said it would be a very small tax increase to us and the figures that he gave us did not add up to what I am figuring now as I am finding out what the tax rate is for the fire protection and all that kind of thing. The numbers are not the same. What he told me was a lie. It was simply a lie and I am troubled and offended by that. I have no problem with the fire department bringing their petition and making their request. I think that is the process that I understand. I understand that we have to

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

31

overcome that. My problem is that as a rather naive taxpayer I feel very used and I feel like this is a false petition. As I have talked to my friends and my neighbors in my community I am finding out that they, too, signed under very false pretenses. I would like very much to have my name removed from that petition. That is one thing that I would like to know from you is how can I go about doing that? So I'll start with that question. How can get my name removed from that petition that I signed in favor of that fire district? I no longer am now that I have a little more accurate information about the taxing.

President Mourdock: Okay, for the record and I think there may be some other folks here from German Township, too, so I'll say this as I said to you prior to the meeting. Understand, please, that the County Commission has the policy of handling this petition defined for us by Indiana statutes. We do not in a sense do anything more than accept those petitions that the Auditor feels are acceptable. That means were they signed by a sufficient number of freeholders within German Township? The answer to that is clearly yes and if they are then we legally must act to accept them and that pertains to either petition. Either the one for or the one against. That is this body's role in this little play. Having said that, I will turn your question regarding taking your name off the list to the county attorney.

Joe Harrison, Jr.: It is difficult. I don't think you can take your name off, but I don't even know if your name counted as a signature for. I know that is something that the Auditor's Office can check and we can get back with you if you like to see if your name even counted as one who signed in favor for.

Phyllis Happe: For what reason would it not? I am a taxpayer, a landholder.

Joe Harrison, Jr.: I don't know. Are you married?

Phyllis Happe: Yes.

Joe Harrison, Jr.: Did your husband sign it?

Phyllis Happe: No.

Joe Harrison, Jr.: That is just some questions that I had to ask--

Phyllis Happe: Sure.

Joe Harrison, Jr.: --because maybe his did and yours didn't. Do you own that piece of property with anybody else that may have signed it?

Phyllis Happe: No.

Joe Harrison, Jr.: Okay, well your name probably counted, but I don't know that. Why don't I have the Auditor's Office check on that? As far as removing the name technically you had to come in before I believe it was January...what was the date? I

believe it was the 18th or the 24th.

President Mourdock: When we...?

Joe Harrison, Jr.: When they accepted the petition. You had to try to remove your name before the date that it was accepted by this body. It was January...what was it?

Commissioner Tuley: The 13th.

Joe Harrison, Jr.: The 13th. It was January 13th. So once your name is accepted it is accepted. That's just what the law says. If the name was obtained you think under some false pretense or something like that, then that is a matter for you to take up on your own in some other fashion, but I will have the Auditor's Office check to see if your name was counted and I will, if you don't mind giving them your phone number they can give you a call and at least tell you yes or no as far as that particular question is concerned.

Phyllis Happe: I'm troubled by your statement that once the petition is presented that is all the further you can go. I look to you for protection as a pretty naive taxpayer. When something...when you have...you're not deaf, you know what we are doing out there. You know how unhappy the people are. You've heard us, you've seen the crowds. How can you let something like this happen? There has got to be some avenue to stall this, to block this, to stop this. You're supposed to be representing us, the taxpayers. I'm sorry, right now when you say all you can do is accept a petition I don't find that a very acceptable answer.

President Mourdock: Well, I respectfully accept that point of view and I guess you'll need to talk to your state legislators who drafted the ordinance or, I'm sorry, the legislation, the statute because, again, the statute defines what our authority is. Our authority is in this matter what the General Assembly of the State of Indiana says it is and that's what they've said it is. I know you don't like that answer.

Phyllis Happe: No. So when our fire department presents this and they want this great increase in our tax dollar you are going to award this money to them. Is it your decision that they get this money or not?

Commissioner Jerrel: No, we don't award any money. Our role is to wait until the 18th and see, you know, what numbers come in on the other petition, but I can tell you the scenario for this was established by that piece of legislation that required only 20% for approval and 51% for the petition to be denied. That was done at the state legislator and it wouldn't hurt to call one of your legislators and ask them if there is any remedy in the amendment process that could be specifically designated for...you know, they are always defining boundaries in smaller increments or identifying areas like, you know, Indianapolis to set aside. The role that we'll play when it comes to the financing is we appoint the three trustees who will make the request and they will decide the amount of money, if there needs to be more money, if there doesn't need to be and, I mean, I

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

33

think that is our important role is that we use every...that we're very careful that a very fair trustee appointment of people that are knowledgeable and people that you all will feel comfortable getting in touch with. It's done in a public session.

Phyllis Happe: Am I to understand though that these appointments that you folks will make for us that we don't know right now how big of a board that will be?

Commissioner Jerrel: I think it's--

Phyllis Happe: It says it must be three, but it could be a larger number. Is that correct?

Joe Harrison, Jr.: That's correct.

Phyllis Happe: So it could be a larger number. Only one of those people has to come from German Township I am told. That troubles me greatly. I mean, if we decided to have seven board people and only one of those was German Township and six were from somewhere else I really doubt that they have German Township's best interest at heart. I mean I have to be honest. I am doubtful.

Commissioner Jerrel: That's a good point to make to us, I think, that we consider making the majority of them or all of them German Township.

Commissioner Tuley: Yeah, it says at least one.

Phyllis Happe: The way we read the statute is only one has to be from German.

Commissioner Jerrel: But I think--

Joe Harrison, Jr.: That doesn't mean that they all won't be from German.

Commissioner Tuley: They could all be from German.

Phyllis Happe: Also my understanding is that they have to have fire experience. That is the requirement for them to be on this advisory board. That is very vague. What does fire experience mean? They can't be a volunteer fireman is my understanding.

Commissioner Jerrel: Right. Well, I'll be real honest with you, I have been asking anybody that I talk to from German Township do you have any safety experience or any background? We need a pool of names is what we need. That's something that we need help in. We don't need to just...we're not going to just come up with names. We need qualified people who would meet the statute's requirements and would give a comfort level to people in German Township.

Phyllis Happe: I don't mean to ask something that you've already answered, so forgive me if I do. We have no control of saying that you can't ask for that much of an increase?

Commissioner Jerrel: Well, I would think that the trustees would have a public hearing and at the public hearing the budget would be presented just like the County Council has a public hearing before all the budgets are presented and they have to defend what they want. Most people don't go to public hearings, but I have a feeling that you folks would go to your public hearing!

Phyllis Happe: We woke up, our eyes have opened considerably out in German Township.

Commissioner Jerrel: Okay, so you would go and if an unreasonable amount of money is wanted there is no way that those three trustees or five or seven or however many...they would listen to the people that are at that public hearing if there is valid information.

Phyllis Happe: The trustee would be our Township Trustee?

Commissioner Jerrel: No, they would be this Fire District Trustee that we appoint. As we said, we need a pool of names, you know.

Phyllis Happe: I was going to say our Township Trustee we're having a dickens of a time getting through to him. The other night when I finally was able to reach him and Ms. Maasberg tried to talk to him he hung up after a few minutes of talking with her, so I am not real impressed there.

Commissioner Jerrel: Well, we would welcome names.

President Mourdock: Okay.

Phyllis Happe: There seems to be some questions about the petition as to whether or not people can have their name removed. I know a gentleman that goes to my church is an attorney and he disagrees with this interpretation. The attorney that is working with us out there in our area disagrees with this interpretation. Is there an avenue that we can pursue to block this?

President Mourdock: Is it a Mr. Link? Is he an attorney?

Phyllis Happe: Yes.

President Mourdock: Then I would say that he is the guy that you need to point that question to.

Commissioner Tuley: The first thing that comes to my mind is something we hear all the time. If you have an attorney representing you and something is about to happen that you don't want to happen you can try to get into court and get some type of injunction to prevent the Board...I mean, that is why we have the courts. If he says you can't take your name off and your attorney says you can, then the next best step may be, and I am not one to push this thing to court, but you go and try in front of a judge and see if you can get an injunction.

President Mourdock: We would have no court system if we didn't have attorneys with differing points of view.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

35

Phyllis Happe: Of course, I can understand that.

Joe Harrison, Jr.: We don't agree on everything.

Phyllis Happe: I can understand that.

Joe Harrison, Jr.: But I wouldn't be so...you're assuming that this process is going to succeed.

Phyllis Happe: The fire districting?

Joe Harrison, Jr.: Yes.

Phyllis Happe: You know, we've got our work cut out. We basically have only 80% of the people that we can go to because you've already taken at least 20% of those names or more and said they're good. Some people won't sign any petition. You can't catch some people. We've got a mountainous task. We're trying, but we don't know.

Joe Harrison, Jr.: This Board will consider all the evidence and make its ruling from there. There is still time.

Commissioner Jerrel: Okay, I have a question. Okay, let's just assume both scenarios and then I want to ask my related question. Let's say that they get enough and then the issue is a moot point and that's it for two years. Let's say they do not. That budgeting process begins how quickly? Something about March 1st. What is the magical date?

Joe Harrison, Jr.: I have never seen the March 1st figure in any statute, so I don't know where that magical date is coming from.

Commissioner Jerrel: I would like to know what the budgeting process is for the fire district. Do they have to submit their budgets...I'm talking to her...and get them before the body that, you know, has to make a decision and they would hold public hearings and then the calculated tax on each property owner would be determined before this summer? It would have to be.

Joe Harrison, Jr.: I would assume that they would have the same budgeting-type deadline that the city and county have, but I don't know where this March 1st date has come in. I mean, it is not in the statute, so it is somebody that is interested in this district has communicated with up in Indianapolis, I guess, and someone has mentioned that date, but I have never seen it anywhere. No one has ever provided me with any information.

Commissioner Jerrel: You might ask your attorney if there is any significance to March 1st.

Phyllis Happe: I have another question. If this budget comes before the people at a budget meeting, then we have a chance to ask questions why?

Commissioner Jerrel: Sure.

Phyllis Happe: And ask for it not to happen? Okay, I think you've answered most of my questions at this point.

Commissioner Tuley: You've got a real monumental task as you've identified, but I think Ms. Jerrel's recommendation that this body needs to hear some names and recommendations for that.

Commissioner Jerrel: Yeah, that meet the criteria in some way.

Commissioner Tuley: That meet the criteria which you guys, I'm sure if you have an attorney you've got that criteria. Try to find some people that you have some influence with so if this does, in fact, go into effect who will listen from your point of view and can try to control how much money is actually generated by it.

Phyllis Happe: I do have one question about it. My understanding is that we can only get petition signatures of people that are real estate property owners, but the tax dollars are taken from personal property as well. For instance, we have Wells Mobile Home Trailer park out there. Those people that own their mobile homes, they have boats and RV's and all that is taxed and that tax dollar is taken to pay part of this fire protection. Isn't that taxation without representation and is that fair?

Commissioner Jerrel: This legislation was written--

Phyllis Happe: A long time ago we found out, 20 something years ago.

Commissioner Jerrel: --and it was written in such a way that you didn't get businesses.

President Mourdock: The last question is an excellent question. There have been revolutions fought over that point. Again, the statute is what the statute is as far as we are concerned.

Phyllis Happe: I understand that.

President Mourdock: Okay.

Phyllis Happe: I thank you for your time and those are my concerns.

President Mourdock: Alright, thank you. Yes, Councilman Bassemier.

Ed Bassemier: Hello, my name is Ed Bassemier and I am a County Councilman. I was just here tonight to observe, but there were some comments made with this fire district and I have been a professional firefighter for 25 years and there is a big misunderstanding with the comments about Mr. Buckman. I've known him for about 20 years. He is a very dedicated person. In fact, I have made a lot of runs with him. All I can say is this is just a big misunderstanding because I don't think he would ever lie about this. He has no personal gains for this. As far as I am concerned he is one of the best people I know. I just can't stand up here and call him a liar. I just can't

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

37

take it and I just wanted to tell you all that.

President Mourdock: Thank you, Ed. Yes, sir. Please come forward.

Eddie Bowman: This feels kind of odd to me. My name is Eddie Bowman. I am a taxpayer and property owner in Vanderburgh County, German Township. I live at 10830 St. Wendal Road. Whenever I first learned of this I was one that signed at the polls. I do believe that I was misled also and since I attended these meetings I want to just kind of give you my feelings of being more or less having this waived over my head, this petition, okay, that everybody signed. Now I did read the statute and I read them all the way through and the final statutes in that...I don't have one with me, but I did read one at the meeting that they had up there Saturday afternoon. The 10% that they are putting this into effect with, okay, can also totally eliminate our fire department, okay? The same standards, if you read the statute, that is all that they require if a person wants to eliminate a fire consolidated German Township. After seeing my neighbors and all in such a turmoil I just cannot--

Commissioner Jerrel: Are you saying that what you are seeing--

Eddie Bowman: I believe from the people that I talked to...I never received and my wife never received anything pertaining to this whatsoever until all of a sudden it was just laid out in front of us and then kind of boom! We attended a meeting and there were questions asked that I thought personally why aren't these being answered? I come to find out because I kind of got disgusted and I went to Mr. Buckman and I asked him personally to have my name removed from this first thing because I thought I had been misrepresented. Come to find out he wasn't on the Board, okay, of our fire department. Now all them people that I heard talk to me up there was groups that were against this and then the fire department presenting their case in favor of, okay? I never did hear from any of the Board members who are in charge of our fire department. We had the Fire Chief. He stood up there and talked to us. The Assistant Fire Chief, but the people who do the guidelines Mr. Buckman informed me that he had nothing to do with this petition. I just can't believe it, you know. How do people talk about something and then they don't know nothing about it?

Commissioner Jerrel: They appeared before us, the Volunteer Firemen, and indicated that they had put flyers out all over the county, all over the township, and held two or three informational meetings.

Eddie Bowman: Ms. Jarboe, I'm going to tell you what, I was at two meetings Saturday and I'm going to tell you what if those people were informed I would hate to see what uninformed people really were.

Commissioner Jerrel: Right. We'll we are hearing from them, too.

Eddie Bowman: Well, I'll tell you what, whenever I walked into

the second meeting and I asked Mr. Buckman to take my name off that list I was very intimidated because the only thing that I seen in there were volunteer firemen that were not, the way I understood it, not a lot of them are from German Township, you know? I was standing up on top of the hill and there were some elderly people that pulled up in an automobile and they asked where the meeting were and they said there is a lot of volunteer fire people there and I said yeah, there are, you know, and I said it is pretty crowded down there. Well, about that time another couple come walking up the hill. They had gone down, looked in the door and seen that there was no place to sit because of the volunteer firemen and then they turned around and walked up the hill and they left. I don't know. You said that it's not your place to have to go out, and I can understand that you all are pretty busy, but somebody needs to investigate something about this petition. I'm sorry. I can't believe that we were buffaloes into this. There is too many people out there in our neighborhoods that are just totally upset. I know what the law as far as your thing says, but what stops somebody from two years from now coming back, waiting for election day, making a committee together and coming out there doing the same thing telling us that they are going to try to lower the taxes, okay? You sign the petition, you get 20%, they come to the Commission, they hand this you according to the laws and you dissolve the fire department and everything is sold off? That's the way I understand it. Is it not true?

President Mourdock: I don't know. Joe, do you have a comment on whether or not something like that can be done?

Joe Harrison, Jr.: Again, I would have them contact an attorney or whoever is out there.

Eddie Bowman: Well, it's in our statute and that is what I was just going by because I read it. I mean, you can get it at the public library. You know, it is just very upsetting to me and believe me there are a lot of people out there very upset.

Commissioner Jerrel: This one deals with establishing a fire district fund not--

Eddie Bowman: But the final one also refers you back to the one of establishing one that all they need is 20%. It follows the same guidelines as what we just got through doing.

Commissioner Jerrel: You ought to ask Mr. Link that question.

Eddie Bowman: I personally don't know him.

President Mourdock: I suspect the Happs might pass that question along.

Eddie Bowman: I mean I got up at 4:00 this morning and I went to work and I didn't want to miss this because I wanted to find out something and I still don't know anything. I'm sorry, you know...

Commissioner Jerrel: Are you clear on what we have to do?

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

39

Eddie Bowman: Yeah, I understand that point now.

Commissioner Jerrel: The trustees are the ones that will make the decision on what the budget will be and that should be done at a public hearing and that is when people would...that is if it passes.

Eddie Bowman: Well, I had just never seen nothing that was presented out there. They didn't present nothing saying about the three individuals that would be running it.

Commissioner Jerrel: Three or more.

Eddie Bowman: Okay.

President Mourdock: I will go on record tonight, Mr. Bowman, that if this passes and I'm not certain that it is going to, but if does pass when it comes to appointing trustees who would ultimately run that Board that any trustee that I would appoint as an individual Commissioner...the way we normally do those is each Commissioner would pick one or each would pick two or something like that, and any appointment that I would look to make on there I would want a commitment from that person that they would have a public hearing along the lines of what Ms. Jerrel has outlined.

Eddie Bowman: So basically you all can set up the guidelines for which that is done?

President Mourdock: We choose, we appoint those people. I don't know that there is any reason why I cannot precondition my appointment in discussion with that individual and say I believe in the public process and I want to have a public hearing. I would hate to think I would be prohibited from doing that.

Eddie Bowman: Well, I hate to be skeptic, but I heard what I heard at the polls and then I turn around and I come and find out that everything I heard was--

Commissioner Jerrel: Well, we'll do all this in a very public way. It will be a matter of the record and I think you can count on that part of it.

Eddie Bowman: Well, I'll be honest with you. I am praying that it don't go through. I believe the people out there truly need some time. But if it does, you know...I've lived in German Township all my life practically. We farmed in Posey County and moved there at a young age.

President Mourdock: We would encourage you to find those people that agree with you and get some names on a piece of paper.

Commissioner Jerrel: Yeah, get some names to us.

President Mourdock: Okay.

Eddie Bowman: Well, I just wanted to let you know and thank you for listening to me.

President Mourdock: Thank you, Mr. Bowman. We appreciate your sense of frustration. Anyone else in the audience on this issue or any other issue? Okay, Lewis.

Unidentified: Yeah, Richard, I would like to address the Commissioners about the Teamsters 215 contract. We've presented it and I think it is in the final form and I need to get it signed.

President Mourdock: For the record this is Lewis Smith speaking.

Lewis Smith: Lewis Smith, excuse me, Lewis Smith from Teamster's Local 215.

Commissioner Jerrel: We have two corrections and I'll give you the pages.

President Mourdock: Is it typos?

Commissioner Jerrel: There are two of them. The one is on Page 5 and that is just a correction. The third shift should read 11:00 p.m. to 7:00 a.m. instead of 11:00 p.m. to 7:00 p.m. Page 22, the hourly rate should be \$12.6695.

Lewis Smith: Right, that is correct.

President Mourdock: That one is correct.

Commissioner Tuley: In the two copies that is correct. The two that he brought today.

Commissioner Jerrel: Yes.

Lewis Smith: I gave you two extra pages for that.

Commissioner Jerrel: Okay, I would move approval of that contract.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered. Lewis, I have initialed this one change then for reference and would suggest that when you or Chuck execute you do the same. Then we will have identical copies.

Commissioner Jerrel: You think you see all those and then you don't. You think you see all of them and then you don't.

Commissioner Tuley: Yeah, looking at it so many times.

President Mourdock: We appreciate your patience on this, Lewis, because we know it has been somewhat extended. We need to send this with you to have Chuck sign this.

Commissioner Jerrel: He'll need to get them signed and bring them back.

President Mourdock: Yeah, I have a hunch he'll get that done.

Commissioner Tuley: Tomorrow, Lewis, or does it have to go to

your membership?

Lewis Smith: Chuck's signature.

Commissioner Tuley: I'll come get it if you want me to.

**John Stoll - County Engineer**

President Mourdock: Okay, mercifully we are at that point in the agenda here for department head reports. First up is John Stoll.

John Stoll: The first item that I've got is in regard to some reimbursements that the county received from the Department of Commerce for the Azteca projects. We received \$375,000 in reimbursements from the Department of Commerce for the Baseline Road railroad spur and frontage road projects. Of that \$375,000 there is \$367,000 currently left in an Azteca infrastructure account. There was \$8,000 spent for a tap-in fee, I believe it was, but of that remaining balance since there are no other costs that need to be paid out of that what I was requesting from the Commissioners was authorization to put that back into the Cumulative Bridge Fund and into the Local Road and Street Fund in the same percentage that it was spent originally. This would result in 53.2% of that money going to Cum Bridge and 46.8% going to Local Road and Street which results in \$195,244 going to Cum Bridge and \$171,756 to be transferred to the Local Road and Street Fund. Signatures on that claim would allow that transfer to happen.

Commissioner Tuley: I'll so move at this time.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The second item that I've got is a revised cost estimate from INDOT for the installation of signals and gates on the CSX tracks at Red Bank...on Red Bank at Upper Mount Vernon Road. The previous cost estimate was for \$84,657.78. The revised construction cost estimate is for \$24,830.69. The reason for the increase is the old cost estimate for this project was out of date and CSX, according to INDOT, has been routinely going back and updating all the cost estimates for their projects that have been on the books for a while.

President Mourdock: About 29%?

John Stoll: Right. Most of their increases were for labor and materials according to what INDOT is saying. Of that increase 10% or \$2,483.07 would be our cost. Given that we have already proceeded to this point and the signals and gates are necessary out there, I would recommend that we go ahead and proceed with the project in spite of the increase.

Commissioner Jerrel: Would you give the increase again, please?

John Stoll: It's for \$24,830.69. In conjunction with that I would need to come before County Council to get an additional

\$2,484 in funding for that project.

Commissioner Jerrel: It's \$2,484? I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I would like to make a travel request for me to travel to Indianapolis on Wednesday with Keith Lochmueller and Rose Zigenfus. The reason being is to meet with Debbie Simmons of INDOT in regard to trying to get approval for the Cross Pointe and Morgan intersection. That is shown on those maps that I have passed out circled in green. As it stands now the state has been disputing the fact of whether or not they were going to allow this intersection to exist and given the traffic studies that have been done out there to this point there would be quite a bit of benefit to have this intersection due to the fact that it would divert traffic away from Morgan and Burkhardt over the long-term and minimize the problems that we could have there.

Commissioner Jerrel: This would be one of these nice maps to be looking at, you know, if we could. I think this is not only important, John, but it is important that we see if we can work to get these okays from INDOT in order to expand our transportation. I'm sure this is in our plan, but we need to have our plan where we can understand it and I know that Commissioner Mourdock has made that suggestion. What are their objections?

John Stoll: The main thing is that they don't want to have any new railroad crossings installed within 200 feet of an intersection. With the Norfolk/Southern line that runs parallel to Morgan Avenue this would be within that 200 foot distance.

Commissioner Jerrel: Is somebody going to approve...I mean, do they have the final approval or is there a legislative body other than INDOT that has the ability to say that the 50 feet or whatever it is?

John Stoll: The 200 feet requirement is not in effect as of yet the way I understand it. It is something that is supposed to come into effect this summer, but they've not implemented it as of yet and the way I understand it, it had something to do in regard to the school bus that was hit up in the Chicago area. They just don't want traffic to have the possibility of cuing up and sitting on the tracks, but there's no...I believe that criteria does not officially exist as of yet.

President Mourdock: I don't mean to belabor the point nor terminate a discussion here. That is a subject for an extensive discussion and certainly how it fits into that plan,--

Commissioner Jerrel: Yes, it is.

President Mourdock: --but your specific item right now though is just a travel request to go to a meeting to talk about that item. Is that correct?

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

43

John Stoll: Correct.

Commissioner Jerrel: Will we get a report that says--

John Stoll: What the state is looking for?

Commissioner Jerrel: Yes, and also what the status is of that change and the number of feet and what Debbie says to you Wednesday so that we have some sense of what is going to happen?

John Stoll: Sure after we hold the meeting.

President Mourdock: I see part of that discussion...well, that being part of a larger discussion the first Monday of March. As we talked about last time of having a presentation with the maps and all those intersections and all those potential projects out there so that we can get a overview, if you will, of each one of them.

John Stoll: Okay.

Commissioner Jerrel: I have to ask a question just through lack of knowledge. If we're going to be making decisions that relate to zoning that is going to influence a lot of this traffic I would feel more comfortable if I had some input from you because if we are going to control growth by zoning or egress access to certain...I mean, I am not comfortable yet in this role. I guess there are so many different agencies; Rose, you, Area Plan and so many people involved. I would welcome a recommendation that represents all of you.

Commissioner Tuley: John, I'm sorry. Part of the package that we get from Area Plan, I believe, does include comments. It has EUTS' comments on it, it has the County Engineer's, if it is in the county and they sit there and make their comments about if you approve this the developer should be required to do these different things. You'll see it. You didn't see it in the one we had this month because there wasn't anything there, but you will see that information made available to you.

Commissioner Jerrel: I would like to be able to talk about these things in a bigger picture setting so that we look at everything that is going on out there instead of just little sections.

John Stoll: We try to make our comments according to the big picture whenever they come in, but the problem is that they keep coming in little segments so we can't win.

President Mourdock: We understand that, John. You've got the luxury of being...we would consider it a luxury, you may not, of being in the building 40 hours a week and knowing the big picture. I think what Bettye Lou is saying and certainly my point of view is one presentation from you with all those items would help us get the bigger picture as well.

John Stoll: Okay.

President Mourdock: Realizing that will change incrementally every time you get a letter from the folks in Indianapolis, or

DOT or whomever. Okay, coming back to the immediate point we have a travel request, which by the way, for future reference if you would get those to Tony and we will just do it with the other consent items where we have a lot of other travel requests.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second then.

President Mourdock: So ordered.

John Stoll: Last week when Mike Shoulders was here in regards to the environmental assessment at the Auditorium he recommended that Environmental Management Consultants be awarded the contract to do the environmental assessment of the building. I have the agreements between Environmental Management and the county. They have written the agreements in the name of the County Engineer, so at this time I was just going to request that the Commissioners authorize me to sign these agreements on behalf of the county. It is for an amount not to exceed \$900 and each asbestos inspection would be at \$15 per sample.

Commissioner Tuley: I'll move for approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is in regard to our concrete repair contract. Since that contract was issued we found another broken slab of concrete out on Virginia Street between Metro Avenue and Royal Avenue. Given the fact that is a significant artery out on the east side and it gives you a pretty good jolt as you go across it we were wanting to go ahead and repair that with this contract. This would cost another \$6,000 to \$8,000 and I was requesting authorization to go ahead and overrun the contract by that amount. We don't have a change order as of yet because we don't know exactly how much rock and concrete it may take to fix it, but we are just requesting authorization to go ahead.

Commissioner Jerrel: Where is this?

John Stoll: It's on Virginia between Royal and Metro. It is a little bit east of the American General Building.

Commissioner Jerrel: Is that one of the access roads?

John Stoll: Yes.

Commissioner Jerrel: Is that the part that K-mart paid for?

John Stoll: No, that portion I believe was built by the developer of Metro Center Subdivision. It is not in the portion that the county built across the ditch. I think that was Metro Center.

President Mourdock: Obviously, the county has accepted them?

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

45

John Stoll: Right, and it is beyond the one year time limit of making the developer responsible.

Commissioner Jerrel: Okay, I'll move approval of the repair on Virginia Street.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item that I've got is an agreement between Vanderburgh County and Gary Williams in regards to Sycamore Hills Subdivision. You may recall that last summer the county, through Area Plan Commission, called in a letter of credit for Sections 1 through 3 of Sycamore Hills Subdivision. Those letters of credit that were called in were for amounts of, I believe it was, \$12,380.00. At that time there was not enough money. There currently is still not enough money to cover the repairs needed on those streets. Since that time Mr. Williams has proceeded with wanting to replat Section 4 of that subdivision. The replat is a good idea because it eliminates a proposed bridge that he was going to put across Schlensker Ditch. He is now going to cul-de-sac the road just short of reaching the ditch, so the replat in itself is a good idea because the bridge was not going to be built to the highest design standards, for lack of better terminology. In the agreement, Mr. Williams agrees to cover the cost of the repairs for Sections 1 through 3 in conjunction with the county letting his replat proceed to the Plan Commission this Wednesday. He is asking that we release the money that was called in on the letter of credit to a contractor who satisfactorily repairs the streets that have deteriorated now. That agreement calls for the repairs to be completed and all the resurfacing, not resurfacing, but original surface to be placed on the roads by October 1st of this year. As it stands now, we have no commitment from him as to when this might happen. He is going to put up a letter of credit to cover those costs as well for the full amount of the repairs plus the full amount of the asphalt surface required to finish the streets.

Commissioner Jerrel: Will you follow through on that to make of that?

John Stoll: Yes, we've been out there before. I was out there last fall marking bad areas where they needed to remove and replace the asphalt. We would have an inspector on site whenever they are out there doing the work to make sure it was all done to where the county could accept the roads.

President Mourdock: Joe, have you reviewed this document?

Joe Harrison, Jr.: Yeah, this was done between John and Cedric Hustace of my office and Les Shively who is the attorney for Williams. They, I guess, hashed it out today for the most part. You've been working on it for a week or so haven't you?

John Stoll: Right, we met with Shively and Williams last Friday to agree to the general terms of the agreement and then today between Cedric and Shively they have been preparing the actual

language in the agreement.

Commissioner Jerrel: So you are asking us, as Commissioners, to approve this agreement?

John Stoll: Yes, this would hopefully resolve this situation finally. These streets have been out there for over six years without being completed. The residents call and complain about the condition of the streets and rightfully so. Hopefully, it will get them finally fixed by this October to the point where the county can accept the streets.

Commissioner Jerrel: Are you comfortable with a motion to that effect?

President Mourdock: Yeah.

Commissioner Jerrel: I'd move approval of this agreement with Mr. Williams.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all I've got unless you've got any questions.

President Mourdock: No, but I would just highlight again the first Monday in March.

John Stoll: I'll have it.

President Mourdock: Did you have that other copy I needed to sign?

Commissioner Jerrel: Here it is.

**County Garage - Progress report**

President Mourdock: We have a report on file for the record from the County Garage submitted by our acting supervisor, Milton Hayden. Any comments regarding that report? I didn't think there would be.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: The County Attorney's report.

Joe Harrison, Jr.: Well, I've got a couple of items. Let me start from the top, the Soil Erosion Control Ordinance. The last couple of days I have been speaking with Mike Wathen and also the Auditor's Office concerning the draft of the ordinance that was to be considered last fall. Anyway, we've been discussing that particular document as well as any comments by the Surveyor's Office. Bill Jeffers has made some comments concerning the content of this and I have been speaking to Mike Wathen concerning those comments. He is going to get back with us and then I can report back to you all, but, hopefully, within the next 30 days we'll be able to advertise that ordinance and

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

47

have it for consideration by this body. There was an issue about codification in that discussion back last fall and we're going to be able to take care of that problem with having a more generic ordinance as far as what site, what code sites it relates to. We're just going to have it passed. If you all pass it, then that will be up to the Auditor's Office to determine what code sites it wants to give that particular ordinance. As far as the next issue is that Richard asked me to check on the welfare to work proposal. I have communicated with Lynn Ellis and we're still trying to find some more information from the state. Somewhere along the line I've read that there are some pilot programs that may be going on in some counties throughout the state and she is going to be also checking on that. She has called Indianapolis. She talked to them, I guess, today. We've got another contact up there in Indianapolis that we are going to utilize. A relative of Tony's that apparently is high up in that office, so that might also assist us. There have been apparently some pilot-type programs initiated. I know in Indianapolis, or at least in Hendricks County, there was a situation where they utilized one hundred or so people on the welfare to work program in that county and they are going to work for Pep Boys. I don't know if you've heard of that company. So at least there is some involvement with the state between some counties and it would be nice to find out, if you don't mind, how that is working. I think that might be of some assistance to us in seeing what sort of assistance the state is providing for counties.

President Mourdock: That is fine getting the information. However, I did express to Lynn today in a phone call while that type of information is helpful what is critical to us and what could be most important in coming back from those types of groups is how they define the private sector's role in that.

Joe Harrison, Jr.: Right.

President Mourdock: Effectively, what we've done with the gatekeeper position is set that person or body up outside of government to help move people toward a Pep Boys or towards something else, so let's stay focused on the mission of defining how the gatekeeper...what the RFP is for the gatekeeper and how that needs to be worked into the ordinance.

Joe Harrison, Jr.: Sure.

President Mourdock: But any other information is helpful. In fact, I think Tony may have put something in your packet as well. I think the name of the article was Welfare, Incorporated. A good source also.

Joe Harrison, Jr.: Also, I know you wanted me to look up the Barrett Law information--

President Mourdock: Excuse me. Before you go to that one, on the welfare to work issue give me a date. When are we going to have something ready to advertise ordinance-wise?

Commissioner Jerrel: May I ask a question before you respond to that?

President Mourdock: Sure.

Commissioner Jerrel: Perhaps it would be advantageous to contact Kathy Davis in Governor O'Bannon's Office who is the new liaison with the Welfare, Family and Children's Services. The more information we have the better decisions we are going to make down here.

Joe Harrison, Jr.: Yeah, we've got to do that and that is the relative of Tony's.

Commissioner Jerrel: Had you all been talking about that? I had been reading something, not listening.

Joe Harrison, Jr.: Yeah. Soon. I can't tell you if we can do it in 30 days because I don't know if that is possible, Richard, simply because I want to get some guidance from the state and make sure that we are not doing something that we shouldn't be doing.

President Mourdock: I appreciate that. I just know that people function, and I put myself in this group, but I function best when I have a date in front of me.

Joe Harrison, Jr.: I can't see why we couldn't have anything by April.

President Mourdock: April?

Joe Harrison, Jr.: Sometime in April.

President Mourdock: The first Monday in April would be April 7th.

Joe Harrison, Jr.: Okay, but I'll report back to you before then. Hopefully, every week I'll give you a little update. Also, you wanted me to look at the campaign finance issue. There was a city ordinance on that that has been repealed a couple of years ago. I had them fax me some information from the City Clerk's Office today, but I want to take a look at that particular ordinance. I've got the repeal of the ordinance, but I don't have that ordinance and as far as Representative Becker and some others I am then going to communicate with them on that issue. On the Barrett Law, the one thing that I want to determine is whether or not multiple projects can be stacked upon if there is a bond issue issued.

President Mourdock: You mentioned that during Mr. Ackerman's question.

Joe Harrison, Jr.: Yes.

President Mourdock: Do you see that in the sense of, and I am just going to make things up, if we have a sewage issue over on Oak Hill Road and we have Western Hills Subdivision that deals with streets and we've got something else that deals with curbs lumping all those into--

Joe Harrison, Jr.: Right.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

49

President Mourdock: --one regardless of whether there is any geographic continuity.

Joe Harrison, Jr.: Well as far as the bond issue, but I think segregating out from that their portion would have to pay for--

Commissioner Jerrel: Yeah, because they wouldn't want to be paying for--

President Mourdock: Right.

Commissioner Jerrel: I mean, that would be unfair.

Joe Harrison, Jr.: That would have to be part of the mix, but when you talk about bond issues you have associated costs and everything else.

Commissioner Tuley: I'm glad you're thinking that way, Joe, because that is reducing your costs.

Joe Harrison, Jr.: That's exactly right. Again, it would make sense that would be something that would be an option. That's what I am going to check on.

President Mourdock: Okay, that's a very good point.

Suzanne Crouch: You will try to get back with some information on the association dues? That is something that we've had out there for over six months and there are a number of claims that we are just kind of hand holding wanting some kind of direction.

Joe Harrison, Jr.: I'm going to ask a specific question that was really related to the question tonight. Not an individual membership, an office membership. As far as the other requirements by the State Board, their directives, it is my feeling that you have to comply with their wishes on that and as far as a home rule ordinance on what should be paid and what shouldn't be paid I will get something to this body for consideration, you know, a draft of it for you all to look at and then if you give me the okay we'll get that particular ordinance advertised within the next month. That is something that has got to be resolved.

Commissioner Jerrel: It needs to be resolved particularly before budget time because--

Joe Harrison, Jr.: Right.

Commissioner Jerrel: --every budget has something like this in it.

Joe Harrison, Jr.: Sure.

Commissioner Tuley: What all kind of...because I wasn't aware there were so many different organizations people were wanting to join. This is something that is pretty--

Commissioner Jerrel: They are proliferating.

Commissioner Tuley: Yeah, that's what I was getting at. There is quite a few of them already just continuing?

Suzanne Crouch: Would you like a list?

Commissioner Tuley: If you could. If that wouldn't be too much trouble.

Suzanne Crouch: No problem.

Commissioner Tuley: If you could just give it to Tony and Tony will give it to me.

Suzanne Crouch: Yeah.

Joe Harrison, Jr.: You know, again, there is certainly the memberships that relate to the office. The Clerk's Association and those type of things are not really in question. It's these other questions like Ms. Musgrave brought up this evening. Certainly the payment of judges for their dues for the Evansville Bar Association or State Bar Association or American Bar Association can't be paid. Also, disciplinary fees for judges, etc., to pay their State Supreme Court Disciplinary Fees can't be paid, but believe it or not after this directive came out about...what was it? About two months ago? A directive came out from the State Board of Accounts that said, oh, for prosecutors you can pay their state disciplinary fees and their deputies, but it didn't mention judges. I would assume that we might see another one coming out.

Suzanne Crouch: Would it be helpful if we just maybe compiled a listing of all the requests that we get and then you all can do whatever.

Commissioner Jerrel: I think this is just getting bigger and bigger and bigger.

Joe Harrison, Jr.: Yeah.

Commissioner Tuley: I'm just trying to think out loud, I mean to myself, I don't know what all these people should be asking for.

Commissioner Jerrel: We don't know either.

Joe Harrison, Jr.: The only way we are going to probably get a lot of feedback if I had to guess is just to pass something and then they will be coming before you saying well, this is something that we always did, can't this be an exception and then that will be for you guys to make a call on that. Certainly, those things that are prohibited by state we can't put in an ordinance, so a lot of these are not even going to be a part of the ordinance. It is just going to be the ones that are basically relating to their office.

President Mourdock: Okay, I have one other one that is...I've gotten several calls this week. At the first meeting this Commission had in January the issue on the adult control ordinance was brought up. The city has already put their

ordinance in place and basically we were trying to do something lockstep with them. Have you reviewed that ordinance yet, Joe?

Joe Harrison, Jr.: I have glanced at it and I have spoken with Barbara Cunningham from the Area Plan Commission. It's got to go through them first like the city ordinance did and she has a draft of it and they are looking at it as well.

President Mourdock: Okay, what do you think would be reasonable there before we would see that come from you with a recommendation?

Joe Harrison, Jr.: Oh, from me within a month, but before it comes here I don't know. It may be a couple of months before it gets through Area Plan and then gets here.

President Mourdock: Okay, but it would be--

Joe Harrison, Jr.: But as far as--

President Mourdock: --within a month?

Joe Harrison, Jr.: Yes, and then that process will have to begin with them, but you all certainly have to be comfortable with it initially.

President Mourdock: Okay, thank you. Any other questions for the County Attorney? Good report, Joe.

**Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings. Tony, do you have anything to add to this tonight?

Tony Greubel: I don't have anything I need to say tonight.

President Mourdock: Okay, anything for Tony? I have one item on the do list. Our bulletin board? I want the bulletin board for this room so we can stick up what our goals are.

Tony Greubel: I'll be almost guaranteed that it will be up on Tuesday for our next meeting. I won't promise, but I am 90% sure.

President Mourdock: Tony, bet his job...!

Commissioner Tuley: Our meeting is next Tuesday?

Commissioner Jerrel: Tuesday, the 11th.

Commissioner Tuley: For the next two Mondays?

Tony Greubel: Yeah.

Joe Harrison, Jr.: I thought the city was only off and the county wasn't.

President Mourdock: That's what we are showing. We are off the next two Mondays.

**Consent items**

President Mourdock: The next item on the agenda is our consent items. We have the consent items on the agenda and those are in regards to employment changes, travel requests from the County Assessor, the Health Department and the EMA. We have a EUTS approval to use Room 318. We have the local emergency...let's see. Local environment...?

(Inaudible)

President Mourdock: Planning Committee, thank you, for Jack Crawford's reappointment. Legal Aid Society, the acceptance of an annual report and the Auditor's acceptance of the monthly Time Accrual Report. Rose Zigenfus has sat here so patiently all through the evening that I suspect that at two minutes until eight we'll let her make her pitch here.

Rose Zigenfus: Tony also lied to me. He said we would be out of here in an hour tonight.

Commissioner Tuley: You should understand that Tony has only been here for about three meetings.

President Mourdock: Tony's inexperience showed!

Rose Zigenfus: Anyway, I had sent you all a memo a while back, probably the beginning of January, with regard to us encroaching into this office space that is adjacent to us in Room 318.

Commissioner Tuley: Ah, yes.

Rose Zigenfus: Cindy Mayo called me two weeks ago and said that you all had talked about it and was considering it if we could work it out with the Building Commission to get that information to you. I have gotten together with Roger Lehman and we've worked it out, so I guess I am here now for approval or discussion or something.

President Mourdock: Okay, let me just clarify one thing and this is neither pro nor con, but Cindy and I had a discussion and at one point I think my comment to her was I don't know much about this tell me more of what the options are. She got back to me later and said that you and Roger had the discussion. It wasn't necessarily that we were directing you or pushing you in that direction.

Rose Zigenfus: Oh, I misunderstood that.

President Mourdock: That's about as much as I know. Other comments about this issue at this point?

Commissioner Jerrel: I spoke to Steve Utley. He called me about wanting to keep that front room available for--

Rose Zigenfus: Conference?

Commissioner Jerrel: Yes, and that's the only thing that I had heard about it.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

53

Rose Zigenfus: Well, the way Roger and I had talked we're under the impression that we were going to be sharing it. I wanted the back half so that we could just knock a door through and then have access and it would all be one space and then the front half could be used for Roger or whoever you all decided. If you decide to leave it as a conference room that would be just wonderful. I think we need more conference space, but by the same token I know he needs space as well. So it is your call.

President Mourdock: Okay.

Commissioner Tuley: I think Councilman Hoy may want to speak to this issue. You've been real patient, but please don't leave before I get a chance to ask you a question unrelated to this.

Rose Zigenfus: Okay.

Phil Hoy: I'm Phil Hoy, Vice President of County Council. On the use of 318 I know that we have talked about this before and using that part of it. That may mix well with a couple of other ideas. Presently the County Council in our office over here we simply do not have enough space for the person working there, the Executive Assistant. Secondly, our records have been moved in there, as I am sure you all know. I am sure that you all either heard me make my speech or heard about it. I do not want to get off on that issue except to say that the only reason I brought that out in public is that I made, I think, a lot of efforts to get negotiations going and we could not seem to come to terms on a time for a meeting. Our problem now is that we are very crowded. Our Executive Assistant needs access to her records. I think since there are seven of us coming in and out of the building it might be time to consider not office space, not desks or anything like that, but our need to simply have a place to sit down and open our attache case up and sort some things out and have access to a telephone. Now sometimes we can access the telephone in this middle room in here and sometimes we can't, but it is not a dependable thing. In regards to Room 318 I would like to see us consider some usage of that room perhaps for County Council space or maybe even all of it. I know Rose has need of a room. A lot of offices do. We're in a pretty tight spot right now with boxes just stacked in Ms. Deig's office and things stacked on chairs. The other thing about that office that is not good where Ms. Deig is is that the circulation of the air in the room is not as good as it should be. I don't have an easy answer to this, but all I am here tonight for is to say to you all, you know, please consider the needs of the County Council. Ms. Jerrel has been a Council member and I am in my fifth year. It would be nice to have enough room. There is not enough for the records we need right now that were moved out of the Commissioner's Office we simply don't have enough room and Ms. Deig does need access to those. If we are going to do some moving around, then I think it would be a good time to consider the needs of Council members as well.

Commissioner Tuley: Phil, are you advocating maybe moving Ms. Deig completely down there to give you that space or leaving her where she is at and put part-time basis of having that room

available? I'm not sure what you are asking.

Phil Hoy: The best idea for us would not be the best idea for EUTS and I know that. I would prefer that we had all of our offices down there with Ms. Deig and perhaps a middle room for an office and the front part for meetings because we are, as we all know, shy on meeting spaces.

Commissioner Jerrel: Mr. Hinton indicated that they would kind of like to keep that front space for meetings for the building that they schedule.

Phil Hoy: That's correct. And/or making it somewhat flexible for meetings because we always have a shortage.

Commissioner Jerrel: They have control over this room as I understand it for--

Commissioner Tuley: Setting meetings or allowing meetings?

Commissioner Jerrel: --setting meetings and they would want that space to be--

Phil Hoy: Similar.

Commissioner Jerrel: Yeah, in other words EUTS wouldn't have control of that room.

Rose Zigenfus: I don't want control over the room.

Phil Hoy: We have, all of us, tried to work hard on this space issue and it is not an easy one to work on, but I think we have a space crisis on our hands and that's what I would like you all to consider.

President Mourdock: I couldn't interest you in an old courthouse building could I?

Phil Hoy: Well, actually, yeah. Especially if it has got central air conditioning.

Commissioner Tuley: It's going to have air conditioning!

Phil Hoy: You know, Richard, or Commissioner Mourdock, I always like to show respect for each other, hindsight is wonderful. I lived in Fort Wayne five years and their courthouse is still the Courts Building and then the new building is across the street and wallah, they have a multi-level parking garage behind that. I am sort of sorry that we didn't do that with that gorgeous building. I'm also happy with what we've done with the air conditioning because I think that will secure, certainly, it will make tenants happier. As a board member of RPE Theater I can't wait until we do the second floor so that, you know, we don't run those coolers and get it freezing cold and then after the first act we are burning up and that sort of thing. I'm not a real advocate of that kind of environmental theater. If you have any questions...we've have done some talking too with the Building Authority and they would like to, I think, work with all of us on trying to make the space work very well. Another

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

55

option would be not to use that for a meeting room and perhaps reconfigure some space in here. I don't know whether those walls on Ms. Deig's office are permanent or not. I doubt that they are.

Commissioner Tuley: They're movable.

Phil Hoy: It might be possible to make a couple of meeting rooms right here and then move us down the hall. You want that back section I believe?

Rose Zigenfus: Yeah, where that wall is now.

Phil Hoy: I draw good lines, but I am not an architect. If you have any questions that is pretty much all I wanted to say really.

President Mourdock: Okay, thank you.

Commissioner Tuley: I want to apologize, too, if I offended you by calling you Phil instead of Councilman Hoy.

Phil Hoy: No, no. You know, it doesn't bother me as much when you do it as when I do it myself. It is just one of those things. No, you don't need to apologize for that.

President Mourdock: Alright, thank you.

Phil Hoy: Let me know when we are having (inaudible).

Commissioner Tuley: February 22nd, I think.

Phil Hoy: Yeah, I know.

Commissioner Tuley: You do know that one? Okay.

Phil Hoy: Yeah, I know that one. Thank you.

Rose Zigenfus: Do you have a copy of the floor plan?

Commissioner Jerrel: It would help if we did.

President Mourdock: Yeah, I have one, but not at my fingertips here.

Commissioner Jerrel: Another option that we could--

Rose Zigenfus: This is the space here and this is the EUTS office and this is where the wall exists. This was a plan that I put together a year or two ago showing a shared conference room with some small areas here as well (inaudible).

Commissioner Jerrel: But what they would like to do is to keep this available for meetings.

Rose Zigenfus: Meetings, yeah.

Commissioner Jerrel: Because there is never enough room for anybody to have meetings. I don't know.

President Mourdock: We have that, obviously, here as a consent item. Is the Board comfortable with one or the other options or do you wish to take this one under advisement and review the plans that Rose just presented and the options that Phil just presented?

Commissioner Jerrel: Yeah, I would like to take it under advisement and I would like to speak to the Building Authority.

President Mourdock: Okay.

Commissioner Tuley: I think that would be a good idea.

President Mourdock: Okay.

Commissioner Tuley: Steve Schmitt. Have we ever heard anything back from Mr. Lucas?

Rose Zigenfus: No. I saw him today at the Site Review Committee.

Commissioner Tuley: Steve?

Rose Zigenfus: Steve was there.

Commissioner Tuley: Yeah, I saw him last week and as soon as he sees me that is the first question I get.

Rose Zigenfus: I told him I would check on it. Thank you very much.

President Mourdock: Thank you, Rose and I appreciate your patience. It has been a long evening. Any other comments about the items listed as the consent items and if not with the exception of the EUTS request for the use of Room 318 which we will defer at this time I would--

Commissioner Jerrel: Just one comment. I did meet with Mr. Crawford and did go over the materials with him. I've brought some other things that he will be able to use and I think he is very conscientious in his role.

Commissioner Tuley: He was very happy about the meeting.

Commissioner Jerrel: The Auditor, do you have any comments you want to make about time accrual?

President Mourdock: Oh, yes. Thank you for stopping me on that. Thank you, Rose.

Suzanne Crouch: Well, I don't know if the County Commissioners have any kind of questions. This particular project came as a result of State Board of Accounts citing the county because accurate time records weren't kept.

Commissioner Jerrel: Can you hear her?

Commissioner Tuley: No.

Commissioner Jerrel: We can't hear you.

Suzanne Crouch: Oh, could it be the lateness of the hour? You all wore me down! The time accrual project, as you all know, is a result of the 1993 State Board of Accounts report that stated a number of conditions and it is all included in a document that I supplied to County Commission and County Council at budget time regarding funding for this request. The State Board of Accounts states that all sick leave, which is nine days per year, is given at the beginning of the year. According to personnel policy sick leave is to be accrued at one and a half days per month up to a maximum of nine days. They also stated that vacation time in some offices is being accrued at year end. Policy states that vacation time is not to be accrued. In one department negative sick time was being allowed to accrue and employees were being paid for negative sick leave as well as excessive personal days. Then it states that at that time the policy allows for three personal days per year. It also said that the Form 99A was not being executed properly. It stated that in one office vacation time was not being earned in accordance with the personnel policy and went on to state what that policy was and stated then that in closing that officials were advised to follow the county personnel policy. So this project was initiated by the Auditor's Office in conjunction with the Commissioners in May of 1995. It was initiated by these two bodies to ensure that proper documentation on personnel records was in place. The county has the responsibility to taxpayers to one, pay employee wages per the Salary Ordinance enacted by the County Council. We also have the responsibility to pay employee benefits per the personnel policy as enacted by the County Commissioners. The funding for this project was approved unanimously by the County Commissioners and the County Council at budget time. It further stated in that report that I submitted to you all at budget time that funding would allow for there to be 40 separate sites using an automated time clock collection process. The time collection from the 40 sites would be automated through a PC in each office by the timekeeper. The input of data for the 40 sites would then go to the PDS system which would be automated and would be reflected on the employees payroll stub. The county wide timekeeping system is necessary to protect the county from potential lawsuits resulting from improper record keeping such as the recent Safe House lawsuit. This project is about accountability and it is about uniform accountability pure and simple. I don't know what else I can say regarding this project. I would be more than happy to entertain any questions on your behalf. I have been submitting monthly reports since May to County Commissioners and County Council.

Phil Hoy: Phil Hoy, County Council. I think at our last County Council meeting we certainly had a lack of clarity about the project. Perhaps we shouldn't have, but it was there. I think it would be helpful in moving it along if perhaps we had a presentation.

Suzanne Crouch: An explanation?

Phil Hoy: Uh-huh.

Suzanne Crouch: A similar explanation?

Phil Hoy: Sure, for the Council. I think, probably, that would, you know, put some things to rest.

Suzanne Crouch: Sure. As you well know, Councilman Hoy, you have been really outspoken on this issue--

Phil Hoy: I know.

Suzanne Crouch: --and I commend you for that, for the lack of proper record keeping. You know, that is commendable and you recognize that it is a delicate issue.

Phil Hoy: I had some misinformation in the meeting and that is not unusual for any of us. Yes, I am familiar with the lawsuit. More familiar than I would like to be.

President Mourdock: If I may add something, and the reason that I liked this idea when I first heard it is I have sat through enough Executive Sessions where we've had personnel, employees, retiring employees, people who have left the employ of the county who have come back, and quite honestly, I'm not pointing fingers because there have been the same kind of problems in Republican offices and in Democrat offices on what exactly those employees had really earned. Most of the people who work in this building stay here long after four year terms run out of those of us who are in the building now and they have been caught in a bind too often. They lose out if we don't do this. I think this is the best thing we can do to hold our officeholders, both parties, accountable.

Phil Hoy: I agree.

President Mourdock: I think it is to the betterment of the employees.

Phil Hoy: I've had...when the famous 60 days was in front of us and all that, you know, following that I've had, and I am sure everybody else has too, a number of phone calls from people who used to work for the county. I have a letter from an attorney saying, you know, that this person really deserves these days. I don't know.

President Mourdock: Yeah, who knows?

Phil Hoy: You know, there we are. Clarity, I think, would be very helpful.

Commissioner Jerrel: Excuse me, I was just going to say that one of the best ways is to...now there is a Chief Deputy in the back of the room and they are the people that are going to be inputting the information. I think the more people within the offices that get training and become familiar with it, and I met today with Carol at the County Garage and she said I've been reading about this. Well, they do most all of that anyway, but she said I am anxious to know too. So I think that is the solution. To get more and more people informed and we need to do some training session. Maybe the Commissioners can, perhaps, facilitate that with the Auditor and set up some training.

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

59

Phil Hoy: I will say this, since I have some blank spots, you know, in this whole thing I may not like all of it, the plan, we may want to make some changes, you know, but I really do think the sharing of information is important. You and I sat in on an exit audit where, you know, Mr. Simpson said, well, you know if this person keeps this up the county is going to have a couple more lawsuits. Some of those, as you know, as the Auditor and all of us know, they're settled out of court. I can say legally, yes, the lawsuit was settled, but legally I cannot say for how much, but then these folks over here have wonderful ways...not from me...but finding out those settlements and then those figures float out. My point is why should we be wasting money on needless lawsuits when the rules are there, the book is there? We may want to make some changes. As I said in one meeting, and this is one man's opinion, but you know I would run the Food Bank broke if I could get sick days that way, but it is in the policy.

Commissioner Jerrel: Yeah.

Phil Hoy: I had read the thing and forgotten.

President Mourdock: One point that is very important here while...no, scratch the word while.

Phil Hoy: That's all I've got to say unless you've got some questions to me. That's pretty much the way I feel.

President Mourdock: Okay, thank you. Suzanne, I think you are to be commended for doing this. I think it is a great program. I said that a minute ago and now here is where there is a little embarrassment on my face because I noticed in the most recent report, in this report, there are still two County Commission offices--

Commissioner Jerrel: I'm working on them.

President Mourdock: I was just going to--

Commissioner Jerrel: No. We'll be doing it.

President Mourdock: I was going to ask to send a letter both to Burdette and was it the Garage?

Commissioner Jerrel: I'm going out. I've been to one and I'm going--

Commissioner Tuley: Why does Burdette keep coming up? Every time that comes up I keep asking. I did not think there was a problem at Burdette any more.

President Mourdock: Suzanne?

Suzanne Crouch: I think that their union employees...well, let me take that back.

President Mourdock: That's right. It was union was doing it and the others were not is what was noted in the report.

Suzanne Crouch: Yes, right.

Commissioner Jerrel: I went to the garage today and I'll go to Burdette before next Tuesday.

President Mourdock: Very good.

Suzanne Crouch: This project really not only protects the employees, but it protects the officeholders.

President Mourdock: Absolutely.

Suzanne Crouch: A lot of...I mean, that personnel policy, and I don't know it inside and out and I certainly don't know it as well as the Council and the Commission, but it is extremely complicated and you have to really be careful.

President Mourdock: Any other questions for Suzanne? Do I have a move to accept the consent items then with the exception of the EUTS use of Room 318.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: We have a list of scheduled meetings. As noted a few minutes ago, we will not meet next Monday, but we will meet on Tuesday. We have a Solid Waste Meeting at 4:00 p.m. Also, the 17th, which is President's Day, we will meet on Tuesday as well of that week.

Commissioner Jerrel: That is when our petition will be accepted.

President Mourdock: That is when the grant...yes, if the petition is properly done.

#### Old business

President Mourdock: Old business items.

Commissioner Jerrel: I can't remember if there were any!

President Mourdock: Okay, one old...Pat, do you have anything?

Commissioner Tuley: No, I figured you were going to get to what...

President Mourdock: Yeah, several I had listed. One we've already done which was the Teamster's contract. The second one as old business is that I have presented to both of you, I think you have in your packets, a draft job description of the Ozone Elimination Officer. We talked about that in October of last year and it was the consensus of this group to go forward with that. I bring it back to your attention now as a new Board. I

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

61

would like to have you look that over and give me any comments next week. I will be meeting with the Mayor to discuss this issue further. As you know from reading the paper there is a lot of new EPA things in progress that none of us know where they are going to go even to the extent where I think as of yesterday or the day before they have extended the public comment time.

(Inaudible comments not made from microphone)

President Mourdock: Pardon?

(Inaudible comments not made from microphone)

President Mourdock: Yeah, that's right. It may not change anything. We are moving forward with this as I think I started to say a moment ago. I look forward to some conversations with the Mayor. He and I talked before this was drawn up and I am sure that we will be meeting in the future. Any comments from either of you at this point or Christine Terry who is here from the EPA? Do you have any comments regarding this or the whole situation please feel free. I appreciate your patience as well, it is now 8:20.

Christine Terry: That's okay. I'm just glad you finally got to it and I wasn't here for naught. I do have some concerns and I would like to discuss them with you, but since Mr. Tuley and Ms. Jerrel have not seen the job description, etc., I do not think that this would be the proper time to discuss that. I would like to come back because I do have some concerns about the separation of the education and audit as laid out in ACORN's proposal as separate from any type of enforcement of the ordinance. I do have some concerns and I some questions which you may or may not have answer to in your proposal of how this would be accomplished. I have some questions dealing with the amount of time that it will be necessary to carry out the duties that you are proposing for this person to do.

President Mourdock: For the Ozone Officer to do?

Christine Terry: Yes.

President Mourdock: Do you mean the hours in a week--

Christine Terry: Yes.

President Mourdock: --or the time period to get that person on board?

Christine Terry: No, the hours in a week to accomplish the tasks that you have laid out for this person. I would like to offer my assistance in any way that I can of telling you what our experience is as far as time frames and so forth. Even looking at the gas stations. There are 112 gas stations, so if you're going to be having someone go to each individual station if we have Stage One Vapor Recovery doing that takes a certain amount of time. If we were to have the low RVP Fuel this person would have to go and do actual samples and analysis. We are talking about something very time consuming if you are talking about

going and checking every spray paint booth at a body shop that uses HVLP guns. You are talking close to 100 stations again. The time is massive--

Commissioner Jerrel: Could I ask a question?

Christine Terry: --as far as report writing and so forth.

Commissioner Jerrel: Christine, have you ever tried to formulate some of these issues in a timetable? What would you recommend that these 112 or 28 filling stations--

Christine Terry: We would need to get that particular information from Loretta Townsend because she already has people that go to the stations and she could give us a much better idea of time frames. As far as going and doing inspections for body shops and things like that I can definitely offer you time frames on that.

Commissioner Jerrel: Do you have that information?

Christine Terry: We go there now.

Commissioner Jerrel: Uh-huh, so you could do that. Don't you think that all ought to be in the mix?

Christine Terry: Another concern is an overlap of duties and that we not be visiting the same place twice and doing the same work.

Commissioner Jerrel: Right.

Christine Terry: I have questions and I want to follow this closely to see how this develops because I think it is an extremely important issue for Vanderburgh County. It is one that I would like to offer whatever information that we have available at the office or any expertise or you know anything that we can possibly offer to you in making your decision on how to accomplish this task.

President Mourdock: Okay. Very good. I appreciate the comments.

Christine Terry: Should I come next week?

President Mourdock: Here is a copy of that for you as well if you like.

Christine Terry: Is that a new one or is that one that was...

President Mourdock: It's the one that was done in October.

Christine Terry: Okay, I have a copy of that. Will that be on the agenda next Tuesday?

President Mourdock: What I would like to do is ask the two of you if you could review that and have comments next week and with that also, Joe, we started down the road with the ozone ordinance and Mr. Kissinger put some language together and I

**Vanderburgh County  
Commissioners Meeting  
February 3, 1997**

63

don't know where that went. Could you report back next week as to where we are with that?

Joe Harrison, Jr.: I'll contact him and see if he has something that he can provide to me.

Christine Terry: Did you provide to him the copy that the city attorney...?

President Mourdock: No, that's what Alan had. In fact, what Alan ultimately sent to me--

Christine Terry: Oh, I can give it to you. I have it with me this evening. I have a copy.

Joe Harrison, Jr.: Good, that would be great.

Christine Terry: I can just give it to you now.

President Mourdock: I think Mr. Shaw and Mr. Kissinger were coordinating, but that draft that came from Mr. Shaw was about as far as it went on the county side. I think that's right. I don't think there were any changes made. After the draft that you have I don't think there were any changes. What I would like next week is to have a report from you on that, Joe, as far as what you think it is going to take in time to get it ready. I'm not asking you for that date, but if you can look at it.

Joe Harrison, Jr.: You're going to provide me with a copy?

Christine Terry: Right, and if you would like to meet to discuss it so I can explain to you where things came from and what they mean and so forth. I know that it is not probably real familiar to you.

Joe Harrison, Jr.: You're right. Thank you.

Christine Terry: You're welcome.

President Mourdock: The letters VOC's will take will take on new meaning, Joe. Your life will never be the same. One other item of somewhat old business. We have spoken in job descriptions of trying to somewhat redefine the Superintendent of Building position. About a year and a half ago we talked about a County Administrator and I also have given each of you in your packets tonight a draft position description for a County Administrator position. As I said, that includes what we presently do through the Superintendent of Buildings office, but I see that position as possibly combining some of the other duties. Commissioner Tuley forwarded to me this afternoon a draft advertisement for such a position and I was amazed at how closely everything fit together here. As with the ozone position, I would ask each of you to look that over this week and any comments or suggestion that you have next week so that we can begin to advertise.

Commissioner Jerrel: Will we need to submit that to Mr. Deisher?

Commissioner Tuley: Oh, yeah. Yeah.

President Mourdock: Yes, we will.

Commissioner Tuley: This is just our draft form--

Commissioner Jerrel: Okay, sure.

Commissioner Tuley: --that needs to be reviewed and approved.

President Mourdock: The same is true with the ozone position, but I presume we may as well be sure among ourselves of what we have before we send it on to Mr. Deisher.

Commissioner Tuley: It is amazing that we were right on target.

President Mourdock: Yeah, it looked like we read it out of the same book or stole it off the same software! One last issue. Appointments to the Domestic Violence Commission, a Domestic and Sexual Violence Commission. Are we ready to do that this evening?

Commissioner Tuley: There was a letter of clarification that came through, was there not?

President Mourdock: Yes, there was from Gail Rieken.

Commissioner Tuley: Yeah. I don't know if I have it in this folder, but I remember it.

President Mourdock: We need to switch tapes again so we'll take a break.

**TAPE CHANGE**

Commissioner Tuley: There are actually three Board appointments by this Board and then I guess Richard, as President, is a member, but can by proxy if he so desires.

Commissioner Jerrel: So the recommendations are Joanne Reid, Lori Carroll Bryant and Beth Campbell?

Commissioner Tuley: Right.

President Mourdock: Yes, and I would make a proxy as well.

Commissioner Jerrel: Do you want me to make a motion to that effect?

President Mourdock: Please do.

Commissioner Jerrel: I'll move approval of Joanne Reid, Lori Carroll Bryant and Beth Campbell.

Commissioner Tuley: Second.

President Mourdock: So moved. I would move as the Commission President's proxy that we appoint Dr. Elizabeth Kalb.

Commissioner Tuley: I would second.

President Mourdock: I will so order.

**New business**

President Mourdock: New business. I have one item which is a letter for the Commissioners to sign. Mr. Gary Heck, who is with Junior Achievement, has served and headed the Welfare to Work Committee for the last year and a half. Because he fears there may be a potential conflict of interest, he is interested in serving in the Gatekeeper position, he has tendered his resignation on the Welfare to Work Board. I have had Tony draft, and a very good letter by the way, Tony. Tony drafted a letter, basically, just thanking him for his service and I would ask that we all sign that. Is there any other business before the Commission this evening? I would ask for a motion--

Commissioner Tuley: So moved.

President Mourdock: Second.

Commissioner Tuley: I was looking for the letter to sign.

President Mourdock: Oh, okay.

The meeting was adjourned at 8:30 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene M. Timmons  
Tony Greubel  
Lynn Ellis  
Joe Profaizer  
Cheryl Musgrave  
Stacy Hill  
Jim Ackerman  
Phyllis Happe  
Eddie Bowman  
Lewis Smith  
John Stoll  
Rose Zigenfus  
Phil Hoy  
Christine Terry

Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
February 11, 1997**

The Vanderburgh County Board of Commissioners met in session this 11th day of February in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m. with President Richard Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. I appreciate all of you being here in what is a crowded room and what will shortly become a very warm room. We'll try to move the meeting on as quickly as we can. This is the meeting of the Vanderburgh County Commissioners, so if you are looking for someone else now is your chance to exit. At my far right, by way of introductions, is our Office Assistant Administrator, Tony Greubel; to Tony's left is the County Attorney, Joe Harrison, Jr.; to my immediate right is Commissioner Pat Tuley; to my immediate left is Commissioner Bettye Lou Jerrel; to Bettye Lou's left is the County Auditor, who acts as our official secretary, Suzanne Crouch; and to Suzanne's left is our Recording Secretary, Charlene Timmons; and my name is Richard Mourdock. I would ask you to join us, please, for the Pledge of Allegiance. As we proceed through the agenda there will be several items I sense, given the crowd here, will be the center of some attention. All of our minutes for these meetings are taken verbatim and with that in mind when you come to the microphone I would ask you to state your name and your address for the record. Because there are quite a few of you here tonight, I would ask that no one take more than three or four minutes at the microphone. We do this not to cut you short, but just to give everyone, in a sense of fairness, the chance to make their comments. Also, if you are here to speak on a particular issue and five speakers before you have made the exact point that you wish to make, then we would ask you to defer and yield your time to someone else. We may only be politicians, but we generally get the point after we hear something once or twice so please bear with us.

**Approval of minutes**

President Mourdock: We will begin with a request for approval of the minutes of February 3, 1997.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**John Buckman - German Township Fire Department**

President Mourdock: The second item on our list tonight is the German Township Fire District. I suspect that Chief Buckman has some comments for us.

John Buckman: In a letter that was presented to the County Commissioners' Office and the County Auditor on this past Friday, on behalf of the Board of Directors of the German

Township Volunteer Fire Department we are requesting that the petition to form the German Township Fire Protection District be withdrawn.

President Mourdock: Okay. Any questions of Mr. Buckman by the Board?

Commissioner Jerrel: Does that require any action on our part?

Joe Harrison, Jr.: Yes. I would make a motion to that effect and someone ought to second it.

Commissioner Jerrel: I would like to make a motion that the petition be withdrawn for the German Township Fire District.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered. Are there any other members of the audience who would wish to speak to this particular issue? Very briefly, Chief Buckman, we understand that there has been a lot of voices raised about the creation of the district and quite honestly I think that what you are doing is a very honorable thing here in going back to the community and getting support. I personally feel the way the petition process is set up by statute you probably would of had more than the number you needed to put this district through, but rather than just do that and appear to be having the will of the minority dictate to the majority I think you are doing a very honorable thing in approaching it the way you are. I think German Township should appreciate that.

John Buckman: Thank you.

<b>Torian Hofmann &amp; Dillow - Review of County Insurance Program</b>
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President Mourdock: The second item on our agenda tonight is a report from the county--

Commissioner Tuley: I was going to say you might let them know that they don't have to stick around.

President Mourdock: Yeah, if any of you are here for German Township and wish to sit through our meeting as a civics lesson you are welcome to do so. The next item on our agenda then is a report from the county insurance agents, Torian, Hofmann & Dillow.

Bob Dillow: Thank you. I am Bob Dillow a partner of Torian, Hofmann & Dillow Insurance. My partner, Greg Hofmann, is passing out to you the information that we are going to discuss. I would also like to introduce Tony Flittner from our office who has been assigned and will be handling the group health insurance issues and will be the regular person from our firm attending the monthly Insurance Committee meetings for that issue. I will be very brief, which is unusual for an insurance agent, but we will obviously stay here to answer all of your questions. First of all I would like to say that we are renewing the insurance coverages through the PENCO Insurance Company that has been the insurance carrier since the mid '80's.

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

3

The property limit has been increased to \$72,920,680 to be exact. That is the asset value of the building contents and vehicles. That is an increase of \$1,870,430. The worker's compensation premium and payroll has been increased. The payroll has been increased by \$394,610 to a total annual payroll of \$19,473,513. We increased at no charge to the county this year the employee dishonesty coverage and crime coverages from \$300,000 as it was on last year's policy to \$500,000. We also have instituted professional loss control services by PENCO at a cost that would normally be \$6,500 that they have agreed to include in the services that they will provide for us this year. It is built into the renewal premium. Their specialists will come in to Evansville a minimum of three times during the policy period and intend to stay what would amount to be a week each time to help us with loss control issues to improve the losses and help us lower the premiums for the county. The total annual premium this year for the items that we have discussed is \$572,195 which is a reduction of \$14,171. Again, the loss control services are included in that. We have at this time only one major recommendation. Six years ago when we handled the county's insurance we were able at that time to purchase full earthquake limits for the building and contents. During the early '90's and the Ivan Browning scare the insurance companies withdrew and substantially reduced the earthquake insurance that is offered. We can now purchase additional coverages over the amount that you have and they have agreed to extend the coverage by an additional \$10 million to \$46,000 which of course is still...or \$46 million which is still shy of the \$72 million that we would like to have in force. It is a cost of \$5,950 if you are interested. The savings would still be \$8,221 over last year's insurance costs if you wish this coverage. As a matter of a few comments, we have started a program working with the county attorney reviewing all contracts and leases that the county signs. Our hope is to review these prior to them being presented to you for signature to verify that the proper indemnification requirements that should exist for the benefit of the county are in place prior to signing the applications. This won't be necessary on all items and we will ask the county attorney to give us his viewpoint and judgement as to whether or not that should be in place. We are already successfully doing that. We are also reviewing all of the locations that county owns or leases through a discovery period to make certain that those locations, in fact, are covered under the county's insurance policies. We've found a few minor locations that aren't listed and we have talked to the insurance carrier about that and they pointed out to us that they will and have already added an endorsement that you have, I believe, in your packets that amounts to an Errors and Omissions Property Endorsement. If for some reason the county forgets to tell us about a new location where property coverage is required, the insurance contract will automatically extend to provide coverage for that property. Now that does have some limitations and I believe it is in the range of \$250,000 of automatic coverage. With the program that we have in place, if somebody forgets something we will catch it very, very quickly. That concludes our remarks. We're here for any questions.

President Mourdock: Any questions?

Commissioner Tuley: No, if I am following what you said you've increased coverage at a reduced cost. You can't ask for anything better than that.

Bob Dillow: Thank you. That was our goal.

Commissioner Jerrel: I would recommend that you go ahead with the earthquake coverage. Being in the area that we are even though it is \$46 million that would be more than nothing at all. If that is agreeable, I will make that in the form of a motion.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Bob Dillow: Thank you.

Commissioner Jerrel: Thank you very much.

President Mourdock: I think I heard that motion specifically to the earthquake coverage. I think it would be appropriate to have another motion to accept this full report as an action item.

Commissioner Jerrel: Yes, even though Mr. Tuley did say the nice things that I think both of us feel, we would like to make a motion to accept this report and thank you for your work.

Bob Dillow: Thank you.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. For the record, is this the same...the number at the bottom of this is the same as the claim you were showing me previously?

Bob Dillow: Yes.

President Mourdock: I would ask that the claim for this be included in with our consent items. Thanks very much.

Greg Hofmann: Mr. Mourdock, we will have to--

President Mourdock: You'll need to go to the microphone to get picked up here.

Greg Hofmann: Greg Hofmann, 812 South St. James Boulevard, Evansville, Indiana. We will have to do an additional billing for the earthquake endorsement for \$5,950 and we will have that prepared tomorrow morning and delivered to Tony for his attention.

President Mourdock: Okay, thank you.

**Mike Shoulders - Vanderburgh Auditorium update**

President Mourdock: Our next item on our agenda is the auditorium report from our architect, Mr. Mike Shoulders.

Mike Shoulders: Thank you, Commissioners. My name is Mike Shoulders, President of Veazey Parrott & Shoulders, 528 Main Street. I would like to give our two week status report. As you know, we are here every two weeks to talk about the Vanderburgh Auditorium and Convention Center project. We would like to discuss project budget and project schedule updates this evening. I have with me Mike Buente, at the back of the room, who is putting up a copy of our current schedule and we will take a look at that momentarily. First, I would like to pass out a budget update to you. This is based on a detailed cost take-off done by our costing consultant, Blundall Associates. As you will see on the cost breakdown, we are within the budget that has been established for the project. We are carrying a general contractor's overhead and profit figure of 7% and we are at this point carrying a design contingency of 5%. Now you'll recall the earlier update at the schematic design phase we were carrying a 9% design contingency. That will continue to decrease as we understand more about the project and do more of our engineering. At 80% of construction documents that will go down to 3%. Again, the rationale is that we understand more about what is in the project, the engineering, the systems and materials. Highlights, I suppose to draw to your attention on the second page, we have a list of pricing alternates which we will bid as alternate add-ons or deducts from the project. We will be establishing priorities for those elements to advise you. We haven't done that as of yet. We want to continue studying. You will see that we have items such as escalators for the meeting room portion as alternates. We feel that is an important one. We have, for example, clearspan structure in the exhibit space. As you know, we have four columns in the center of the exhibition hall that will save us, as you can see on the breakout, we think about 120,000 square feet. However, convention planners tell us that if there is ever a need to have an event such as a boxing match or something of that nature within the exhibit hall it would be preferable to have no columns instead of four right in the middle of the building, okay? So we are looking at that both ways. Moving down that list we have the ballroom wood flooring priced out. This is the amount to go to wood flooring above and beyond what it would be for carpet in the ballroom. We also have new stage wood flooring for the existing stage. Masonry parapets is just that we are doing some value engineering on that from an engineering standpoint. Then food service equipment, as you know or probably know, we can subcontract to a food service company to bill out food service equipment as part of their proposal or we can put it in ourselves. It will effect the lease price to them. That is an alternate and we want to see what that cost is when we bid the project. I would also like to transmit to the Commissioners, and I guess ultimately to the engineer, John Stoll, two items. One, is the notice that we have received the variance request from the State Fire Prevention Building Safety Commission as we requested. The other is a copy of the soil reports from our geotechnical consultants. I will pass these to you to go on to the engineer.

President Mourdock: Were there any surprises in the geotech report?

Mike Shoulders: There were no surprises. We will probably have

some piles in the project. We were pretty well aware from the original drawings of the building what we were up against and this just pretty well confirms that. I would like to move to an update on the schedule for this project. I would like to hand out copies of reduced versions of what Mike has put up at the back of the room. Anyone in the audience can take a look at the back wall if they desire. I wanted to give you some background on some benchmark dates. As you look at the schedule and I would like to say for starters that this is not a new chart. We have shown a version of this chart at several meetings down through the past few months. As you recall, we've also held public hearings, three public hearings, two of which are shown by the blue stars in '96. Well, there was one prior to '96 in late '95, so we've had three public hearings to hear the public and their input concerning this budget schedule and scope of this project. Again, what you are seeing today is by no means a new document. It has been refined recently to focus on some important dates. I would like to also suggest to you that we have worked for over a year with the city administration and the project personnel on the Victory Project and we have tried our best to coordinate our work with what is being done at the Victory. Let me sort of start a more detailed discussion of this schedule by saying that it is our understanding...well, it was our understanding about a year ago, in February of '95, that the targeted date for the Victory completion was September 15th of '97. As you begin to look at your schedule you will see that we have scheduled from the beginning to start our construction September 15th of '97. That is when the Victory originally was scheduled for completion. That date was given to us in February of '95. We have since learned that the Victory is about eight months behind its original schedule and will be...I think Mr. Hafer told me it was scheduled for completion on May 11th, which is about eight months past their original targeted date. What we have begun to take a look at is how many months can we stall off the closing of the existing Vanderburgh Auditorium and Gold Room without affecting the end date or completion time of our project. We believe there will be a mobilization period by the contractor. A period for ordering structural steel. A period wherein we need to beat the weather, if you will, on foundations. We do need to get this started in September so that earth work and concrete foundations will begin in a time period that we are not subject to freeze and thaw. Our original notion, and you will recall this date being discussed with you previously, was to forestall the closing of the auditorium from September 15th to November 17th. We have since taken a look at the revenue projections and the revenue histories at the Auditorium and Gold Room. We find that approximately 32% of the annual revenue in the Auditorium and Gold Room is derived in November/December. Two months represent about 16% of the total elapsed time in a calendar year. So what we are seeing is that November and December have been traditionally important months for parties and events in the Gold Room and as the auditorium. The nice thing about it is that it is not just one big show, it is a grouping of many folks in the community who have events during the holidays and thereby provide about 32% of the total revenue within a period of 16% of the elapsed one year calendar time. In also discussing the pros and cons of a closure anywhere from September 15th to November 17th and now my recommendation to you which is January 5th, I have discussed

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

7

this with the Philharmonic, with the Dance Theater, with the Executive Inn and other users of the present facility. Again, what my recommendation is to you tonight is to give consideration to a full closure of the Vanderburgh Auditorium and Gold Room on the date of January 5, 1998. Let me say that beyond that date we will begin to suffer delays in our completion date. Should the Commissioners decide that for any reason they will close it later than January 5th, I think we should so inform the Convention and Visitors Bureau who are now beginning to try and book events on the end date, August 15th of '99 and any date beyond January 5th we should add to that end date and not do any bookings until we account for that lengthening of the schedule. I would be happy to answer any questions concerning this schedule tonight and I would welcome comments.

President Mourdock: Questions from the Commissioners for Mr. Shoulders?

Commissioner Jerrel: No.

Commissioner Tuley: Not at this time.

Mike Shoulders: I think Mr. Gene Hamme is here from the ballet, from the Dance Theater. I think he has signed up as one of the speakers and would like to make a comment.

President Mourdock: Yeah, I have at least six or seven people here, so, again, to be fair let me ask them to come to the mike. They'll have questions and we--

Mike Shoulders: I will be available for answering or helping to answer questions. Thank you very much.

President Mourdock: Yeah, don't leave. The first name on the list is Steve Parker.

Steve Parker: Thank you very much. Steve Parker, I live at 3 Lincolnwood Drive here in Evansville. I am here representing the Philharmonic Orchestra as President of that organization. That is my official reason for being here. I guess otherwise I would also like to say that I am employed by Old National Bank Corp., and we are a frequent user of the auditorium so I guess some of my comments or feelings would come from that position as well. First of all, I would like to say that the Philharmonic is very positive towards the overall project and what you are trying to do with the auditorium and the improvements. We looked at the improvements last week in a community meeting and they were very positive. Our new Executive Director, Jeffrey Berger attended that meeting and he was very pleased to see some of the changes that are going to be made. I think those will all be received very well. I do appreciate the attempt made just in the last few days to move back the timing. I think certainly getting us through December is a big improvement. Having said those things, we are still quite concerned with the timing of the project. As proposed, the Philharmonic will be able to at best be able to perform about 45% of its season in the auditorium next year. At that point, we would have to issue two sets of season tickets. We'll have to actually find a venue

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

then for approximately six to seven months. I was surprised to hear that the Victory was only eight months behind. I would say from my recollection its probably further behind than that for some of us who have been working on it for several years. Since the Victory won't be completed at least until this summer, at least as I am told, that is a pretty significant gap for the Philharmonic and for really the entire downtown area. I think we've got a problem with what we would tell our 6,000 patrons. There is no good place to go in the community outside of the Vanderburgh Auditorium for that kind of performance. There will be a significant impact on the community. In the downtown area several businesses will be negatively impacted and also I think the community is going to be quite concerned about what they are going to perceive as a still less than positive cooperation between both the city and county on the project. As I said, I am quite concerned about the downtown. There will be several months...if we perform it is likely that we would not be performing downtown in that period of time assuming that we are able to find a suitable venue. The other organizations that also use the auditorium are going to be negatively impacted. Old National has their annual meetings typically scheduled there in April. That would be a major burden for us. As I said, there are very limited opportunities elsewhere in the community. I would suggest that attempts be made to further work with the city to try and stage the project even more. I know that will represent a bit of a burden to whoever gets the construction contracts and it may very well add to the costs. I think that is certainly a given. I think that some attempt should be made to look at that and consider staging and allowing the auditorium at a minimum to stay open through April or May. That would be a very positive expression to the community in terms of a further attempt to work together. I think it would enhance the integrity and visibility of this council and be received very positively. Thank you.

President Mourdock: Okay, thank you for your comments. Joan David.

Joan David: Thank you. I am Joan David representing Citizens Bank. My home address is 1109 Pretty Place Lane. I am here to speak and to ask your consideration for the adjusting of the schedule for the closing of the Vanderburgh County Auditorium. I am only the second one to speak, so I am going to go ahead and do this, and I hate to go on tape as an employee of Citizens Bank completely agreeing with what Steve Parker at Old National is doing, but that is about what I am about to do. I can stand up here speaking for Citizens Bank and I can also wear my hat for President of Center City Corporation and my hat for the Evansville Philharmonic Orchestra Board. We, too, at Citizens Bank use the auditorium for our annual meeting. Last year we had 1,200 people at that annual meeting and then we conclude our annual meeting with a sit down dinner for 1,000 people. There is no other place in Evansville to do that. I would ask your consideration for the economic impact to the downtown area, for the impact of our annual meetings and for the impact to the Philharmonic Orchestra to adjust the schedule so that the auditorium is not closed before the Victory is ready. Thank you.

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

9

President Mourdock: Just one question, if I may. I didn't think of it when Steve was at the microphone, but I guess it would apply to both of you. The meetings that you are referring to, I think, Steve you said yours was in April and I don't know that you mentioned the dates, Joan, as far as your annual meeting--

Joan David: The shareholders meeting is in April as well.

President Mourdock: Do you expect those shareholder meetings to be going to the Victory or would that come back?

Joan David: We could.

President Mourdock: Well, no.

Joan David: We haven't made that decision yet. We would look for a facility where there is meeting space and a place to entertain our customers after that.

President Mourdock: Okay, thank you.

Steve Parker: If I could just say that we also feed between 900 and 1,000 people at our annual meeting and I think you would have to look pretty far to find a place to accommodate that kind of a crowd for a meal.

President Mourdock: For a meal, yeah. Certainly the Victory is not being set up for that.

Steve Parker: No.

President Mourdock: Okay, thank you. Is it Jaya Dodd? Did I come close?

Jaya Dodd: I'm Jaya Dodd. I live on 813 Southeast First Street. This is my honor to speak in front of such wonderful county officers here. I am here for myself as a downtown restaurant owner to delay the renovation of the auditorium until the Victory Theater is ready to host the Philharmonic Orchestra. I have operated downtown restaurant since 1980. During that time I have watched a slow demise of downtown retail activities. At the present time the Philharmonic activities are our single largest source of nighttime business for my restaurant. In the past year we have had to put up with the traffic interruptions as Riverside Drive, Third Street, Walnut, Locust and Court Streets have been totally or partially blocked. Sometimes all at the same time. I am resigned to not receiving any help from city or county government. All we ask is that you stop hurting us. Government has made the street impassable, taken away parking and now is about to evict an activity that generates more customers for me and others than any other single organization. I keep hearing that all this construction will benefit downtown merchants in the long run, but after a year of diminished parking and no auditorium events there may be ever fewer merchants to be of service as you know. If there is some increased cost in delaying the auditorium renovation at least it will be born by the community at large rather than falling on the shoulders of the small merchants who continue to try to make downtown a pleasant place to be. Again, we are not asking for

help. We are merely asking that you are not hurt us unnecessarily. Now there are a lot of nice activities for Dance Theater Group or Philharmonic. They try to do everything to bring downtown and yet you have to come up with one project after another. I wonder what is going to be happening to downtown merchants this next year. I really thank you so much I would like for you to reconsider about delay in renovation of auditorium. Thank you.

President Mourdock: Thank you. David Dunn.

David Dunn: My name is David Dunn and I live at 7144 Whiffletree Court. I come before you as the President of the Convention and Visitors Bureau. By our title we are charged with promoting both conventions and activities that would promote continued tourism in the community. We are very supportive of what the Philharmonic is doing, the Victory Theater as well as the convention center. I've got some numbers to share with you that illustrates the impact that the convention business has on our community. 1996 marked the worst year that we've had since 1998. The economic impact generated--

President Mourdock: Excuse me. You said the worst year since 1998. Do you mean--

David Dunn: Since 1988, I'm sorry. In 1988 convention business generated \$4.9 million in economic impact to the community. In 1993 we were at our height at \$11.6 million and in 1996 we finished at only \$4.1 million. The economic impact that we talk about is generated only from convention trade. When we look at 1996 we also enjoyed a very good year on the tourism side of our business as it relates to the impact that Aztar has had on our community. Overall our guest visits have increased by over 19% strictly from activities associated with Aztar and other related tourism business. In 1996 there were only 10,787 delegates that came to Evansville as compared to over 30,000 delegates in 1993. In 1993 marked the year that the Green Center closed. It was a slow demise and from the Convention and Visitors Bureau standpoint we saw it coming and it was the period that we had to refocus our sales efforts from conventions to small meetings. We hosted over 90 meetings in 1992. That number dropped to 67, but it was the delegate count that is most noticeable. We look at time lines and we've got three conventions that have already committed to us. We've got the American EX-POW's that have committed to us for September of 1999 with approximately 2,000 delegates over a six day period having an economic impact of \$1.5 million. Indiana Cities and Towns has committed to us for September of 2000 and the Pentecostal Church also of 2000 in the month of June. So as we look at delaying the project we already have verbal commitments with three groups so far. In our efforts to sell conventions the time line in which we do so is a two to five year period. We are actively pursuing those groups as we speak and you know it would be of grave concern to hear that the project is delayed any further as it relates to our sales efforts. We've already missed a tremendous opportunity as it relates to our ability to attract conventions to Evansville in the fact that we didn't have this facility finished when Aztar came on line. We had a perfect opportunity to market Evansville as the only city in the state of Indiana

that would offer the attraction of gaming to convention delegates. Now as we look to the current completion there is a two year window of opportunity that has slipped through our fingers. We've enjoyed a 19% increase in tourism in the year of 1996, but our conservative estimates projected that to have been a 25% increase had we of had the convention center completed and available at that time. The only thing that I can do at this point is to urge the Commission to consider to move forward with this project on a fast-track timely basis and can only share with you the impact that it has on the entire community if we delay the project any further. The impact that it has affects not only hotels, but 25% of that impact does affect the hotel. Another 25% is affected by all the food and beverage industries, so as I listened to the speaker that preceded me, I would anticipate a tremendous amount of influx of business coming into the downtown area when you have an additional 20,000 delegates that will come into the community, specifically in the downtown area. Another 25% of our economic impact is related to the retail industry and the other final 25% is gas, entertainment and a sundry of others. Finally, I just would again reiterate a speedy completion of this project and request that there not be any further delays with it. Thank you.

President Mourdock: Thank you. Questions? I believe it is Edwin Lacy.

Edwin Lacy: My name is Edwin Lacy. I reside at 1011 Vann Avenue. I am speaking on behalf of the members of the Evansville Philharmonic Orchestra. By virtue of the fact that I have hung around longer than some other people, I happen to be the senior member of the Philharmonic. I played my first concert with the Philharmonic in 1959. I played the very first concert ever held in Vanderburgh Auditorium in September of 1967 and the Philharmonic has appreciated the opportunity to be the primary tenant of Vanderburgh Auditorium during all of that time. I didn't have the opportunity to be a party of any of the discussions that were held with executives of such corporations of Toyota and AK Steel when they came to this area, but I feel very certain that among the things that were pointed out to them as advantages of this area were the many cultural opportunities including the Philharmonic, the Dance Theater, traveling Broadway productions and many others. I wonder now how those executives would feel if all of those places suddenly had no place to perform, no home. I feel quite certain that it is within your authority to dump all of those groups in the street and tell them you have no place to go, that's too bad. I think you also must surely have it within your authority to take into account the construction schedule of the other facility that has been mentioned, the Victory Theater, and to articulate these plans with the plans for the Victory Theater in such a way that no one would be adversely affected. If you don't mind, I will relate one very brief incident. I had the opportunity once to attend a concert by the Detroit Symphony in their home auditorium. It was not one of their regular subscription concerts and so no one's tickets were in the place that they were accustomed to and no one's parking place was in the place that they were accustomed to. That concert started 40 minutes late and the hall was chaotic as people tried to find out where they were supposed to be. That is the kind of thing that might

happen to the Philharmonic if we had to try to move in the middle of the season. There are 6,000 subscribers. They are accustomed to know where to go, where their seats are and where to park and so on. Assuming that we could find some facility to have those concerts, it is not certain that we could, but assuming that we could, moving in the middle of the year would be almost impossible. It would essentially mean that we would have to have two seasons in the same season. Print different tickets and there would be different ticket locations for everyone. The economic impact on the Philharmonic would be significant to say nothing of the many subscribers to the Philharmonic and the other events that are held in the auditorium being inconvenienced. Thank you.

President Mourdock: Okay, thank you. Mr. Jim Keck.

Jim Keck: I'm Jim Keck. I am the general manager of the Executive Inn and I live at 609 Southeast First Street. I'll be brief because David Dunn took all my numbers I was going to give you. I just wanted to come here and give you the position of my hotel on the convention center as a whole. Our owner, Alvin Granoff, purchased the hotel a couple of years ago with the understanding that we would have a convention center and knowing full well, as all of you probably do, that hotel is designed to have a convention center either around it or attached to it. Five hundred rooms in this market is not easy to fill to say the least and it certainly will not fill without a convention center. I believe very strongly in the Philharmonic. I hope we can make some kind of compromise for them as well, but our main goal at the Executive Inn is to make sure that convention center opens as soon as possible because in the interim we will be not only struggling to stay open after we have put the millions of dollars into this building, but we will be taking business from the other hotels and all that serves is to dilute the market. There will be no tax base, extra tax base, generated from our existence. It will just come from a different source. There is no demand generated into the area. The demand will come from booking conventions. We've got a good idea of what our boat will bring us. Those folks will stay at the boat hotel. We need to generate revenue into the market by attracting associations and conventions into our area. We have a lot of great things to offer and yet we have no place to house large groups of delegates. Thanks.

President Mourdock: Thank you. Eugene Hamme.

Gene Hamme: Good afternoon. I'm Gene Hamme. I live at 10306 Browning Road in Evansville. I am the President of the Board of Directors of the Evansville Dance Theater and I am speaking to you tonight on their behalf. We are asking you to keep Vanderburgh Auditorium open throughout this calendar year and to close it in early 1998 as Mr. Shoulders has suggested. The Dance Theater uses the auditorium for our annual holiday presentation of the Nutcracker and this is our largest production in every performance season. The production requires a venue that has a large stage, significant back stage and overhead space and an orchestra pit. We have not found another auditorium in the county that offers comparable facilities. In the past we have also used the auditorium for other

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

13

performances, but the Nutcracker is really our most important with the largest audience drawing power throughout the tri-state. The Nutcracker is also a family oriented ballet which appeals to Vanderburgh County children, their parents and their grandparents. Due to the seating capacity of the auditorium we can offer good seats at prices as low as \$5 per seat so that entire families of moderate means as well as senior citizens can enjoy this ballet. A smaller facility may not permit us that kind of flexibility with our seat pricing. This past year we seated approximately 3,000 patrons during our two day production on December 21st and December 22nd. In case you didn't see that performance with our Ohio River Dance Project and the Philharmonic, it was hailed by the Evansville Courier as quote:

"The most polished production of the holiday ballet that Vanderburgh Auditorium has seen in the last decade."

Because of the growing attendance we are considering adding more Nutcracker performances to the auditorium for 1997 which could add significantly to our revenue base. This is most desirable from the Board's standpoint. Should you decide to close the auditorium earlier in November and due to advanced scheduling of other performance venues it will practically be impossible for us to obtain an alternate facility that has a large enough stage, a back stage and an orchestra pit for a December 1997 production. We have been anticipating the need for an alternate site for 1998. Obviously, we have sufficient lead time to try to make those arrangements. We don't have that for '97. I appreciate the opportunity to discuss the Dance Theater's issues with you and we hope you give some serious consideration to our needs during your deliberations. Thank you for taking the time to listen to our requests.

President Mourdock: Okay, thank you. That is the last of those who chose to speak on our list. Oh, yes, Mr. Shoulders please come back.

Mike Shoulders: In wrapping up I failed to mention that the costs we gave you are based on this closing date of January 5, 1998. Should we elect to extend the schedule we would anticipate cost increases. We would expect potentially bond interest increases. I can't quantify that precisely, but we know there will be some. We would ask that on both sides of the table that alternatives be looked at which we have done on the Vanderburgh. We would ask that the Victory Theater begin to look at a fast-track program of double shifts which would allow in a way similar to the Roberts Stadium project an early opening prior to May 11th. That may entail some extra costs for that facility. We will probably incur extra costs in deferring this to January 5th, but I feel strongly that we have extended both the schedule and our budget to its breaking point. I hope you will give consideration to the importance of the project and the community needs. Thank you very much.

President Mourdock: Questions? Oh, sure.

Unidentified: Can I speak, please?

President Mourdock: Sure.

Jeffrey Berger: I'm Jeffrey Berger. I am the Executive Director of the Evansville Philharmonic. I reside at 1119 Southeast Riverside Drive. A couple of things that I just want to add to my colleagues who spoke today. For those of you who aren't aware, the orchestra does close to 25 performance a year downtown at Vanderburgh Auditorium, at Trinity Church and bringing in over 50,000 people a year to the downtown area. Those individuals come downtown, they park in the city, they go down and have dinner before a concert. They also enjoy themselves by dining after. At the same time we also bring in close to 50 musicians from outside of the Evansville area who need a place to stay. We house them at the Executive Inn. They also eat and take advantage of what the city has to offer. Because they do not have cars they are restricted to dining within an area that allows them to provide with walking distance adding an additional couple thousand people who come down on an annual basis to take advantage of what our downtown has to offer. One of the disadvantages with the city is that there is not another venue currently, other than Vanderburgh Auditorium, that does have a large enough stage to hold an 80 piece orchestra which is approximately what we use for most of our performances not including when we add chorus which is an additional 150 members. This would cause the orchestra to restructure its entire programming for next year and not provide the high quality level of large programming that we have been offering our patrons for over 63 years. We would have to reissue tickets for over 6,000 patrons within a very short time. This orchestra has a reputation of having a very lean staff who are not only overworked as it is, but this would cause an incredible expense to the orchestra to do this. It would also have a very large...we are afraid of what it would do to our patrons knowing that they would have to one, be in one auditorium for six months, move to another venue for six months and then move to another venue in September only to move to the Victory Theater. We try and take very great pride realizing that our patrons are very important to us and they are. By moving them three times we are afraid it is going to jeopardize some of our dedicated patrons and have a financial impact on the orchestra. The other thing is a story that I just want to let you know of. For those of you who might not be aware, the San Francisco Symphony was on strike for the past two months. I called a colleague there where I used to work and said how is everything going? I know the strike has had a significant impact on the city. I asked her about a favorite restaurant that I would dine at quite frequently right around the corner from the theater. She said, oh, most of those restaurants have closed because of the strike. There was that much business that was taken away from the downtown area over a two month period. Those restaurants and those downtown venues relied so heavily on the orchestra that without having them there for a two month period they were forced to shut down. I don't think we want that to happen to our downtown restaurants and businesses who have made a very strong investment in our community to make the extra effort to stay here instead of moving out east or out west or to another part of our city, for them to be completely lost forever. It is going to be nice to have a wonderful convention center in 1999. However, if you are going to have restaurants

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

15

at all during that time it is going to make it very difficult to have it be a very exciting place because they've had to leave early because of what is going to be happening by closing the Vanderburgh Auditorium early. I do urge you to please keep this...at least the theater and the Gold Room open until May of 1998. Thank you very much.

President Mourdock: Yes.

Tony Carroll: My name is Tony Carroll and I am the owner of the Jungle Restaurant and Fat Cats Bar in downtown Evansville. I reside there as well at 415 Main Street. I'm in a lousy position. I'm for both of these as most people are. This city desperately needs convention business. There isn't a person in this room that doesn't believe that. Mr. Keck is right. His hotel is so vital to the survival of downtown and the revitalization of downtown and he needs customers. Also, Jaya Dodd is also correct. She may not survive without those Philharmonic patrons. When we get our new book every year for all of our reservations, the very first thing we do is we go through it and we mark Philharmonic. That is so important to our business. I cannot tell you how important that is to the Jungle Restaurant. It is the single largest customer draw that we've got bar none, end of statement. I am also concerned about the impact of where does Evansville's community stand on the arts? How strongly do we support them? How important is that to us as a community in terms of selling ourselves to the major corporations and so forth? I think that something desperately needs to be looked at and worked out to try to help coordinate this schedule more successfully to fill the needs of the Philharmonic and the Dance Theater, but also aggressively pursue and attract this construction on the convention center so we can start selling those convention shows. I mean, in the long run I know that conventions are going to do more business for me than the Philharmonic. In the short run I want to be able to get there. I want to survive long enough to see it happen. I came in 1994 and bought a building and redid it because someone told me there was going to be this gambling boat and there was going to be 2.1 million visitors. Where has everybody else been? I must of had the only subscription to the newspaper! I think we should move quicker, we should coordinate our efforts better as a community. I am not admonishing anybody and I am admonishing everybody. I think we need to work more closely and we need to get a little bit more proactive in terms of planning for this city because right now we're under a huge opportunity, dynamic growth, but we cannot penalize those people who have worked so hard to try to make things happen and taking risks and who are down there in the trenches every day. I just ask you...I like what Mr. Shoulders said regarding putting the Victory on a fast-track program and perhaps speeding up that timetable a little bit. I think it is an excellent idea. Maybe if we could shave another month or two on the closing of the auditorium. Like I say, I'm in a terrible position because I agree with both parties. We need both of these things, but I just ask you on behalf of...I can tell you, statistics in terms of the tourist benefits of Aztar. Aztar has definitely brought more tourist in and our statistics show that, but do you think that any of that is coming down to the downtown restaurants? The answer is no. Again, I am not against Aztar. They're a

great company. I like dealing with them. I like working with them, but they're doing what they said they would do. They are running a tight ship and they are keeping their customers on their property. I can conclusively say for Angelo's, Jaya's, for Jungle, for Shing Lee, for the existing p.m. restaurants in downtown Evansville, we are not getting any of that. I don't think Jim Keck's restaurants are getting any of that. Again, that is not against Aztar. They are doing a great job. I love having them here. They are a part of what we need to do, but don't let those statistics deceive you. We are struggling to keep our noses above water until we can see these good things happen. Jaya is right. The streets have been all torn up. Fourth Street is cut off. Fifth Street is cut off. Locust is cut off and I am right in the middle of it. Jaya is in the same boat. We have struggled through these situations and all we are asking is for you to creatively look and talk to the city and talk to the convention versus the Victory Board and try to accelerate schedules and look for opportunities that we can work this out without having a severely negative impact on those existing businesses that do depend so heavily on the trade from the Philharmonic and the Dance Theater. Thank you.

President Mourdock: Yes, sir.

Cal Robinson: My name is Cal Robinson and I am a psychologist in Evansville. I have been here 10 years. I want to speak to one other thing. I know you've heard all the statistics and all the reasons to remain open because of business realities. I want to speak to something that happened about two weeks ago with the Philharmonic. Something that Roger McBain has written about consistently since it happened, which is pretty rare. Typically, there is only one review and there have been several in the paper. There was a gospel concert at the Philharmonic around two weeks ago. This was a joint venture between the Philharmonic, between the black and white communities. One of the things that came out of that was a promise of something to continue. The environment was just incredibly wonderful to see people working together at many levels. I know that statistics mean a lot. I'm a clinical psychologist and that is what our profession is based on, but I also know the power of music and I know that the Philharmonic is an incredible social powerful reality in our community. I would hate to see something happen to that. One of the promises that was made was that there would be an annual gospel concert. The community has grasped this and I want people to recognize that music clearly helps the soul and it helps us heal social problems. I would just like to endorse that we need to remain in Vanderburgh and that the things that we are trying to measure like the impact on business is not even near the impact on how people relate with each other and how music can be a very positive tool in that regard. Thank you.

Commissioner Tuley: One more, you have another one.

President Mourdock: Okay. New information here, I hope.

Theo Boots: I'm Theo Boots. I'm the Director of Center City Corporation and our address is 209 Main Street. I did not sign up because I wasn't sure if I was going to speak or not. I just want to real quickly give you a little bit of input from Center City's board members. I found out yesterday that this meeting

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

17

was going to happen, so I took the time and faxed everyone with a little bit of information. To be quite honest, some of my information was a little different than I found out tonight and that is why I wasn't sure if I was going to speak until after I listened to everything. My board members represent a variety of groups. Many of them called to say that they also are concerned with the closing of the convention center until the Victory Theater is opened because they do not know where they will go, where their groups or organizations will go to find an event. At the same time I had board members call with a concern of what it will do to the convention center...or to the bookings that the convention center has already achieved and is still trying to do. I think the best thing is to...first of all, it is a very difficult decision for you all, but I would urge you to some how work out with the Victory Theater so that there is not a gap so that there will be some place for these groups and these organizations to hold their meetings. Thanks.

President Mourdock: Comments from the Commission Members to any of the speakers or any comments?

Commissioner Jerrel: I'm just going to make a couple of comments. To those of you who have not been attending the auditorium meetings for the last two and a half years, we thought this delay had been achieved. We thought we had delayed our construction an adequate amount of time. We've got a lot of money sitting out there that we have hired bond counsel to issue these bonds and if we put a delay in now we are talking about exceeding perhaps our own budget for the construction of this convention center. Is there no way...I mean, I'm in perfect agreement. We don't want to interfere with your December programs because up through the fifth we do not want to interfere with the Nutcracker and the best of your seasons. There has to be some way. We have waited and waited and waited. We have issued these bonds. These bonds are ready to go. They are sold so we can begin. We're going to find ourselves in a very costly endeavor if we wait past January 5th. Is there no way that you can take advantage of any of the other facilities for a temporary basis between January and June? I think that we've been the ones to say we'll wait, but I, you know, there is a limit to the amount of money that the county can afford to lose on this project because you are some of the taxpayers, but there are a whole lot more out there.

Commissioner Tuley: There has been a lot of--

Jeffrey Berger: I'm sorry. If I could just answer your question or try to--

Commissioner Jerrel: Uh-huh.

Jeffrey Berger: --maybe with another question. Where do you suggest? What venues do you think that are--

Commissioner Jerrel: Well, I don't know what would be exactly, but I did take the liberty of checking. We have an all new, and I know the facility is not large enough, but you don't always fill the auditorium for every performance or you could have two performances. I did take the liberty of checking. Harrison

High School has a new, completely new, auditorium, sound and lighting, and it will seat 1,000. That would take two performances--

Jeffrey Berger: Our average concerts have attendance of close to 1,900 people. For us to do two concerts would probably add an additional \$150,000 to \$200,000 to the orchestra's operating budget which is currently \$1.3 million.

Commissioner Jerrel: Well, I don't know what you pay for the auditorium, but you could rent Harrison for \$80 for four hours, \$20 for each additional hour, \$24 for any rehearsal, \$6 for any additional rehearsal. The coliseum seats 2,700. The cost is \$1,100 minimum plus \$1 per person per ticket and the rehearsal costs are negotiable. I don't know if there are any new music theaters in this radius of five miles or ten that you could use.

Jeffrey Berger: Well, there isn't. There is nothing that is as large as the Vanderburgh Auditorium.

Commissioner Jerrel: Yeah, I know, but--

Jeffrey Berger: With regard to the coliseum, it is a very old facility--

Commissioner Jerrel: Yes.

Jeffrey Berger: --and it is very much in disrepair. I don't know if our patrons would feel that would be an appropriate place to do a performance.

Commissioner Jerrel: Well, I was trying at least to put forth an effort to see.

Commissioner Tuley: Let me start off by saying that there has been very many good speakers, good comments, good concerns. If I come across as "Joe Six Pack" please forgive me. That building serves many functions, many groups and many activities and has for a number of years. That's point one. Two, we've had as many as three, I think, or I know three and maybe as many as five different public hearings moving about this thing slowly starting with which building was the best building to go with and getting as much input as we could from people in terms of consultants and local groups to provide the best and the finest facility that we could given the money we had to work with. Granted, that building has not been good for many years, however, the county has not had any money in order to do what we are trying to undertake now. I believe many of you are aware of as soon as the Food and Beverage was about to sunset there was a bipartisan County Council/County Commissioners move on the statehouse to continue it solely for the benefit of renovating and improving the auditorium and convention center. The auditorium and convention center does have, and I realize it may be disrupted for a while, but it does have a very positive impact on the downtown when we can bring many hundred people in here, several hundred people in here, over several days. I have been actively involved in bringing several conventions to this community over the last several years and I know from talking to people who are not from Evansville, but from around the state of

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

19

Indiana who have gone downtown and shopped and ate and what have you as they are here. It is important to get those people back in this community. People who will not come into this community solely for going on to the boat at Aztar and spending their money there and staying there. People who will come down in this community for other reasons as well and visit the other fine restaurants and shops that we have in this town. I do want to make it clear that the Philharmonic was not thrown out of the auditorium. That was a decision that was made apparently by the board members or whomever to move to the Victory Theater project and it is unfortunate and I am sorry that project has not moved along as quickly as originally had been planned. We've moved very, very slow in terms of trying to come up with the right idea, the right plan for this building. I think it does not behoove this Board or this community as a whole to set it back beyond that January 5th closing date as recommended by our architect. In regard to the question about is this community supportive of the arts? I think we have two facilities within, forgive me, spitting distance of each other, but that shows to me pretty strong support for the arts in this community. That's about all I've got to say.

President Mourdock: Okay, let me just add a couple of comments and then I will ask for a motion. I thought Mr. Lacy's comments were particularly poignant in that he said:

"As a Commission you have it in your authority to dump those people in the streets or to not dump those people in the streets. You can do it in a way that no one is adversely affected."

I hope, Mr. Lacy, you recognize that after some of the other speakers, no, we don't have that as an option. Somebody is going to lose in the vote we are about to take. One of my comments Pat just made which is that I think we are committed. This community is about to spend \$50 million between these two projects very much for the arts. Probably the best comment of the night, Tony Carroll, you ought to run for Commission because then you'll know what it's like to be quote:

"I'm in a lousy position."

We get to do this every Monday or Tuesday night. With that maybe just one other thought. I think there is a position that could be worse than the one we're in right now and that is if we delay this project further and the Victory project still gets further delayed. We have a letter in our file from the Philharmonic which we very much appreciate from earlier...well, mid '96, thanking us for the commitment to keep the facility open for the '96/97 season. It was quite a nice letter and we appreciate the fact that it was sent to us and we've kept that commitment. Mike Shoulders and I have already spoken about what we can do with this project to expedite it with double shifts, with offering an incentive to get done before the scheduled date, so we are certainly going to fast-track and I hope the city and the folks with the Victory do the same. So with that the presentation that was made by Mr. Shoulders called for the closing date for the auditorium...let me back up, for the construction date to commence September 15, 1997 and for the

closing date for the auditorium complex to be January 5, 1998. With that I would ask for a motion of acceptance of that recommendation.

Commissioner Tuley: I will so move.

Commissioner Jerrel: I'll second.

President Mourdock: I will say so ordered.

Commissioner Jerrel: In closing, I hope that you will understand Mr. Mourdock's comment. We have kept our word about keeping our facility open for the '96/97 season.

President Mourdock: I know there are a lot of unhappy people here and a lot of you now feel lousy and I apologize for that.

#### **TAPE CHANGE**

President Mourdock: Okay, we appreciate the patience of those of you who have sat through that discussion without that being your main issue tonight.

<b>Harris Howerton - Grant request</b>
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President Mourdock: The next item for an action item is Harris Howerton, from the Community Corrections Center, with a grant request.

Harris Howerton: Harris Howerton, Executive Director of the Vanderburgh County Community Corrections. Last Thursday the Community Corrections Advisory Board met and they passed a resolution, voted unanimously, to send me here tonight to tell you about our new grant application that will be in effect for fiscal year 1997/1998. The state is on a fiscal calendar beginning July 1 and ending June 30. The grant application includes adult components of the Alcohol and Drug Intensive Supervision Program, Community Service Restitution Program, House Arrest/Electronic Monitoring Program and the Jobs Program Training and Education component and the Work Release component. This year, I think, a feature that is a long time coming is three juvenile components that are offered by Chuck Halbrook from the Youth Service Bureau and Mr. Roger Mason. These programs are the Hearth, the House Arrest and the West Program. The Hearth Program has to do with family unity and these types of things, keeping the juvenile offenders in the homes as does the House Arrest Program, of course. Those items were explained to the board by Mr. Halbrook. The West Program is kind of an outreach program whereby the juvenile offenders are taken out into the elements camping and fending on their own and that sort of thing. I'm not a juvenile authority. I only deal with adults, so I'm not real sure how they intend on handling all those things, but Judge Lensing was pleased with those components. The entire request is \$696,721.

Commissioner Jerrel: I'm just going to comment that I am doing a critique for the other two Commissioners concerning that and also an overview of the costs of what the juvenile center is and

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

21

impacts our budget. I'll get that to you. I had hoped that I would have it tonight, but I don't. I'll try to have it to you next week.

President Mourdock: Okay.

Commissioner Tuley: Bettye, you were at the board meeting that he was talking to?

Commissioner Jerrel: Yes, I was.

Commissioner Tuley: Oh, okay, good.

Commissioner Jerrel: Yes, I was. I also asked Mr. Howerton to bring us the report on the Safe House. That was done before my joining this Board, but the Commissioners had asked for an inspection report. Would you want to explain that to us, please?

Harris Howerton: Basically, the original problem in the female dorm has been fixed. I think on the very front page there about middle of the way through it refers to the south end of the building. That is the female dormitory. It quite frankly says that the workmanship was excellent and the hopes are that the balance of whatever work needs to be done in the other portions of the building, if they follow suit, the repairs should be done very well. Beyond that, Mr. Hart has accepted the responsibility for the cost of this. He has entered a contract with Morley & Associates so the county will not be footing the bill for any of this. Mr. Hart will be. There are certain portions I know that have already been repaired and there are several other locations that are in need of repair according to Morley & Associates, but there is no place that is so severe that there is any danger for anybody, so we don't intend on shutting down for any purpose like that.

Commissioner Tuley: Harris, I saw something I started to read in the paper the other night and it was in reference to your discussion at your last board meeting. Something it think that was headlined or referred to as the--

Harris Howerton: Safe House Stomp!

Commissioner Tuley: --Safe House Stomp.

Commissioner Jerrel: It was true. I was sitting right underneath it.

Commissioner Tuley: You were there?

Commissioner Jerrel: I thought they were going to stomp through the floor.

Commissioner Tuley: People trying to stomp through the floors. I don't know where I am going with this, but is it a problem judicially that we can deal with? I mean, we are talking about people who are deliberately trying to cause themselves to be injured to bring bad light to the facility and the program.

Harris Howerton: What can I say?

Commissioner Tuley: Are there legal remedies to transfer those people to a secure jail?

Harris Howerton: Yeah, when we find someone doing something like that we, of course, reprimand them or file petitions to revoke. I would like for you to understand though that there are 100 males in that particular part of the building. That was the male dormitory over the top of the room that we were in. Out of 100 people there might be 10 or 12 of them that are complete idiots that want to do something like this. The rest of the folks do behave themselves.

Commissioner Jerrel: Help me out.

Harris Howerton: Uh-huh.

Commissioner Jerrel: A lot of this looks like duplications. What did you actually give us? I mean, there is about four sheets that are exactly the same.

Harris Howerton: Mr. Hart ran those off for me. I don't know.

Commissioner Jerrel: I can't tell what constitutes the report.

Commissioner Tuley: You can have mine for now.

Commissioner Jerrel: These three sheets and then if this all stays together...some of it is a duplication.

Harris Howerton: It could very well be that they were not. I'll have to check and see if maybe they didn't--

Commissioner Jerrel: Are there any corrections to the building that Mr. Hart is going to undertake?

Harris Howerton: That he is what?

Commissioner Jerrel: Going to undertake?

Harris Howerton: Yes.

Commissioner Jerrel: Are they spelled out in this?

Harris Howerton: I presume so. I didn't look at this. I asked for this information and it was given to me this afternoon. I'll be glad to look at it again in the morning.

Commissioner Tuley: Just looking through it, and Richard you're more the engineering-type person, but I mean it looks like to me what we have here is an engineer's layout and plan for what should happen, but I don't see any construction or--

Commissioner Jerrel: I don't either.

Commissioner Tuley: --agreement to the actual procedure that needs to be...I mean, this lays out what they need to do, but who is going to do it and when is it going to be done and those kind of questions I think is what we are trying to find out.

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

23

Commissioner Jerrel: Yeah, right.

Harris Howerton: Okay, I'll be glad--

President Mourdock: Everything here that I've seen with a dollar figure on it is engineering costs.

Harris Howerton: Okay.

Commissioner Jerrel: What kind of discussion did you have with Mr. Hart about this?

Harris Howerton: Just that he is responsible to do the repairs. I know that Judge Young had talked to Mr. Harrison, I think, briefly about the payment and that sort of thing as far who would be responsible. At least that is my understanding.

Commissioner Tuley: That is Mr. Hart, correct?

Harris Howerton: Yes.

Commissioner Tuley: I ran into him one day outside, whatever side of the civic center that goes down over to the auditorium, and he had indicated to me, you know, nothing in writing obviously, but that he understood that corrections would have to be made and that he would bear the responsibility financially of seeing that it does get done.

President Mourdock: Did that, I presume it did, but did that also included these engineering costs?

Harris Howerton: Yes.

President Mourdock: Not just the materials and labor costs for doing the repairs?

Harris Howerton: Yes.

Commissioner Tuley: That is addressed to Mr. Hart. Well, it says Assistant Director of Court Services, so you're right.

President Mourdock: I think given the little confusion, Harris, it would probably be appropriate if I give you my stack back and perhaps you can sort through those and let us know which ones are the appropriate ones. Also, even though Mr. Hart is paying for it, I would be interested in knowing what the cost of those repairs would be for materials and labor.

Harris Howerton: Okay.

President Mourdock: Then coming back to the initial issue to move us along a little bit, Harris did come to us with a grant request in the amount of roughly \$691,000.

Commissioner Tuley: It's \$691,000, roughly?

Commissioner Jerrel: Yes, I would like to move approval of that grant request. We went through it thoroughly the other evening and it was well done.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Also on your agenda request you had the Misdemeanor Offender Fund.

Harris Howerton: Yes, each year as you might remember Vanderburgh County opts to keep its misdemeanor offenders in the community. Quite frankly, no judge would send a misdemeanor to prison anyway in Vanderburgh County. The lawmakers provided that since we do that, since we do keep the misdemeanor offenders in the county, that we can provide an ordinance to the state and it establishes a County Corrections Fund. I have done this year after year and I have taken the liberty, as I have each year, to provide you with that ordinance. That is \$161,000 that the Department of Corrections will send to this community and Community Corrections shares that with the--

Commissioner Tuley: Sheriff's Department, okay.

Harris Howerton: --Sheriff's Department, right, equally.

President Mourdock: Do I have a motion for approval of this ordinance?

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Joe Harrison, Jr.: That ordinance will need to be published, Charlene, after. What I am saying is since it is adopted it has to be published down the road. It's got to be published within 30 days.

Harris Howerton: You have plenty of time. That is not due until May 1. I always get it in good and early so--

Commissioner Jerrel: Who did this document?

Harris Howerton: I did.

Commissioner Jerrel: You did. Okay, not a big consideration, but will you take one of those L's off of my name?

Harris Howerton: I'll fire the person that did that.

Commissioner Jerrel: No, no, no. It's not a big deal, but it is correct on the stationery.

Harris Howerton: Okay, I'm sorry.

Commissioner Jerrel: It's not a big deal. I would like to ask though that you get the information that we've requested about the facility because that has been an issue that we would like to put to rest and we have a lease that has not been completed because of this issue.

Harris Howerton: I understand and I am sorry that this--

Commissioner Jerrel: When do you think you might be able to get it?

Harris Howerton: I'll look at it first thing in the morning and I'll get it to you tomorrow yet.

Commissioner Jerrel: Well, at least have it by the next meeting.

Harris Howerton: That's the soonest that I can, yeah.

President Mourdock: Okay, thank you, Harris.

Harris Howerton: Thank you very much.

**Bill Bivens - Petition to vacate easement**

President Mourdock: The next couple of items on the agenda are to vacate easements and Bill Bivens has sat here very, very patiently and listened to the Philharmonic and all, so I'll jump the order a little bit here. Perhaps you were in the hallway, Andy. Oh, I'm sorry. I thought you knew our normal business and figured we were running late anyway.

Bill Bivens: I'm Bill Bivens of 503 State Street, Newburgh, Indiana. I am the engineer for West Haven Hills 2, Section E. It was a subdivision that was approved in 1979, but was not constructed until this year. During the process this year the owners decided to eliminate two lots and increase the frontage on the lots. In the process we had a drainage and utility easement which then fell in the middle of a new lot. So what we are basically doing is asking you to vacate that public utility and drainage easement and we have furnished another one along the new lot lines.

President Mourdock: Questions?

Commissioner Tuley: John has a comment.

President Mourdock: Oh, okay.

John Stoll: Yes, my only comment would be whether or not this could be vacated given the fact that the subdivision wasn't replatted so do these lot lines really exist as Mr. Bivens was talking about with revising the number of lots to drop what did you say? Two of them off there? Wouldn't it have to be replatted first before the easement could be vacated or just the replat would eliminate the easement as it stands?

Bill Bivens: I presented this to the Planning Commission and they allow you to reduce the number of lots. You cannot increase lots, but you can reduce the lots and change the lot lines.

John Stoll: I thought that was only on commercial when they did commercial zonings that they allowed that on rather than residential.

President Mourdock: Joe, do you have a comment?

Joe Harrison, Jr.: Yeah, the question I had really had to do with the petition. In reading the petition, it appears that the dividing line that you are referring to you don't have it stopping at the drainage easement. It is not reflected in the documents that way. I understand maybe that is what you are intending, but that is not what it says.

Bill Bivens: Yes, on the east end it stops.

Joe Harrison, Jr.: Because of that you would have to notify Lot 13's landowner. They are an abutting landowner and you would have to notify them with respect to the documents that you filed. Now if you modify this and put in there that the line goes to the drainage easement, then you would be okay, but that is not what the documents say.

Bill Bivens: That was the intent.

Joe Harrison, Jr.: I understand what you are saying, but that is not what it says. I would be reluctant to permit them to consider this unless that modification is made or if, in fact, you intend to have it go all the way beyond the drainage easement then to notify the property owner, but I don't think that is your intent.

President Mourdock: Either of those options requires renounce?

Joe Harrison, Jr.: Well, there is no notice. I would prefer that you have a revised petition, okay? As well as a proposed ordinance. They have already signed the petition and I would prefer that you get their signatures and come back whenever you can get it done. As far as John's comment or concerns, I would feel comfortable if you could just get something in writing from Barbara Cunningham's office addressing that particular issue on the replat as to whether that was needed or not. Is that okay?

Bill Bivens: That's fine, yeah.

Charlene Timmons: I have a question.

President Mourdock: Yes.

Charlene Timmons: Would it need to be readvertised also?

Joe Harrison, Jr.: Well, yeah. It is because you are going to be doing a new petition.

Bill Bivens: So you have to readvertise?

Joe Harrison, Jr.: Yeah.

Bill Bivens: Okay, will do then.

President Mourdock: Okay, thank you, Bill.

**Andy Easley - Petition to vacate easement**

President Mourdock: Andy.

Andy Easley: I'm here on behalf of Gene Warren, Jack Rogers and Bob Jarrett to vacate a public utility and drainage easement that is near the northwest corner of Red Bank and the Lloyd Expressway. I've got three of these if you want a closer look at it. This is the west 12 feet of Lot 1 of what is known as Expressway Commercial Subdivision. They're going to build a new Revco building over it. There is nothing that has been installed. We've filed letters from all of the utilities and they have no objections to wiping out the drainage and public utilities easement which I have shaded in yellow.

Commissioner Tuley: Andy, is this the one that we gave you preliminary approval on subject to that verification?

Commissioner Jerrel: Uh-huh, yeah, right.

Andy Easley: That is correct.

Commissioner Tuley: I'll move the petition to vacate the easement as requested be approved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Andy Easley: Thank you very much.

President Mourdock: Thank you, Andy. Again, I'm sorry--

Andy Easley: This is the final hearing isn't it?

President Mourdock: It would be, yes. Again, I apologize for bumping you in the order there. I didn't know you were here earlier.

Andy Easley: No problem.

**Cheryl Musgrave - Contractual Services Agreement**

President Mourdock: I have on my agenda Cheryl Musgrave's contractual services agreement.

Joe Harrison, Jr.: That was an agreement to hire an individual, I think, for \$750 to assist her with I think it is not for profit type assessing.

President Mourdock: Yeah:

"To provide assistance in analyzing applications for the exemption for property taxes. The assistance will include review of documents, telephone discussions, on-site meetings and other duties as reasonably determined by the County Assessor."

Commissioner Tuley: We've done this before.

Commissioner Jerrel: I would like to move approval of that agreement.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Commissioner Tuley: I guess you have the original.

President Mourdock: I believe this is the original.

Commissioner Tuley: Okay.

**PFC/USI Run - Permission to use county roads**

President Mourdock: We have a request and Tony will you be speaking on this one on the USI PFC/USI run?

Tony Greubel: Every year USI wants to close off some of the roads on the west side to have a 15K run. The request is brought to us from Bill Stegemoller, the Cross Country Coach at USI. At least according to him we have been doing this for the last few years, so it is nothing out of the ordinary.

President Mourdock: Was there any comments in his discussion about indemnification insurance?

Tony Greubel: No.

President Mourdock: Because I know that came up in past years in working with the Sheriff's Department and also we wanted to make sure they were indemnifying the county for any injury. The fuse on this is fairly short for March 15th.

Joe Harrison, Jr.: Can you check on that?

Tony Greubel: Yes.

Joe Harrison, Jr.: To see if they can provide a certificate or some language to that effect?

Tony Greubel: Yes.

President Mourdock: I think probably the best way is I would ask that perhaps we approve this on a contingent basis of receiving within ten days an indemnification statement.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. We are at that point in the agenda any--

Commissioner Tuley: Whoops! Did I miss something? What happened to C.S.D. Construction, Coliseum Work? Is that tabled?

President Mourdock: Yes.

Tony Greubel: I'm going to put that off.

President Mourdock: That was tabled. We do not have much

information on that. Did you have anything?

Commissioner Tuley: No, it was just some of the stuff that they talked about doing, but that is fine.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual wishing to address the Commission whose matters have not yet been heard this evening?

**John Stoll - County Engineer**

President Mourdock: Okay, department head reports. John Stoll, you're up first.

John Stoll: First of all, I've got the Lynch Road Construction Engineering Agreements with Bernardin Lochmueller & Associates. They are for an amount not to exceed \$397,972. These will be on an 80/20 split. The feds will pay 80% and we pay 20%. The agreements have been previously reviewed and they were submitted to INDOT for their review. INDOT sent them back and now it is time for the Commissioners to sign off on them. I would recommend that they be approved.

President Mourdock: Any questions of John?

John Stoll: The bid letting is slated for March 11th for the project as it stands now.

President Mourdock: A little louder. March 11th?

John Stoll: March 11, 1997.

President Mourdock: For the bidding? Of 1997?

Commissioner Tuley: I'll move for approval of the request.

President Mourdock: I have a motion.

Commissioner Jerrel: Pardon me?

President Mourdock: We have a motion.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is a memo that summarized what went on with the meeting with INDOT last week concerning the Cross Pointe and Morgan intersection. They had four main issues that they wanted us to look into in regards to whether or not that intersection and railroad crossing should be allowed. One, was whether or not an expansion of transit service would eliminate the need for the intersection. The second one was in regard to the county's plan for access control along the arterial streets. Another issue was the county's commitment to get Cross Pointe connected between Virginia and

Oak Grove. The fourth was the county's willingness to participate in the cost of additional protection devices at the railroad crossing if they do decide to grant the new at grade rail crossing.

President Mourdock: Time out for a second. Your item number three was the state was questioning the county's commitment to do Cross Pointe Boulevard from Virginia to basically the railroad tracks?

John Stoll: They weren't questioning it. They were just wanting to make sure that the county was committed to putting that street through there and I guess their main question was in regard to whether or not TIF funds could be used to construct that portion between Virginia and Oak Grove. We told them at that time that the TIF district as it stands now doesn't have enough development in it to support another bond issue to construct that portion at this time, but that the county was committed to have developers construct that as development comes in on that segment between Oak Grove and Virginia.

President Mourdock: Okay, but pardon my attention to detail here, but why do they care? The question from their point of view ought to be does the plan to cross the railroad track work for safety purposes? Shouldn't it? Am I missing something?

Commissioner Tuley: I missed it too, then.

John Stoll: The overall network for that area was set up to try to disburse the traffic as much as possible. In so doing they are wanting to make sure that if Cross Pointe is connected that it would take some of the traffic away from Burkhardt and unless that connection between Virginia and Oak Grove is made then it limits the amount of traffic that would be diverted.

Commissioner Tuley: Why would we petition for a crossing if we weren't going to build a road there and take it some place?

President Mourdock: So are you suggesting that the state isn't so much interested in the issue of safety on the railroad crossing as they are the traffic count?

John Stoll: They were--

President Mourdock: That's what I understood the issue was about was safety at that railroad crossing.

John Stoll: Right, but they're wanting to make sure that we are diverting traffic away from Burkhardt and reducing the safety problems at that intersection and really spreading the traffic across two intersections as opposed to compounding it all in one. Without the connection between Oak Grove and Virginia then a lot of that through traffic is still going to be over on Burkhardt.

Commissioner Tuley: Wait a minute, I'm looking the wrong way. He is taking Oak Grove and going south.

President Mourdock: Not Oak Grove and going south, but he is

taking Cross Pointe and going south of Oak Grove.

Commissioner Tuley: From Oak Grove to Virginia?

President Mourdock: Right, going south.

Commissioner Jerrel: We really need those maps and we need them up here so that we know what we are talking about.

President Mourdock: You're still on schedule for the first Monday of March to give us that presentation?

John Stoll: Right.

Commissioner Tuley: I know we're committed if we are going to do the crossing to get it to Oak Grove from Morgan, but you are saying they're questioning that middle segment?

John Stoll: Right.

Commissioner Tuley: I'm sorry, I wasn't with you there for a second.

President Mourdock: It would seem to me the issue still is safety.

Commissioner Tuley: Well, yeah.

President Mourdock: Whether it is on Burkhardt or whether it is on Cross Pointe that ought to be the issue and I guess I am just baffled that the state questions our commitment to that.

Commissioner Jerrel: Would you do one, two, three, four for me like one liners so that I can write them down. I have been trying to extrapolate from these paragraphs. Could you tell me their first concern--

President Mourdock: Go through the four you mentioned a moment ago.

John Stoll: One was increased transit service.

President Mourdock: Meaning mass transit?

John Stoll: Right, METS bus service. The second was access control measures on the arterial streets. The third was connection of Cross Pointe between Virginia and Oak Grove. The fourth was the county's willingness to fund additional protection devices at the railroad crossing if they would allow it.

President Mourdock: Define that.

John Stoll: They didn't define it that well at the meeting. They said that they were going to send some additional documentation down as far as what that might entail, but I haven't received anything as of yet. They were talking additional gates and things like that above and beyond what signals and gates might typically be required.

President Mourdock: State of the art of highway engineering, what is there beyond gates?

John Stoll: That I am not sure.

President Mourdock: That's what I hear in that.

John Stoll: That's what basically they were saying.

President Mourdock: There is a gate a Burkhardt, right?

John Stoll: No, there is not.

Commissioner Tuley: Amazing.

Commissioner Jerrel: What did you tell them?

John Stoll: That we didn't feel that transit was the only answer. That the expansion of transit service would not take enough people out of cars that it would negate the need for this road network. That the access control is being implemented through rezonings, through site review and through subdivision review to try and restrict any development that has alternate access other than Burkhardt Road to that alternate access. No development would have access directly to Morgan Avenue because the ditch and the railroad crossing are going to prevent that. That one is not going to have any additional driveways. I told them that the county was committed to making sure that Cross Pointe was connected through developments. As they come out and rezone the property and develop the property we would make that connection go through, but we didn't have enough TIF funding available to build the whole thing at this time. The fourth issue, oh, on the railroad crossing, I told them within reason as long as it was within the budgets the county could look at providing additional funding for additional protection devices as they see fit. They said that they would evaluate the petition for the new railroad crossing in the next three or four weeks and we should get a response at that time. If they deny it, then we could appeal it, but they didn't give us any indication at that time as far as what they planned on doing.

Commissioner Tuley: Who do we repeal something like that to?

John Stoll: Back to INDOT.

Commissioner Tuley: That's what I was afraid you were going to say.

Commissioner Tuley: Does that fall under the auspices of due process? Don't even need to respond!

John Stoll: After you get a chance to go through that if you've got any questions call me because I am going to send this response back to Debbie Wilson and let her know where the county stands on these issues and just reiterate the points that were brought up at the meeting. If you see something in there that is missed or incorrect let me know and I will change it before I send the response back to the state.

President Mourdock: That would be fine. If you would, give me

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

33

a call first thing in the morning. Maybe as early as tomorrow afternoon we can get together over lunch and talk about this.

John Stoll: Okay.

President Mourdock: I need to know more than what you've got here I'm sure.

John Stoll: Okay.

President Mourdock: Anything else, John?

John Stoll: Yes, a few more things. One, I received a request from Dave Savage who is working on an industrial park off of St. Joe Avenue to be able to construct a street within his subdivision to have open ditches rather than curb and gutter. Given the problems that we've had with residential properties piping the open ditches with the wrong sized pipes or just filling in the ditches, we've not typically allowed the open ditches. We've required curb and gutter. Since this is in an industrial park, I felt that this wouldn't be a problem, but before I told Dave Savage to proceed with that design I wanted to bring it before the Commission to make sure that you didn't see it as a problem.

President Mourdock: Why do you think it is less likely to be a problem commercially?

John Stoll: They maintain the open ditches. They'll be more inclined to mow instead of somebody going out there and saying I don't want a ditch in front of my house.

President Mourdock: What was the location again? I'm sorry.

John Stoll: This is off of St. Joe Avenue. This would be consistent with what the county constructed out at Azteca because we went with an open ditch drainage system with sealed shoulders.

President Mourdock: Do you have a formal waiver that you are looking for us to act upon?

John Stoll: There is no waiver required. It is allowed according to the design standards for county roads, but it is just something we haven't approved on residential streets because of the problem with people going out and putting inadequate sized pipes or filling in the ditches.

President Mourdock: Okay. Can I have a motion in this regard?

Commissioner Jerrel: I can't determine from what you are saying what you are recommending.

John Stoll: I recommend that it be allowed. That is consistent with what we did on Azteca and it is allowed within county standards. It is just not something that we have approved in the past, so given the fact that it is something that has been done and we haven't had problems with it, I would recommend that he be allowed to go ahead and design it that way.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I've got a notice to bidders and a cover sheet for the Strawberry Hill Road bridge. I would recommend that they both be signed off on by the Commissioners so we can get that project out for bid.

President Mourdock: We were funding this through CCD?

John Stoll: No, it was bond surplus.

President Mourdock: Oh, okay.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item, Tom Goodman and I went out to Westwood Hills and met with Mr. Ackerman last week and Mr. Bob Kinney to go over the areas that needed repaired. We measured it all up and as you can see the cost is lower than the previous estimate of \$240,000. I am going to send a copy of that to Mr. Ackerman and to Mr. Kinney so they can discuss it with the other people in their neighborhood and their Homeowners' Association if they have one, so they can determine whether or not they want to proceed with the repairs.

Commissioner Jerrel: I was just going to say, did he say there were 84 residents, but it would be nice to know that the freeholders, the owners, who will be assessed the property taxes if, in fact, something like this occurs we ought to be sure.

Commissioner Tuley: Yeah, I think in the procedures there has to be some sort of signed petition verified by the property owners.

Commissioner Jerrel: By the property owners?

Commissioner Tuley: I'm sorry, are you done?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: There was an individual outside the names that you just mentioned that called you a week or two ago and basically was giving you a lot of grief over this.

John Stoll: Mr. Kinney was the one who was the most critical of it.

Commissioner Tuley: Mr. Kinney?

John Stoll: He was assuming that the work could be done for about \$40,000.

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

35

Commissioner Tuley: Okay.

President Mourdock: Was he critical of our handling of it or just the fact that it was going to cost him some money if this happens?

John Stoll: I think he was being critical of it in regard to the way it came about back in 1978 or whenever the subdivision was built, saying that the county should of made sure that the roads were built according to standards, but at that time there were no requirements for a letter of credit which prevented anybody from holding the contractor's feet to the fire.

President Mourdock: Okay.

Commissioner Tuley: John, I'll say this politely. I don't know how else to say this, but ask them in dealing with them and I know that they can't put a strangle hold on some people, but ask them to work together on this. I got a call from television yesterday and someone had called them and they were all up in arms about this situation. It was a case where the county had accepted those roads already and that was our responsibility and their taxes pay for the upkeep and we are not cooperating with them. If you have any contact with Mr. Ackerman ask him to do the best he can to kind of keep that group together in working with us because that goes contrary to what we are trying to do here.

Commissioner Jerrel: There is some misinformation.

Commissioner Tuley: Yeah.

John Stoll: Right. We've had several people call with those same complaints saying they pay their property taxes and they demand that we fix their street. They don't know that property taxes aren't going to fund street repairs and things like that. You're right, there are plenty of them that have called with criticism similar to that.

Commissioner Jerrel: Perhaps if we had a standard letter prepared that describes how street repairs are paid for that you could send to people that describes the funding source--

Commissioner Tuley: Probably a good idea.

Commissioner Jerrel: --so that they don't feel like they're not--

President Mourdock: Are you referring to that, though specifically through the funding of the Barrett Law application?

Commissioner Jerrel: No, no. I'm talking about how we pay for streets.

Commissioner Tuley: People don't understand that it is not property taxes that pay for their roads and stuff.

President Mourdock: Oh, okay.

Commissioner Tuley: It's not property taxes that pave their roads and stuff.

Commissioner Jerrel: Yeah, I just think that is one more way to give people accurate information is to come up with something and then that would also be a way after you talk to them to say, we'll send this to you in the mail.

John Stoll: Okay, we can get with Suzanne and get the revenues as far as what the gas tax brings in and then take it from there.

Commissioner Jerrel: People feel better the more they know.

John Stoll: A lot of the times when we've told people that gas tax revenues are funding the streets primarily they say, well, I buy gas so my street should be fixed.

Commissioner Tuley: I wish it were that simple.

President Mourdock: Any other items, John?

John Stoll: One other thing and it is in regards to Burkhardt Road. I received a request from Mr. Buzz Weisiger of Gershman Brown regarding his concern for traffic problems that will exist on Burkhardt Road when they open Kohl's and Home Depot. He was requesting whether or not they would be allowed to have off duty deputies flag traffic in and out of that driveway on Burkhardt Road for safety's sake. I spoke with the Sheriff's Department and they said that would be something that they would consider doing with their off duty Sheriff Deputies, but the developer would have to foot the bill for any deputies that would be out there trying to direct traffic. The drawback to that is it could cause some congestion. Since they are going to be stopping northbound traffic it could cause congestion to extend as far back out on the Lloyd Expressway. There is no good solution to it because no matter which way you go it is going to be bad until the project is completed, but Mr. Weisiger was requesting that they be allowed to do that. I have never been presented with a request like that since I have been here and I didn't know if legally if ordinances and laws allow them to direct traffic into a private development like that stopping traffic on the main county thoroughfare. If so, what procedures would have to be followed?

President Mourdock: Is the concern...you said when Home Depot opens. Does he mean that in a grand opening rush one time thing or is he talking every day at 3:30 to 6:30?

John Stoll: He is talking consistently, I believe. The problem would exist for whatever hours that the deputies aren't there, so without being in place the entire time that the stores are open, then they could potentially have the traffic problems. I have no idea what their peak times would be and I don't know if they would at this point.

President Mourdock: About the best we can do, it sounds to me, is to take it under advisement at this point because if he doesn't know what the traffic is going to be, we don't know what

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

37

the traffic is going to be so is there any action that we could take?

John Stoll: Not at this time. I don't know if maybe Joe could check into it?

Commissioner Tuley: Yeah, he wants to take it under advisement.

John Stoll: Just whether or not it could be allowed. If you could tell me because I didn't know where to take it.

President Mourdock: Okay.

John Stoll: That's all I've got unless you've got any questions.

President Mourdock: The first Monday in March, the presentation.

John Stoll: If not sooner.

President Mourdock: That's fine, too. If you can get it sooner just let us know.

John Stoll: Do you just want the proposed projects that we know are on the books right now? I mean, I know we've got the Eichoff/Koressel and I know we got the Cross Pointe and things like that. Do you want culvert replacements and bridge replacements and everything that we know of at this point plus potential needs?

President Mourdock: Yeah. I want to know what you know, John.

John Stoll: Okay.

President Mourdock: I don't mean to be glib, but certainly you don't need to put the amount of detail in Koressel that some of these others would. I mean that is maybe distant and out there.

John Stoll: Way down the road.

Commissioner Tuley: The major areas of construction right now. The key ones.

President Mourdock: Yeah, that you know that you've got coming up. Those are first priority and just kind of go from there backwards.

John Stoll: Do you want anything in there in regard to the projects that EUTS has listed in their long-range plan as far as proposed future federal aid jobs?

President Mourdock: Sure.

Commissioner Jerrel: To me I am interested in the current projects. I think you need to speak to them, but I am interested in what you're recommending to us as the best way to resolve some of our traffic problems in your opinion. In that case, Eichoff/Koressel, if it is nothing more than a line, if you view that as something long-term, a need, a beltway need perhaps you need to say it or show it. If it isn't important to you, you know, what you think.

John Stoll: Okay.

President Mourdock: Okay, thanks, John.

**County Garage**

President Mourdock: Milton was here.

Commissioner Jerrel: He didn't stay.

President Mourdock: He didn't look like he was feeling well.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe Harrison, County Attorney's report.

Joe Harrison, Jr.: Well, let's see. A couple of things from last week. You may recall, Cheryl Musgrave came before us and asked for the county to pay her dues for the Realtor's Association, the Evansville Realtor's Association. I checked with the State Board of Accounts on that particular request and they didn't see any problem in the county approving that request because it is the Assessor's Office request. It would be their membership, not her individual membership. They didn't have any problem with that. I think that the Auditor's Office...I sent a letter to them and Ms. Musgrave and I think that is being processed.

President Mourdock: Before you move off that one I think we need to act on that.

Joe Harrison, Jr.: Yeah, go ahead.

President Mourdock: I would ask for a motion to accept payment of the Assessor's dues to the Realtor's Association.

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The next thing that I was asked to look at was the Perry Township Assessor Lease Agreement. I got a copy of the old lease agreement and looked at the letter that they sent to the county. It is William L. Miller who is the landlord out there. The agreement looks fine. I don't have any problem with that particular lease agreement. The county would be paying \$399.75 a month and it would go from January 1st through the end of this year.

President Mourdock: Okay. Again, that was presented to us last week for action.

Joe Harrison, Jr.: Right.

President Mourdock: So I would look for a motion at this point.

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

39

Commissioner Jerrel: Yes, and before I make the motion I did speak to Greg Hofmann and he did address that a little bit tonight. He looked at that lease and he is looking at all of them to assure that when they have an insurance obligation that they do, in fact, give them a statement indicating that they have provided that, so I will approve that.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Let me see here. Oh, the Erosion and Sediment Control Ordinance. I have drafted an ordinance similar to that passed by the city of Evansville. I have been speaking with Mike Wathen on several occasions over the last several days and he is comfortable with the draft that I have prepared. I think you all have a copy of it in front of you. I may have made a little change to it since that time, but I think that is it. I would ask that you permit the Auditor's Office to advertise this ordinance for the March 3rd meeting. It would need to be advertised twice, a week apart and the last time would be at least three days prior to the date. If that is possible. Does that give you enough time? For the March 3rd meeting. It's got to be advertised twice, a week apart with the second time three days prior to March 3rd. Would that give us enough time? Today is the 11th. Okay.

Commissioner Tuley: I'll move that it be advertised.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Commissioner Tuley: Will there be...you know, what we've done in the past with these is solicited the input, since you have been talking to Mike, with developers and different ones. Does he still want to do that through this office or did he get to you on that? Seeing if there are any changes since--

Joe Harrison, Jr.: Well, he has faxed this draft to all of them and asked for their comments.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: Apparently he didn't get any back. Really a draft of this ordinance was out there. There were some changes made to it because of the codification issue and some of that.

Commissioner Tuley: Substance-wise there really isn't--

Joe Harrison, Jr.: Basically, no. There were just some minor little changes here and there. They were comfortable with it. Also, it will be a public hearing on the ordinance, so if there are any individuals who want to address the Commissioners at that time they will be able to.

Charlene Timmons: Will it be a final reading? Or like the final hearing?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Okay. My other question is does this whole thing need to be advertised?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Okay.

Suzanne Crouch: Do you have a disk at your office?

Joe Harrison, Jr.: I don't know. We'll see. Maybe.

President Mourdock: I'll bet it's in there.

Joe Harrison, Jr.: I bet we do. Yeah, we can probably handle that.

Let me see, I've got a couple of other things. On the Welfare to Work proposal, I don't know, Richard, if you got my E-Mail today?

President Mourdock: No, I didn't. Bettye Lou sent some E-Mail and I didn't get it either.

Joe Harrison, Jr.: Basically, I spoke with Jim Morovich who is the Director of the State Family and Service Welfare Department. I can't remember what it is called now. Apparently, he has spoken with you, Richard. I indicated what we were talking about doing down here in Vanderburgh County and he was aware of some interest in having our own Welfare to Work Program down here. Apparently, there are some other counties in the state, he said Scott and Elkhardt, that are in the process of doing something, but from what he gathered from what I was telling him we're ahead of the game. He would like to meet with you and I as soon as possible and indicated that they would provide whatever assistance they can and will make sure that everyone cooperates with us and there may even be some funds available which might be nice.

President Mourdock: That is excellent news because I think a lot of folks all through the Welfare to Work process had hoped that this would be number one, ahead of everyone else just because we had the inertia behind us and secondly, it might be the first seed to generate other funds beyond the fairly small funds that we are dedicating to it.

Commissioner Tuley: Oh, from state. You're talking about what we are contributing to it?

President Mourdock: Right, yeah, to make it work. So, excellent report.

Joe Harrison, Jr.: Anyway, if you and I can get together maybe we can get up to Indianapolis soon. If not, he can come down here. I think we might be able to speed things up if we go up there.

President Mourdock: Excellent, excellent.

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

41

Commissioner Tuley: Can I butt in on that type of thing? Which reminds me when you are talking about Indianapolis. Tony, were you able to find out anything about the "Commissioners Meet Your Legislature Day?" Remember we brought that up a couple of weeks ago?

Tony Greubel: Yeah.

Commissioner Tuley: Is that part of your report tonight?

Tony Greubel: I wasn't planning on it, but I can bring a little bit into that.

Commissioner Tuley: Well, time is getting short, so if we need to send in reservations or something I would like to know what I need to know.

Tony Greubel: Yeah. It's February 24th for the Commissioners.

Commissioner Jerrel: I think it's the 24th, 25th and 26th.

Tony Greubel: Yeah.

Commissioner Jerrel: I read it today. The 24th and 25th are full days and the 26th is 8:30 to 11:30.

Commissioner Tuley: The 24th? There are an awful lot of County Commissioner meetings on Monday. That kind of surprises me.

Commissioner Jerrel: I think the 25th and the 26th--

Commissioner Tuley: Are the main...

Commissioner Jerrel: The 25th is the all day and it is half a day on the 26th. Is that right?

Tony Greubel: Yeah.

President Mourdock: The 25th is a Tuesday.

Commissioner Tuley: I would like to get permission to travel though.

Tony Greubel: Actually on Monday it is 4:00 to 11:30; 4:00 p.m. to 11:30 p.m.

Commissioner Tuley: Is there a registration fee or anything like that involved?

Tony Greubel: Um, no, that is something else I'll check on. I'll call them tomorrow.

Commissioner Jerrel: Do you want to approve travel for that?

Commissioner Tuley: Yeah, if that would be alright.

President Mourdock: Let's save that until we get to the consent items and then we'll throw it in there. You're right, we need to do that.

Commissioner Tuley: Joe made me think about it when he said something about going to Indianapolis.

Joe Harrison, Jr.: Oh, next week for the Rezoning Hearing that is going to be at 7:00, I will not be able to attend the Rezoning Hearing next Tuesday. I have spoke with Tim Born about the possibility of filling in for me at that particular hearing and if you all are agreeable to that then I will get back with him.

Commissioner Tuley: That's fine with me.

President Mourdock: I think that is appropriate. I believe we have two items.

Joe Harrison, Jr.: Could you make a motion to that effect?

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: I think that may be it. There are a number of things that I am beginning to review, some of the ozone information, and one of the attorneys in my office is assisting me with that. There is also additional work. There is going to be a petition to vacate on the auditorium some area there and we will be working on that as well. I think that is about it for now. There might be some other things you all can think of that I may have forgotten. I do have a letter that I need to give you also.

Commissioner Jerrel: I would like to just advise you and either if you're gone and you're here and you would like to go before Council, but we do have a number of transfers in order to comply with contracts that we have already approved. The money is there, but we do need to go to Council, so one of us needs to be there at the Personnel and Finance meeting on the 26th. If it's not necessary...I mean, if you choose to go I'll stay in town, but someone needs to go and present those.

President Mourdock: Okay, we'll check our schedules and see how that works. That's at 11:00?

Commissioner Jerrel: Yes.

President Mourdock: Okay. Joe, you said you had a letter to add to your report, too?

Joe Harrison, Jr.: Yeah, I'll just pass this out and you can take a look at it whenever you want. Also, there is some information on campaign finance, the update on what is pending in the legislature, and there is a copy of an article that I have that gives you kind of a little synopsis of what actually is going on as far as proposed changes. Again, these changes would impact local races, so they would impact city, county and township races as well as state races. Maybe at some point you can have one of our local representatives come in front of you,

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

43

too, and give an update. The media has been keeping us advised a little bit on what is going on also.

President Mourdock: From what I have followed through the media most of the changes would be how much an individual can contribute which is sort of a different direction, at least than what we discussed the night we brought it up, which was to limited the total amount. Any kind of change in this case almost any is good in my opinion.

Joe Harrison, Jr.: Also, I think I did give you, Richard, a copy, and you probably haven't seen it yet, but a copy of the old ordinance that was passed by the city in 1987. I found out it was subsequently repealed in 1990 based upon the Attorney General's opinion. In that ordinance they did have caps on the amount that the Mayor could raise, a City Council person could raise, etc. It was kind of interesting to read. Again, state statute is not going to permit those types of local initiatives, but, again, that will be good reading for you to take a look at.

President Mourdock: Alright, excellent report.

Charlene Timmons: If I can catch the ad for the German Township Fire Petition that is supposed to be in there on Friday, can I go ahead and cancel that?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Okay.

Joe Harrison, Jr.: Yeah, I don't think it is necessary to say that has been canceled.

Charlene Timmons: I just wanted to catch it before it ran again and save some money.

Joe Harrison, Jr.: Right, sure. Yeah, it will save us some money.

Charlene Timmons: Okay.

Joe Harrison, Jr.: You can use that to publish this ordinance.

President Mourdock: Okay, any other questions or items for Joe?

**Tony Greubel - County Commissioners' Office**

President Mourdock: Tony, do you have anything to report from the county building perspective or other issues?

Tony Greubel: You have your bulletin board now right behind me.

President Mourdock: Yes, and I was striking off the notes, Tony's last week!

Tony Greubel: Does that mean I still have my job?

President Mourdock: Yes.

Tony Greubel: Also, the County Auditor gave us a travel request before I could put it in your folders.

President Mourdock: Anything else, Tony?

Tony Greubel: I'll have to check with Ameritech, but they were supposed to install an analog line today.

President Mourdock: Okay.

Tony Greubel: I assume that VanAusdall will hook it up tomorrow.

### Consent items

President Mourdock: Alright, we'll move to consent items which consist of employment changes, travel requests, the EUTS request for the approval of Room 318, County Council surplus property additions, the County Auditor submitting accounts payable vouchers, Area Plan Commission with the acceptance of their annual report and Mercy Ambulance acceptance of a fourth quarter report. I would ask that we add on consent here the consent item that Commissioner Tuley brought up regarding travel requests for the Commissioners to Indianapolis during the week of February 24th.

Commissioner Tuley: More specifically, I would request to travel on the 25th with lodging on the 25th and return on the 26th. I won't ask for per diem and I may not need a hotel.

President Mourdock: Okay. Bettye Lou, do you wish the same type of provision?

Commissioner Jerrel: No, I won't be able to go because I can't get back in time to go to Council and one of us has to be there.

President Mourdock: Okay. With those as the consent items--

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### Scheduled meetings

President Mourdock: We have in our packet a list of scheduled meetings which you may each review.

### Old business

President Mourdock: Any old business to discuss tonight?

Commissioner Jerrel: There has been no final decision on the SCT contract, but I will keep you posted when we have the meeting. That's all I have to report.

Commissioner Tuley: I don't have anything. No new news on old

**Vanderburgh County  
Commissioners Meeting  
February 11, 1997**

45

business.

President Mourdock: Okay. Several items, just as an update. Pursuant to our discussion, I did send a letter to Ms. Townsend informing her of the Teamster contract.

Commissioner Tuley: Oh, Tony has the signed contracts in his possession now.

President Mourdock: Okay.

Commissioner Jerrel: Okay.

President Mourdock: Do we need to accept those then?

Commissioner Tuley: I think what we did last week was move for the approval and we signed them last week just subject to the president of the Teamster signing them.

Commissioner Jerrel: You're right.

Commissioner Tuley: He signed them and sent them back to us.

President Mourdock: Yeah, but just for the record we will acknowledge that we received signed copies.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Other old business items, a couple of them. Last week we talked about a County Administrator position. I have you job descriptions that I had drafted up. Pat gave me some comments relative to that. What is your pleasure in our next step with that issue?

Commissioner Tuley: I really didn't have any additional recommendations on the job description that you gave. I guess I would move at this time then that we move it to the Job Study Committee for review and their recommendations in terms of salary and what have you.

Commissioner Jerrel: Did you compare this one with the existing job description?

President Mourdock: The existing one?

Commissioner Jerrel: The existing Superintendent of Buildings.

President Mourdock: Oh, I have not. I have not seen the Superintendent of Buildings.

Commissioner Jerrel: Well, I think we ought to at least look because if we do go before Job Study we ought to be able to say this is the difference between the job that is currently advertised and what we would like to change it to.

Commissioner Tuley: Yeah, that Superintendent of County Building title is such a misnomer.

Commissioner Jerrel: A misnomer.

Commissioner Tuley: Yeah, because that is just a very minute part of what the real job is.

Commissioner Jerrel: Right.

Commissioner Tuley: Well, it is just whatever you guys want to do. I just think it is an important move to move in that direction.

Commissioner Jerrel: I do too. I'll get the copy of the job description from Mr. Deisher and send it to each of you.

President Mourdock: Okay.

Commissioner Jerrel: That way you can take a look at it just so that you're clear. If there is something that you've left out--

Commissioner Tuley: I want strong emphasis on the classification, because I think it needs to be almost to a Chief Deputy-type position.

President Mourdock: I certainly agree with that.

Commissioner Jerrel: So the motion is to move forward.

Commissioner Tuley: Yes.

President Mourdock: I don't know that we need a formal motion.

Commissioner Jerrel: No, we don't.

President Mourdock: Second under our old business, an action item from last time is a similar discussion regarding our County Ozone Officer. As a bit of an update, I met with Mayor McDonald today to talk about, again, how that position would work with the current city EPA Board and the Mayor is going to attempt to schedule a meeting probably later this week with both the EPA board members, the head of the EPA and myself and either of you who would like to attend to discuss that issue.

Commissioner Jerrel: Will you tell us when the meeting is?

President Mourdock: Yes, as soon as I find out. Again, in reviewing the job description I gave you last week, any comments or anything pertinent at this point?

Commissioner Tuley: No, I don't have anything real pertinent with regard to the job description. I was reading Christine's letter and there is some concerns in terms of timing and checking and all that stuff. We will have to address them somewhere, but it may not be in that job description.

President Mourdock: Yeah, and that letter was basically the substance of the Mayor's discussion with the Mayor and I. The discussion that the Mayor and I had today just to make sure that we are not being inefficient.

Commissioner Tuley: Okay.

President Mourdock: The next item that I had was the ozone ordinance review which Joe mentioned in his report. I had the Assessor's Realtor's membership which we have taken care of. The Perry Township, the bulletin board which we have taken care of and the EUTS discussion. So that takes care of my old business items.

**New business**

President Mourdock: Any new business? I would ask for a motion to adjourn.

Commissioner Jerrel: So moved.

Commissioner Tuley: I will second.

President Mourdock: And I will say so ordered.

The meeting was adjourned at 7:52 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene M. Timmons  
Tony Greubel  
John Buckman  
Bob Dillow  
Greg Hofmann  
Mike Shoulders  
Mike Buente  
Steve Parker  
Joan David  
Jaya Dodd  
David Dunn  
Edwin Lacy  
Jim Keck  
Gene Hamme  
Jeffrey Berger  
Tony Carroll  
Cal Robinson  
Theo Boots  
Harris Howerton  
Bill Bivens  
Andy Easley  
John Stoll  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member



**Vanderburgh County  
Board of Commissioners Meeting  
February 18, 1997**

The Vanderburgh County Board of Commissioners met in session this 18th day of February in the Commissioners' Hearing Room, Civic Center Complex, at 5:36 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Thank you all for joining us. You're at the meeting of the Vanderburgh County Commissioners. If you think you're at the County Council or the City Council, you're in the wrong room and now is your chance to escape. As we begin tonight, by way of introductions I will start at my left. To my far left is Charlene Timmons, who acts as our Recording Secretary; to Charlene's right is the County Auditor, Suzanne Crouch, who by statute is the Secretary for the County Commission; to my immediate left is Commissioner Bettye Lou Jerrel; to my immediate right County Commissioner Pat Tuley; to Pat's right the County Attorney, Joe Harrison, Jr.; and to Joe's right our Administrative Assistant, Tony Greubel and my name is Richard Mourdock. As we get started, we would ask that you join us in the Pledge of Allegiance.

**Certification of Executive Session**

President Mourdock: As we get under way this evening we need to announce that we had an Executive Session of the County Commission prior to this meeting. At that session we talked specifically about county personnel matters and the initiation or litigation... pending or threatened litigation against the county. All three Commissioners were present at that meeting, as was the County Attorney and the County Auditor.

**Approval of minutes**

President Mourdock: The second item on our list is the approval of the minutes from the County Commission meeting of February 11, 1997.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered.

**Joe Profaizer - SCT**

President Mourdock: The third item on our action list tonight is a report from Mr. Joe Profaizer at SCT.

Joe Profaizer: Thank you. My name is Joe Profaizer with SCT Computer Services. I have three maintenance expenditures up for approval this evening. The first of which is to Digital Equipment Corporation for digital hardware, software and recoverall services for the calendar year of January 1st through December 31st of 1997. The total expenditure is \$27,376.03.

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

The county's expenditure or share of that is \$17,016.94. Do you want me to continue with all three?

Commissioner Jerrel: I'll make the motion to approve that particular Digital Equipment Corporation claim.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Joe Profaizer: The second is to Advanced Micro Electronics for a quarterly invoice for DEC peripheral maintenance. The total expenditure is \$12,096.50. The county's share is \$7,519.18.

Commissioner Jerrel: I move approval of the Advanced Micro Electronics maintenance program for the quarterly invoice.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Joe Profaizer: The third is to Executive Software Incorporated. It's disk defragmentation software annual maintenance. The total expenditure is \$1,222.50. The county's expenditure is \$759.91.

Commissioner Jerrel: I'd move approval of Executive Software Inc.

Commissioner Tuley: I'll second.

President Mourdock: So ordered and what does defragmentation do? Does it put broken files back together?

Joe Profaizer: Yes, it does. Your files on your hard drive become fragmented and when you write the files to the hard drive space it can go anywhere on the disk drive. Fragmentation clumps them all together for faster access time.

Commissioner Jerrel: May I?

President Mourdock: Sure.

Commissioner Jerrel: Very briefly, I did speak a little bit about our afternoon meeting today to the Commissioners.

Joe Profaizer: Yes.

Commissioner Jerrel: I indicated that we were meeting again in about a week and a half or two weeks. I have spoken to the Auditor--

Joe Profaizer: Yes.

Commissioner Jerrel: --a little bit about part of the discussion about the prioritizing of the program. Perhaps you and the Auditor could talk a little bit maybe tomorrow to just go over the general tenor of our meeting.

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

3

Joe Profaizer: Okay.

Commissioner Jerrel: When I get back from Indianapolis we'll get together again because I want the Commissioners to be aware of this.

Joe Profaizer: Yes, absolutely.

Commissioner Jerrel: Okay.

Joe Profaizer: I'll be glad to. I'll get in touch with you in the morning.

President Mourdock: I don't mean to put you on the spot, Joe, but we had kind of a duplication here in our agenda. Item B and Item G, effectively, these two topics, and just to go ahead and conclude Item G, did you have any other comments about your personnel request or anything at this point? If you don't, like I said, I'm not trying to put you on the spot.

Joe Profaizer: In our meeting today we are requesting three additional personnel. We've talked over our current needs for service. We talked over the future and current project plans. I can go ahead and elaborate or if Bettye Lou would rather defer and discuss that with you that is fine too.

President Mourdock: Not too long ago, within the past 30 days, you were talking about two people were you not?

Joe Profaizer: Yes, I was.

President Mourdock: Okay.

Joe Profaizer: Since then we've went back and have looked at industry standards for additional staffing. For instance, how many people, staffing people, per number of PC's is industry standard? Well, industry standard is 150 PC's per person. Right now we have 400 PC's and we have one person handling those 400. The industry standard also is one person per five or per six file servers. We have two people handling 16 file servers right now, so the total request is going to be for three additional staff members and potentially maybe something in the contract as an amendment for future planning purposes. When we go over this next level, you know, we're going to have to figure additional manpower in the background to keep up on these PC's.

President Mourdock: What, by definition, does industry standard mean? Does that mean as pertains to governmental-type entities or is that commercial industry and everything all together?

Joe Profaizer: It's everything under the sun, basically.

President Mourdock: Okay.

Commissioner Jerrel: I will say to you that we have 45 file servers at the Evansville-Vanderburgh School Corporation, 1800 PC's and 700 of the stand alone and six and a half people for all that management, so the standards...we are negotiating this and Leslie is doing some research and we want to sit down with

Joe later. We've got some bigger issues if we are going to use these standards or any other standards, and if they are going to drive what happens then we need to determine what the purchasing is going to be for the whole county instead of just putting things in budgets.

Joe Profaizer: Correct, correct.

Commissioner Jerrel: Okay.

Joe Profaizer: Is that all?

President Mourdock: Any other questions for Joe? That's it then. Thank you, Joe.

Joe Profaizer: Thank you.

<b>Dan Spindler - Given &amp; Spindler</b>
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President Mourdock: The next action item that we have is Mr. Dan Spindler, who I think we've...yeah, with a report on the auditorium.

Dan Spindler: Members of the Commission, my name is Dan Spindler and I am President of Given & Spindler Company. Our company, along with Aiken Management, has the contract to manage the Vanderburgh County Auditorium and I want to thank you for giving us the time this evening to give our annual report of operations for the year of 1996. Before I get into that I would like to introduce Nina Cox, our General Manager at the Vanderburgh County Auditorium, and send apologies for Larry Aiken who normally would have attended this meeting for our annual report, but has been out with surgery and is still recovering. There are a couple of other housekeeping items that I would like to quickly cover prior to getting into the report itself. One is that we would like to have approval from the Board to go before Council Call in that now that the Board has taken action on setting the affirmative date, being January 5th, I believe, in 1998, and the result of that being the operations of the Vanderburgh Auditorium and Gold Room will be open for the entire year. We need to go back to Council to look at a request for additional appropriations for our budget for 1997 in order to finish funding the operations for the year itself.

Commissioner Jerrel: I would like to add a caveat to that. I would like to meet with you first and go over your requests since I am the one who worked with you on your budget last year.

Dan Spindler: Certainly, we would welcome that opportunity. We certainly would.

Commissioner Jerrel: I'll move approval that I meet with them and then we will take the request to Council.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Dan Spindler: Thank you.

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

5

President Mourdock: Just by way of background, as I recall, originally when you worked on the budget you looked at six months?

Commissioner Jerrel: Uh-huh.

President Mourdock: Then we extended the period--

Dan Spindler: For a year.

President Mourdock: --to keep it open?

Dan Spindler: Right.

President Mourdock: Okay.

Dan Spindler: The other housekeeping item is that I have a returned insurance premium check to turn over, I guess, to the Auditor. Jesse Stock Insurance Company has refunded \$2,171 on last year's insurance premium. For whatever reason, the check was made out to Given and Spindler as well as Aiken Management. It has been endorsed and I would like to turn it back over to the county.

President Mourdock: Okay.

Dan Spindler: Our report for 1996 has good news and bad news. Hopefully, by the end of the report you will see that we have more good news to report than bad news. I would like to call your attention to the poster or the board over to my left-hand side and talk first of all about the overall expenses for 1996. As you can see, the area in green reflects the operations in terms of operating expenses from the years of 1991 through 1996. Expenses have been increasing. In fact, the 1996 overall operating expenses ran \$491,560 which is \$9,875 or a 4% increase over the previous year's operation. Utilities were the largest contributing factor in that they had a \$20,000 increase alone just in the fact of utilities in 1996 over the 1995 operations. However, in looking at this, in the year of 1992 is when professional management went in to the overall operations, and even though we've had an increase in operating expenses, if you'll look at the bottom line under the deficits you'll be able to see that the actual deficit itself has at least somewhat stabilized during this time period. The overall 1996 operating deficit ran \$241,639. In 1996 we had an increase in the deficit, the first time since 1993. I would like to point out that our operating deficit is still 7% less than the deficit to the year prior to professional management. The next item deals with the aspect of income. Again, the poster to the left, and there are copies in each of your folders, reflects the revenues from 1980 through 1996. Again, with 1992 being the first year of professional management. Our operations in 1996 resulted in an actual decrease in revenue and this is the first time in four years, or actually almost five years I guess now, that revenue has decreased. From 1992, 1993, 1994, 1995 operations were all record year's income for this particular facility. Our income was actually down in '96 compared to 1995 by \$278. The total income was \$249,921. This income is still, for the 1996 operations, 42% higher than the year prior to professional

management being in place. Part of the factors that we believe have contributed or had a major contribution to the income not being up again in 1996 is the uncertainty of when construction would begin. We had to operate for most of 1996 and even in 1995 booking into '96 under the premise that we could offer a particular customer...we could market to a particular customer saying yes, that date is available in the building, however, if the Commission or the county would decide to commence construction, then, in fact, that date would no longer be available. When you are dealing with meeting planners, conventions, Broadway series and all the various types of uses that go into the facility that makes it very, very difficult to try and market that kind of a facility with people on guaranteed dates in advance. We think the fact that we now have a firm decision by the County Commission that it will be open all of 1996...or all of 1997 rather, that we should be able to have a better marketing tool to be able to guarantee patrons and customers of the Auditorium and Gold Room that, yes, their date is available for their particular booking as well as tell them that the construction has been decided upon and that there is a firm date. In fact, our contracts, as you know, have included in the last year, basically, a caveat that said that should the county start construction that the contract is basically, null and void. That contributed, I think, had a very negative impact on our overall income. Our Ticketmaster Box Office location; the Ticketmaster Box Office continues to increase sales as more people in the downtown area become aware of its location. This provides a service to people living and/or working downtown and also provides a revenue source for the facility as well as a major tool to help attract performances to the Auditorium itself. We opened the Ticketmaster Box Office after beginning management of this facility, so we've had just a few short years to really try to promote that and we see that as promotions for people being aware of that particular location. Even though we may not be open every evening or every weekend like many retail establishments, it certainly is playing a major role. The results of operations for 1996 with the Ticketmaster Box Office we sold 15,799 tickets through that box office for Vanderburgh County Auditorium events. We sold 5,234 tickets for events through the Ticketmaster system of events held outside of the auditorium. The total tickets sold is 21,033. Our volunteer program is, we feel, a major success story for 1996. In 1994 our company established a volunteer program. The majority of the volunteers are retired individuals who donate their time by servicing this facility as greeters, ushers, ticket takers, coat checks, concession and floor managers. One in depth training session was held in October of last year and several other abbreviated sessions were also held throughout the year. Most of our training commenced with review as well as looking at specific needs for specialized types of events themselves. The volunteers assisted in a total of 49 events. The total man-hours donated were 2,491 hours representing a 34% increase in donated hours over the previous year. I believe that a great deal of gratitude needs to be expressed to all of those volunteers. Their time not only in '96, but in the previous couple of years, has saved the county tens of thousands of dollars as well as provide a very viable service to patrons of this facility and created a much better image for the overall facility itself. Our facility usage; 149,730 individuals

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

7

enjoyed themselves while attending 214 different functions in the facility. There were 91 events in the auditorium with attendance at 93,178. There were 97 events in the Gold Room, 26 events using our meeting rooms, and the total attendance for the Gold Room and the Meeting rooms for the year was 56,552. While patrons of the auditorium watched three Broadway shows in 1996, the highlight of the year certainly was in May with the performance of Les Mis. I don't know if you're aware of this and maybe even many of the folks living in our county, but Evansville, Indiana, Vanderburgh County was the smallest city that Les Mis has ever performed in. We feel very, very fortunate in having the ability to attract them not only to our area, but also being able to utilize this facility. There were a wide array of functions. Everything from conventions, wedding receptions, Philharmonic events, dance recitals, talent shows, shareholder meetings, holiday parties, craft shows, expo events, Broadway, proms and a whole host of other events were held in this multipurpose facility. 1997 is also shaping up to also be a very good year in that we now have three Broadway shows booked for this year: Singing in the Rain, Joseph and the Amazing Technicolor Dreamcoat and Stomp will all play in 1997. We have 186 event days consisting of 61 separate events already booked. Again, as I said earlier, I think with your decision to have the facility open where we can guarantee individuals the right to use that facility and that it will be open this year will greatly assist us in being able to continue to promote the facility for more bookings for this year. The last item is a contingency plan. As we approach the construction period closing of this facility a new concern becomes very apparent. At this time we have 118 event days booked for 68 separate events in 1998 while the facility will be closed. There are 57 event days booked for an additional 28 events in the year of 1999. We believe that good stewardship of this facility calls for a contingency plan to be developed to assist those loyal customers who have bookings in the facility while it is under construction. While I realize that there may not be a legal responsibility on the part of the county to accommodate and assist those individuals, we believe that there is a moral and ethical obligation as well as simply good business sense to assist those individuals that have in good faith booked in '98 and '99 and we even have at this time two tentative holds for the year 2000, but to assist them where possible in trying to find other accommodations and working with them and other locations to accomodate them so that, hopefully, through those effort we've not only provided a good service, but we can also turn around and hope to see their usage come back into the facility once it is finished. We would also like and request some guidance from the County Commission in regards to how far out at this point in time you would like for us to look at bookings? We are constantly, at this point in time, being contacted as well as our marketing efforts from previous years as well as current marketing efforts and are getting requests to look at bookings. Obviously, we wouldn't book anything now that we at least have some tentative construction dates, but for the time period beyond that. As you are well aware, Broadway, wedding receptions, conventions and those types of uses are booking a year, two years, three years and in some cases even five years out. While we may not know exactly what the marketing pieces will look like, nor has anyone established what

kind of rental rates and specific facilities will be available once construction is completed, we think that it is important that we either turn the tap off and say forget it for a while or at least take the initiative to go ahead and start holding dates for a time period once construction has commenced. I thank you again for your time this evening. I would be more than happy to answer any questions that you may have.

President Mourdock: Okay, thank you, Dan. Any questions for Mr. Spindler?

Commissioner Tuley: More of just a comment, Dan. I do recognize and appreciate that you recognize the need to keep as many of our potential customers happy as we can in working with them to help find them alternate places to hold their facility, so that once we get our facility up and going again that they will not of had a bad taste in their mouth for us and will want to come back and do business with us. It is important that you recognize that and I am glad that you did.

Dan Spindler: Thank you.

President Mourdock: Yeah, I will ditto that and then ask for a suggestion from you as well, Dan. Your comments about the contingency plan, if you will, everyone's nightmare scenario that we start down our construction path and then something happens and, in fact, we are 60 days or 90 days or four months, whatever, behind schedule. Do you have any thoughts? Again, you don't necessarily have to have them off the top of your head at this moment, but any thoughts?

Dan Spindler: I do just from other experiences in working with all types of facilities.

President Mourdock: Other than hang the Commissioners responsible?!

Dan Spindler: No, not that. I think that just like the architects, I'm sure, will build in a contingency factor for some cost overruns and adjustments, you need to do the same thing in the schedule. That's good planning. We build that window in from the beginning whether it is say a suggested 90 day period, but you build that window in initially and say that we are not taking bookings beyond this point. As you start through the construction phase then it is very important that the window, that lag time, in there also becomes adjusted. You may have a firm date of saying we won't book anything...I think at this point in time tentatively August 15--

Commissioner Jerrel: Of '99?

Dan Spindler: --of '99 is the target date. So as a suggestion we may say, okay, for 60 days beyond that or 90 days depending on, obviously, working with the architects we won't agree to book anything under a firm hold hypothetically let's say December 1st. As you move through construction you may adjust that. You would also take another period of time where you would book, let's say hypothetically, from December 1st to January 1st or February 1st and you may go ahead and accept

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

9

reservations for that date with the caveat that this far out, basically two years out, as we progress through construction your date although firm if construction is complete still may have to be adjusted. So you build that into your scheduling.

President Mourdock: I understand that.

Dan Spindler: Okay.

President Mourdock: I guess my question is that we tell somebody that the facility is going to be ready on August 30, 1999 and they say, fine, we're going to come in and be ready to have an event in the Gold Room, or whatever we rename the Gold Room, on September 1st and then we don't make our date. Do you have any suggestion as to how we might work with the Coliseum or some place else? That's what I read when I read the words contingency plan.

Dan Spindler: Oh, as far as the contingency plan during construction?

President Mourdock: For when it should be finished, but it is still during construction.

Dan Spindler: I think that if we spent the time wisely in developing relationships for contingency plans with coliseums, hotels, I mean, all the other facilities around, 4-H Centers or whatever, and granted those facilities may not offer the exact same accommodations that are here, but the difference is having no accommodations versus something that is slightly inconvenient. If we develop those relationships certainly that should carry over then from that contingency plan in to the fact that say the construction didn't get completed on time.

President Mourdock: Okay. Alright, thank you. Any other questions?

Commissioner Jerrel: No, I'm not willing to accept that we are going to take that long to build that facility because most of it is remodeling and I think that if our architect gets those design plans ready that they should clearly have those deadline dates in. I mean, I can't imagine that facility is going to take any longer than that to be finished.

President Mourdock: As Danny said, there is already some contingency in here for scheduling, but the bulk of your discussion or the bulk of the question obviously needs to be dealt with beyond the presentation here.

Commissioner Jerrel: But not here.

President Mourdock: Right.

Dan Spindler: I guess I still would like the consideration whether you would like for us to start developing a contingency plan and start working with those individuals at this time? The second questions is at this point in time we basically have not booked anything beyond the year 2000, okay?

President Mourdock: Right, and this says you've booked 57 event days for 28 events in 1999.

Dan Spindler: Yes. Even last year we would not take an event booked beyond the year 2000.

President Mourdock: I understand.

Dan Spindler: As we've approached that time period and now have some more reasonable expectations, I guess I am asking the Commission if it is alright if we look to continue to keep marketing and try to book those conventions and so forth beyond that time period?

President Mourdock: I understand your question. Quite honestly, there is something that we need to do. It is kind of both ways and the note that I made myself was to take it under advisement at this point and to get back to you and direct it so that we can have some discussions to deal with Bettye Lou's issue on the schedule.

Dan Spindler: Sure.

President Mourdock: So that we might be better able to do that--

Commissioner Tuley: Yeah, we can have whatever discussions, but the bottom line is because none of us can guarantee and know, we do need to plan for that. The greatest thing in the world would be that we don't ever have to do it and everything falls in line, but you've got to plan for it. We can have the discussions and that goes beyond what we can do here tonight.

Dan Spindler: Right. We can certainly work with that. I mean, we had to work with that in 1996. We've had to kind of dance on one foot and say yes, please come to our facility and use it. We're going to do everything we can and oh, by the way, if it is under construction you can't have the event. We've been able to work and live, I guess, under those kind of accommodations and we can certainly give some guidance and thoughts to assist you in those decisions.

President Mourdock: Okay, just by way of a suggestion to my fellow Commissioners, I've made a note here for March 17th which is effectively a month to get back and decide how, in fact, we want to do that.

Commissioner Tuley: We'll have more information by then.

President Mourdock: Okay, thank you, Dan.

Dan Spindler: Thank you, again.

**Bruce Ungethiem - Darmstadt Ambulance Service**

President Mourdock: Our next action item is Mr. Bruce Ungethiem, with Darmstadt Ambulance Service. As Bruce walks to the microphone, I suspect there are several people here who wish to address this issue? To speak to this issue? Very good. I was

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

11

going to put a time limit in effect, but since there is just one speaker we will make it easy.

Bruce Ungethiem: I won't be that long! Good evening, thank you. My name is Bruce Ungethiem and I am a resident of Vanderburgh County and a resident of the Town of Darmstadt. I am here tonight representing the citizens of Darmstadt on a matter that is very serious to us and could, in fact, be a matter of life or death. Before I begin, I would like to introduce a couple of people here so that you know who these people are. We do have two Town Board members here. Teena Preske, who is the President of the Town Board, and Bill Smith, who is a Town Board member. In addition, I would like the residents of Darmstadt who are in attendance just to stand so that you know how many people here are involved in this issue.

President Mourdock: Okay. I should stand, but I'll remain seated.

Bruce Ungethiem: I noticed you didn't stand. We have a resident of Darmstadt up in the front. Let's get right to the issue. The action that we are asking the Commission to take tonight is to reinstate Mercy Ambulance Service to the Town of Darmstadt. The reason for that is emergency medical service is very vital to our community and our town and no one should be denied access to that proper medical service. Now to give you a little bit of background to how we got to this position, in the past, prior to 1997, the town has always been covered under the county ambulance's contract with Mercy, and before Mercy with Alexanders. Last year the Scott Township Trustee came to the Commissioners and asked the Commissioners to not provide ambulance service to the Town of Darmstadt inclusive. The problem with that being the town...excuse me, with the township, Scott Township, inclusive. The problem with that is most of Darmstadt lies in Scott Township and that was a little bit out of his jurisdiction to do that because he didn't have authority to make that statement for the Town of Darmstadt. He had no request from the Town Board to do that. On the 28th of January a lot of the people in Scott Township received a letter with a statement in it that the Scott Fire Department, who is a separate private non-profit organization and not associated with the Trustee, but, in fact, a separate company, would discontinue emergency medical coverage in the Town of Darmstadt effective March 30th leaving Darmstadt without ambulance service. To date the town has attempted to talk with the Scott Fire Department, and on three different occasions have set up meetings to try and talk with the fire department and resolve this issue. On all three occasions the fire department has canceled that meeting. To my knowledge, unless Teena corrects me, they have not sat down and talked about this issue at this point. March 30th is approaching quickly. Our position as residents of the Town of Darmstadt is that we already pay county tax that goes into the General Fund which then provides Mercy Ambulance Service. Since emergency medical service is vital to our community, and the reason for that is that we have a school within the town limits that has over 100 kids in it, we have a day care center that has over 50 kids in it, we have the Vanderburgh County 4-H Fairgrounds which has a lot of annual events that will require emergency medical service and we have a lot of residents in the

Town of Darmstadt who are of retirement age and the probability of them needing emergency medical service is probably higher than people who are younger. We cannot count on a resolution of this situation with the fire department before the 30th of March. We have come here today to try to resolve our ambulance needs in a different manner. Even if we did come to a resolution there are a couple of other things that we are concerned with and that is the quality and the cost of the service that we're getting. Scott Fire Department does not fully staff both of their ambulances on 24 hour a day/seven day a week basis with fully paid paramedics. Therefore, there will be times when they are not available. Mercy does fully staff their ambulance service. They have somewhere between four and eight ambulances on staff around the clock 24 hours a day with paramedics on board. There is always going to be somebody there when you call to respond to an emergency. There is some concern, and I know some people in the Town of Darmstadt have some concerns about Scott Township responding to fire runs and there has been an issue with an emergency medical run up on Highway 41 North. I don't have all the details on that, but it appears as though Scott Township did not make the run and Mercy did. We have reason to be concerned that they may not be making the runs out all of the time. From a financial standpoint, Scott's EMS budget with the Township Trustee is \$72,500. That's their contract with the Trustee. There are some additional funds that put that figure over \$100,000. Of that, several thousand dollars of that depending upon how much the final contract actually is with the Town of Darmstadt and the fire department, Darmstadt will be required to pay as EMS service, okay? Mercy's annual cost to the county is a maximum of \$197,000 a year. Mercy indicated to me that there would be no additional charge to the county or to the Town of Darmstadt to add Darmstadt into their coverage. So if we are looking at this strictly from a business perspective, we're looking at Mercy's Ambulance Service at no additional costs to us versus Scott's Fire Department service at some cost to us which we don't know what it is now and we have limited ability to control that. Some additional information is that I talked with Mercy Ambulance Service, Mr. Jerry Key. He did indicate that he would be happy to provide the Town of Darmstadt ambulance service. They would have a posted position at Highway 41 and Mount Pleasant Road. They would also have another posted position at St. Joe and Diamond Avenue, and they have a third posted position and he didn't know exactly where it is, but somewhere in North Park. From those three posted positions they could respond to Darmstadt. They would even consider posting an ambulance in Darmstadt periodically if the run load warranted it. I assured him that if he decided to do that we will find a spot for him to park. Jerry also indicated that, as I stated before, the ambulance service contract with the county is \$197,000. There would be no charge to extend that in Darmstadt. In fact, he indicated that the \$197,000 has been that way for several years. It has not changed. It did not change when the Commissioners reduced the coverage area and took Scott Township out of the coverage and he indicated, basically, what that did to him from a business standpoint is it didn't reduce his expenses because he still has to have the same number of ambulances, but what it did is cut his revenue out because he makes money on the runs he makes to the county and then gets

reimbursed by the insurance companies on those medical runs. Actually, he lost revenue. Now he did not say this, but my guess is if he sees that in 1997 the cost of that contract may go up in future years to recover some of those revenues that he is losing. The way we see this is that it's a win, win, win situation. The residents of Darmstadt win because they receive the best medical service available for their children, their spouses, their parents and friends who live in Darmstadt. The service is full-time, fully staffed Mercy Ambulance Service. Just to give you an idea, from personal experience I was a former volunteer firefighter and an EMT. I would much prefer to have somebody come to my house when I call them who does this on a daily basis and whose skill level is at a higher level than somebody who does it once a week or once a month. From a medical standpoint I am really concerned with that. I know as an EMT if I didn't make a run for three or four weeks when I got to the scene I'm thinking okay, what is it I've got to do? How did I do this? If you don't use those skills those skills tend to diminish. Mercy uses those skills every day. Scott does not. Scott Fire Department does not. It's a win for Mercy Ambulance because they can generate more revenue from runs in Darmstadt without increasing their expenses. It's a win for the County Commissioners because they can provide valuable service to more county residents at absolutely no cost to the county. The contract is \$197,000 now and it will be \$197,000 if we include Darmstadt into that, okay? That is basically what we would like to propose to the council and what we would like to do is answer any questions that you might have at this time.

President Mourdock: Questions?

Commissioner Tuley: Bruce, let me make sure I understand. Are you currently under...you, as in the Town of Darmstadt...under contract with Scott Township for providing you fire and/or emergency?

Bruce Ungethiem: Let me answer that by saying the Town of Darmstadt believes that we have a contract with the Scott Fire Department for fire and emergency service until 1998. There is records in the minutes of the Town Board meeting and records in the minutes of the Fire Department that in 1993 an agreement was made between the Town of Darmstadt and the Fire Department for a five year contract to begin in 1994 and run through 1998 at 10% increase per year. We are three years into that contract and now the Fire Department says that they do not have a contract and they want to up the ante.

Commissioner Tuley: But that was for fire and emergency medical?

Bruce Ungethiem: It was for fire and first response EMS service. It was not for ambulance service for 1994, '95 and '96 because Scott didn't have ambulance service until this year, okay? They have made a decision, the Scott Fire Department and the Trustee of Scott Township, have made a decision to go into the ambulance service in Scott Township.

Commissioner Tuley: When? Do you remember when that started?

Bruce Ungethiem: I think that started...what? The middle of

last year? About the middle of last year they got their first ambulance. They now have a second ambulance and they've got one stationed at each station. One is in Darmstadt and one is in Daylight. It is kind of a side issue, but if you look at that the Town of Darmstadt's position is that we still have a contract with you for two more years. The fire department's position is no, we don't have a contract. There is no signed document, but there are three canceled checks for '94, '95 and '96 which indicates that the gentleman's agreement is in effect and does run for two more years. That's not an issue to be discussed here necessarily because that is a separate issue outside of this group. What we are basically talking about now is providing ambulance service to the citizens of Darmstadt.

President Mourdock: That's right. They are two separate issues. Obviously, we don't have a county fire department and there is no way the Commissioners can deal with the fire issue at all.

Bruce Ungethiem: Right.

President Mourdock: Just by way of history, and I think a couple of the folks who are in the room now might have been here last year at one time we had a question that came up over the drainage issue in one of the new subdivisions. Much to our surprise, the County Commission found out that we could not rule as a Drainage Board on that issue because the Town Board of Darmstadt had never basically yielded their inherent authority to do so. It appears, and I'll let the County Attorney speak to this since he is the attorney and I'm not, but it would appear to us that we may not have the authority within the Town of Darmstadt to institute the ambulance service. However, having said that if the Town Board of Darmstadt wants to pursue that certainly we could facilitate, as you said, with Mr. Key to try to tie something on to the original contract that we have for the rest of the county. We don't have a problem with that, but as far as the actual authority to do it even though it was done in the past, and I know that is about what you were going to say--

Bruce Ungethiem: No, that's not what I was going to say.

President Mourdock: Oh, okay.

Bruce Ungethiem: What I was going to say is we have the same situation with law enforcement protection in the Town of Darmstadt. We used to have a Town Marshall. He retired and we couldn't find anybody else to take the job, so what we have done is through a contract with the county contracted the Sheriff's Department to provide that law enforcement protection for our town. It appears to me that's a similar situation here. We do not have the capability to provide our own ambulance service, but we could contract with the county to have them assist us in that. I'm not sure what the mechanism was at that point in time, if it was a letter, a request or a small contract or whatever that mechanism was, but it is my understanding that we pay a nominal \$4,000 or \$5,000 a year to the County General Fund for police protection, sheriff protection. What we are attempting to say here is can we do that same kind of thing for ambulance service? It is imperative that if you are familiar

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

15

with how these runs get dispatched, it is imperative that we don't have two or three different ambulance services overlapping one another because invariably where that seam is somebody is going to get missed. We're going to wind up with either two ambulances there or worse than that no ambulance there and somebody dies.

President Mourdock: Are you suggesting with that statement that we not do anything until 1998 because you just said you think you have a contract with Scott for fire and ambulance?

Bruce Ungethiem: No, because earlier I said this situation with the fire department is likely not going to be resolved before the 30th of March. The fire department has told us that they will pull fire and medical service on March 30th and we cannot do without medical service. The fire service we are going to deal with on separate issue. To give you an idea, I would much prefer to have medical service than I would fire service. If my house burns down I've got insurance to replace that. If my child goes down and chokes and dies there is no amount of insurance that will stop that.

Commissioner Tuley: Right, right.

Bruce Ungethiem: Okay. We must have medical coverage.

Joe Harrison, Jr.: Can I ask you this, Bruce? Obviously, in '93 or '94 when the Town of Darmstadt entered into the contract for the fire protection since Scott didn't have ambulance service at all then that couldn't have been part of the contract wherever the contract is. Are you saying that really there is no agreement between the Town Board and Scott regarding ambulance service?

Bruce Ungethiem: That is true.

Joe Harrison, Jr.: But they are providing it, but you're saying there was no approval at any meeting or anything like that?

Bruce Ungethiem: The fire department never came to the Town Board and requested that they provide ambulance service.

Joe Harrison, Jr.: Okay. Commissioner Mourdock made a good point. The City of Evansville has a contract with Mercy. The Commissioners can't contract for the city. The county has a contract with Mercy, but Darmstadt really needs to contract with Mercy. Darmstadt is a town. They chose to be a town and they have the ability to contract with Mercy for that service. Now maybe it can be in the form of an addendum maybe to our agreement because you've had some discussions with Mr. Key. From what you are saying you don't know of any contract that you all have with Scott at this time for ambulance service. Is that correct?

Bruce Ungethiem: Well, at the time that the contract was negotiated in 1993 they did not provide that service.

Joe Harrison, Jr.: I understand.

Bruce Ungethiem: So it was basic firefighting and first response EMS.

Joe Harrison, Jr.: I understand, but transporting of patients--

Bruce Ungethiem: At that time it was probably the responsibility of Alexander's.

Joe Harrison, Jr.: Right. But since last year when they started their ambulance...when Scott started their ambulance service you're saying that there is no agreement that you are aware of between the Town of Darmstadt and Scott?

Bruce Ungethiem: No.

Joe Harrison, Jr.: Township, fire department or whatever?

Bruce Ungethiem: No, not for ambulance service.

President Mourdock: Where are we?

Joe Harrison, Jr.: What I would suggest you do is get with your counsel for the Town of Darmstadt and discuss what you are talking about tonight and speak with Mercy if that is what you want to do.

President Mourdock: Again, we will certainly facilitate, as the County Attorney said, if it is an addendum to our existing contract which by the way only runs through this calendar year.

Bruce Ungethiem: Right.

President Mourdock: It runs through December 31, 1997. If, in fact, the Town Board chose to be part of that contract as an addendum we're willing to use the current contract as a vehicle to do that and certainly look at it in the same fashion again in '98 as we consider things. At this point, clearly, I think it needs to come from the Town Board for the entire Town of Darmstadt, meaning that part in Scott Township and that part of Darmstadt in Center Township as well.

Bruce Ungethiem: Right, and you also have German and Armstrong.

Joe Harrison, Jr.: Yeah, that's what I was afraid of.

President Mourdock: I live in Center.

Bruce Ungethiem: There are actually four townships in the Town of Darmstadt.

President Mourdock: Right, yeah.

Bruce Ungethiem: There's not much, but there is--

Joe Harrison, Jr.: Keep in mind that this is just Darmstadt.

Bruce Ungethiem: Right.

Joe Harrison, Jr.: It's not Scott, so everybody outside of Darmstadt--

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

17

Bruce Ungethiem: That is true.

Joe Harrison, Jr.: --the same deal that's there now.

Bruce Ungethiem: We don't have jurisdiction. That's the Trustee's responsibility. Now, is what I am hearing from you is that you would like something in writing from the Town Board to you or to Mercy or to both?

Joe Harrison, Jr.: Well, I think the first thing...again, you need to get with Mercy. Between the Town Board and Mercy you need to start talking.

Bruce Ungethiem: Okay.

Joe Harrison, Jr.: Whether that's in the form of a separate contract that has nothing to do with the county...that would probably be preferable. If that is not the case, then maybe it can be something that you all sign off on and the Commissioners can also sign off on as well. The Town of Darmstadt has, just like the City of Evansville and the County has, they have the ability to contract with whomever they want to provide their ambulance service.

Bruce Ungethiem: Right, right.

Commissioner Jerrel: When is the next Board meeting?

Bruce Ungethiem: It's every second Tuesday of the month.

Commissioner Jerrel: Now you're not a member of the Town Board?

Bruce Ungethiem: No, I'm not.

Commissioner Jerrel: Well,--

Bruce Ungethiem: Teena is the President.

Commissioner Jerrel: This is something that you are going to have to initiate in a public meeting.

Teena Preske: Right.

Commissioner Jerrel: I mean, you need to maybe call a special meeting. I don't want to give you any advice, but I am just saying that you can't do it because you don't really represent...I mean, you're not...she's the President.

Bruce Ungethiem: I wanted her to speak, but she told--

Commissioner Jerrel: I'm just saying that you need to call a special meeting and it all needs to be done in a public meeting authorizing it and there needs to be a contract drawn up that is a legal contract and you need to take action in a legal meeting because--

Joe Harrison, Jr.: Because that's the law.

Commissioner Jerrel: Yeah, it's the law.

Bruce Ungethiem: We understand that. What we're trying to determine at this point in time is that a legal contract between the Town of Darmstadt and the County or between the Town of Darmstadt and Mercy?

Commissioner Jerrel: And Mercy, that's what you need to do.

Bruce Ungethiem: Or a combination of the two?

President Mourdock: It is basically a contract between the Town of Darmstadt and Mercy, but, again, if we can facilitate using our contract that is fine.

Bruce Ungethiem: The last thing I want to do is have the Town of Darmstadt contracted with one ambulance service, the county contracted with somebody else and the Township contracted with a third.

President Mourdock: Right.

Bruce Ungethiem: I mean, that just gets to the point when you never know who is going to come.

President Mourdock: Okay.

Bruce Ungethiem: From the standpoint of coordination the reason that we are coming here is we would prefer to have the county coordinate that instead of having three ambulance services have one basically to serve--

President Mourdock: Yeah, Mercy's--

Bruce Ungethiem: --because the dispatchers are going to have a heck of a time when they get a phone call in--

Commissioner Tuley: Knowing who...

Bruce Ungethiem: --and it's 14300 St. Joe Avenue. Well, is that in Darmstadt, is that in Scott Township, is that in Armstrong Township and who do I dispatch? I really feel sorry for the dispatchers.

President Mourdock: Yeah, that will have to be worked out by Scott and Mercy. Those are the two entities. All we can deal with here is the legality of it.

Bruce Ungethiem: Okay.

President Mourdock: Alright, thank you.

Bruce Ungethiem: Any other questions? Thank you.

President Mourdock: Oh, Bruce before I forget. I think I forgot to do this at the start. Did you state your address when you were up?

Bruce Ungethiem: No, I didn't, 2037 Fleener Road.

President Mourdock: It's 2037 Fleener Road for the record.

Okay, sorry. I forgot to ask you for that.

**E.P. Goad - Coliseum renovations**

President Mourdock: The next action that we have is for coliseum renovations and a bid by E.P. Goad.

Commissioner Jerrel: That was asked to be withdrawn until the Purchasing Department can go through the bid process with the Coliseum and bring back a recommendation.

Tony Greubel: Mr. Goad? Are you Mr. Goad?

Mr. Goad: Yes.

Tony Greubel: Commissioner Jerrel, he was invited to come here if you had any questions. Do you have any questions for Mr. Goad at the moment?

Commissioner Jerrel: Well, the questions came from the Purchasing Department and they had...I mean they were wanting to facilitate this. Probably the best advice is if you could give him the telephone number of the Purchasing Department and ask him to get a hold of them first thing in the morning.

President Mourdock: Okay. That is deferred one week?

Commissioner Jerrel: Yeah, uh-huh.

President Mourdock: The next item on our agenda...

Commissioner Jerrel: Did we need to approve his contract with the auditorium?

President Mourdock: With the coliseum?

Commissioner Jerrel: I mean, the coliseum.

Joe Harrison, Jr.: Oh, what was just before us?

Commissioner Jerrel: Uh-huh.

Joe Harrison, Jr.: No, they want to take a look at that to see if it followed the right bidding RFP procedure.

President Mourdock: Yeah, that project was funded out of CCD Funds and clearly it ought to be handled by County Purchasing.

Commissioner Jerrel: That's right.

Joe Harrison, Jr.: Lynn just wants to take a look at it and then come back.

President Mourdock: Right, and I think that is prudent.

**County Corrections Fund - Roll call vote**

President Mourdock: The next item on the agenda is for a roll

call vote for the County Corrections Fund which last week came before us and we did by motion, but I guess technically since it is an ordinance we should of had a roll call vote.

Joe Harrison, Jr.: Yes, that is correct. Even though it was unanimous you don't need a second reading, but a second reading never hurts anyway, so if you would just have a roll call vote on that, that will take care of it.

President Mourdock: First I would ask for a motion for approval of the County Corrections Fund, the ordinance establishing same.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: I'll ask for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I'll vote yes. It is approved.

<b>Old business</b>
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President Mourdock: We have several items on the agenda that are actually old business, but I think we can deal with them very quickly. Commissioner Jerrel has already talked about the SCT item as part of Joe Profaizer's report. Regarding the ozone meeting with the Mayor that was supposed to have occurred last Friday, that got delayed. One of the EPA Board member's father passed away, so that meeting did not take place. Joe, regarding the Barrett Law application, do you want to deal with that now or in your county attorney report?

Joe Harrison, Jr.: I'll just deal with it then.

President Mourdock: Okay.

Joe Harrison, Jr.: If that is fine?

President Mourdock: On the job description updates, last week I gave you to somewhat reconcile, I guess, the posted information or the prepared information on the job description I put together for the County Administrator. Any comments on that?

Commissioner Tuley: No, I thought you did a very thorough job, quite honestly.

President Mourdock: Okay.

Commissioner Tuley: We were on the same wave length only you took it in much more detail than I did.

President Mourdock: Okay.

Commissioner Tuley: I have no problem with what you put together.

President Mourdock: Is it appropriate...go ahead, Bettye Lou.

Commissioner Jerrel: It is very appropriate, but there is some overlap because you didn't match it with the Administrative Assistant's position.

President Mourdock: Do you mean Superintendent of County Buildings?

Commissioner Jerrel: No. No, a lot of those same...see the Administrative Assistant's position does cover some of this, so that is a second position.

President Mourdock: Right. Is that a problem that they overlap?

Commissioner Jerrel: No, but you would want to people assigned to do one duty.

President Mourdock: Well, a job description is not a job assignment.

Commissioner Jerrel: Okay, well if that doesn't bother you then it is fine.

President Mourdock: Are we at the point were we can begin to carry that to the Job Study Committee?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: I'll second.

President Mourdock: Alright, so ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: At this point, any group or individual wishing to address the County Commission, and I see all of you here, I think, for the zoning meeting which will actually convene at 7:00, so if you are here for zoning I would ask you to stay calm for a minute. Any one else here to speak on Commission issues?

**John Stoll - County Engineer**

President Mourdock: Department head reports, the County Engineer, John Stoll.

John Stoll: The street plan that you have in front of you is for Sycamore Hills, Phase 4 replat. It would be an asphalt street--

Commissioner Jerrel: John?

John Stoll: Yes?

Commissioner Jerrel: I can't hear you.

John Stoll: Is that any better?

President Mourdock: A little bit.

John Stoll: The street plan is for Sycamore Hills, Phase 4 replat. It is a roll curb and gutter with asphalt streets. I have reviewed the plans and would recommend that they be approved. This is just an extension of the previous sections of Sycamore Hills that have been in various stages of construction for several years.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is in regard to the Stringtown Road Bridge project. It currently has a completion date of June 3rd and the contract calls for an 18 day road closure time to replace the deck on that bridge. If we would give an extension to the completion date, then the road closure time could occur after the school has let out which would minimize disruption to the school bus routes. Since the only viable detour route is Buena Vista to First Avenue to Diamond Avenue it is a rather long detour route, so this would help eliminate any problems in getting those kids to school. It will still have some problems because it is a high volume bridge, but all and all if the time extension could be granted this would at least eliminate one problem. I would recommend that we grant a time extension to allow that.

Commissioner Jerrel: Do you know the last day of school when the buses will run?

John Stoll: Not right off the top of my head.

Commissioner Jerrel: I think it is June 4th.

President Mourdock: And I'll bet Bettye Lou knows.

John Stoll: Much better than I would!

President Mourdock: We need a motion then to accept or do something other than the County Engineer's recommendation for the closing of Stringtown Road Bridge.

Commissioner Jerrel: I'll recommend the closing of Stringtown Road Bridge predicated upon a correct closing date for school buses.

Commissioner Tuley: Second.

President Mourdock: So ordered. Just to clarify that, you are saying that you don't want it closed before the end of school?

Commissioner Jerrel: Right.

**Vanderburgh County  
Commissioners Meeting  
February 18, 1997**

23

John Stoll: Okay, I'll get all the correct dates and let you know next week. The final item that I have got is just for your information. A couple of weeks ago you authorized a change order for the concrete repair contract to repair a section of Virginia Street out on the east side between Metro Avenue and Royal Avenue. As it stands now we think there might be a sanitary sewer that has a leak out there, so we have not pursued that as of yet. We are waiting to see if the sanitary sewer has caused the problem and if so then they will be responsible for fixing it. It may be something that we might have to add on to next year's contract rather than doing a change order on this year's contract depending on when the sewer department does all their inspection of the sewer.

President Mourdock: Is "they" in this case, the "they" that might be responsible, is that the sewer?

John Stoll: The Water and Sewer Department, yes.

President Mourdock: Are you saying that if they are responsible that they would pay our part?

John Stoll: Right. They would have to go down and fix the sewer and in turn when they backfill it they will have to repair the pavement.

President Mourdock: Okay.

John Stoll: That's all I have.

President Mourdock: Any other questions for John?

Commissioner Tuley: Well, John, Joe is getting ready to get into this Barrett Law thing again. Do we have conclusive records somewhere that shows that those roads in Westwood Hills Subdivision have not been accepted by the county and never were built to county standards? Do we have any kind of documentation?

John Stoll: There is no documentation that says they specifically weren't accepted, but if they would have been accepted--

Commissioner Tuley: There is not documentation that says they ever were then?

John Stoll: Right. We would have a record if they would have been.

Commissioner Tuley: Okay, the next question. Is there documentation that would show any conversation or that possibly they were built to county standards or anything?

John Stoll: No, the only notes that we've seen on the plans showed that some sections of the streets were four inches thick which is a sidewalk standard not a street standard and there is no record of acceptance that we've ever seen anywhere.

Commissioner Tuley: Okay, thank you.

President Mourdock: Thank you, John.

John Stoll: Thanks.

**County Garage**

President Mourdock: Do we have a report from the County Garage tonight? Did you get a written report.

Commissioner Tuley: It is in the packet somewhere.

President Mourdock: Okay, we have a written report submitted.

Commissioner Tuley: I'll move acceptance of the report as presented.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe Harrison, Jr., County Attorney, with the attorney's report.

Joe Harrison, Jr.: I just have a couple of things. The Soil and Erosion Control ordinance, Charlene, has that been advertised? That hasn't been advertised yet is that correct?

Charlene Timmons: I sent it to the paper today and it will be in the paper Friday and then the following Friday.

Joe Harrison, Jr.: Okay. There was one change made to that. I took out the Town...or excepted the Town of Darmstadt from that, so if they want to adopt the same ordinance, which I am sure they would want to, they could do the same.

President Mourdock: Did you send anything to them?

Joe Harrison, Jr.: Well, I have communicated with Mike Wathen and he agreed that is something that should not have been in there. I am going to be communicating with Tom Bodkin, their counsel. I know that they will want to go through with it and approve the same. I will speak with Tom Bodkin, their counsel for Darmstadt, regarding that. Also, concerning the Barrett Law, I've done some research and I still don't have the answers yet. I've spoken with bond counsel up in Indianapolis regarding whether we can group several different Barrett-type Law projects together. I am going to receive a response back regarding that questions. I have not received response back on that. I am still doing some other research. John Stoll has communicated with me regarding some questions that he has regarding the procedures and the statute is not exactly clear on some of the motions that have to be followed regarding the preliminary resolutuion and construction estimates. I'm going to be seeking some guidance if I can on that statute. It's not exactly clear on what has to be done. What I am going to do though...whatever

we do I am going to err on the side caution as opposed to being loose with it. We may go a little too far on what we're going to do, but we're not going to go loosey-goosey on the laws on that. Welfare to work initiative; there is an attorney in my office that is helping me out with the Gatekeeper RFP and, hopefully, you and I, Richard, can go up to Indianapolis within the next couple of weeks and meet with them, with the Department of Family and Children's Services or the Department of Welfare, up there. I will get back with you on that. The ozone ordinance I really haven't done anything substantial yet but I've reviewed the information. I am trying to get some ordinances from some other counties and apparently you have provided me one from Lake County. I'm in the process of trying to get some information from Clark County as well and I also have the draft that the city is working on. I just want to get as much as information as I can.

President Mourdock: Just FYI there is also out on the NACO, the National Association of Counties home page, they have some sample ordinances regarding environmental issues and I think they have one on ozone, so you might want to check that also.

Joe Harrison, Jr.: National Association of ...?

Commissioner Tuley: Counties.

Joe Harrison, Jr.: Counties?

President Mourdock: Yeah, NACO. I think it is NACO.ORG, I would guess.

Joe Harrison, Jr.: I think that is it.

President Mourdock: Okay, any other questions for the County Attorney?

Commissioner Tuley: Nope.

**Tony Greubel - County Commission Office**

President Mourdock: The last of our department head reports is the Superintendent of County Buildings. Tony is sitting in for that spot. Do you have anything to report?

Tony Greubel: I talked with the Chief Deputy in the Auditor's Office today and also with the tax person in charge of tax sales for some of our county surplus property. That has been a lingering issue for the past few years. We've gone over certain options which we might be able to do that I would like to run past the attorney who is handling the surplus property issue.

President Mourdock: Who is that?

Joe Harrison, Jr.: It's my sister.

Tony Greubel: Sara Harrison.

Joe Harrison, Jr.: Yeah, that's a...I shouldn't say a nightmare, but it kind of is. Anyway, we've been working with the

Auditor's Office and whatever Tony wants to learn about that whole process would be great because I think it would help because there are a lot of calls that come in from people who are interested in purchasing these properties. It gets them off the county's roll.

Tony Greubel: That's almost everyday. I would like to at least send them a letter saying what our options are.

Commissioner Jerrel: I have a question. I recall through Council that we appropriated a sum of money to do all of the research on the deeds. Remember? You entered into some kind of contract?

President Mourdock: Yeah, we bid that.

Commissioner Jerrel: Right. Is there a date when those that have been completed no longer are valid. I mean, does that have an expiration date on that research?

President Mourdock: You're talking on the contract itself?

Commissioner Jerrel: No. I'm talking about--

Commissioner Tuley: The findings?

Commissioner Jerrel: --the findings of that. If we have those different properties, and I am not using the correct language,--

Joe Harrison, Jr.: The abstracts?

Commissioner Jerrel: Yes, the abstracts researched and that is done and you pay \$200 for each one of those and there is a date when that expires or whatever happens to it--

Joe Harrison, Jr.: You're wanting to know do you need a title update before we get rid of a surplus property? Maybe. The thing is the property is ours right now. I mean the surplus property is ours. Now, the property that is in the redemption stage and the tax sale stage that's a whole different issue because that hasn't come to the county yet. Once it's the county's it's ours and we can't have judgement against us like individuals can. I mean, I guess we can, but you know what I am saying. It is not the same.

Commissioner Jerrel: I don't want to pay for that again.

Joe Harrison, Jr.: Well, what we've got to pay for is that initial step that gets us to the point where the property comes to the county. I don't believe that is a problem because there would be a title search up to the point where we got it and it is our property. It is unlike an individuals--

Commissioner Jerrel: I don't want to pay for it again.

Joe Harrison, Jr.: Right, I don't blame you.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: Neither does the county.

President Mourdock: Good question. Anything for Tony? Anything else?

#### Consent items

President Mourdock: We'll move to our consent items then which consist of employment changes, travel requests and an approval of claims. I believe, Tony, do you have those in front of you?

Tony Greubel: Yes.

President Mourdock: Okay, and those are as they were Saturday morning?

Commissioner Tuley: I'll move approval then.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: We have a list of scheduled meetings on the back of the agenda. Next week we will again be meeting at 4:00 in Executive Session with our 5:30 Commissioners meeting. Next week we have Drainage Board. Personnel and Finance meeting on the 26th at 3:30 and a Steering Committee meeting on the 20th at 9:00. Any other additions or deletions that anyone knows of for that?

#### Old business

President Mourdock: Any old business for the Board this evening?

Commissioner Tuley: You covered it.

President Mourdock: Pardon?

Commissioner Tuley: I think you covered it unless there is additional--

President Mourdock: Bettye Lou, do you have any old business?

Commissioner Jerrel: No.

#### New business

President Mourdock: Any new business before the Board this evening? With that I will move for a brief recess with the Rezoning Meeting to recovene at 7:00.

Joe Harrison, Jr.: You should adjourn this meeting.

Commissioner Tuley: Yeah.

Vanderburgh County  
Commissioners Meeting  
February 18, 1997

President Mourdock: Yeah, I guess that is a better word. I will formally move that we adjourn this meeting.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: We are adjourned.

The meeting was adjourned at 6:47 p.m.

**THOSE IN ATTENDANCE:**

- Richard E. Mourdock
- Bettye Lou Jerrel
- Patrick Tuley
- Joe Harrison, Jr.
- Suzanne M. Crouch
- Charlene M. Timmons
- Tony Greubel
- Joe Profaizer
- Dan Spindler
- Bruce Ungethiem
- Teena Preske
- Mr. Goad
- John Stoll
- Others unidentified
- Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

-----  
Richard E. Mourdock, President

-----  
Bettye Lou Jerrel, Vice President

-----  
Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
February 24, 1997**

**TABLE OF CONTENTS**

Introduction and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Suzanne M. Crouch, County Auditor .....	1
Fixed Asset Report	
Mike Shoulders, Veazey Parrott & Shoulders .....	2
Lynn Ellis - City/County Purchasing .....	4
Coliseum - Phase I - Repair of doors	
Coliseum - Phase II - Seating	
Mikki Heck - Hillsdale Housing Association .....	6
Mike Robling - Department of Metropolitan Development .....	8
Resolution - Daylight Sewer Project	
Resolution - Daylight Sewer Project Change Order	
Quitclaim Deed - Victory Theater Project	
Proclamation - Indiana Black Expo Evansville Chapter Day .....	11
Any group or individual wishing to address the Commission .....	12
Ed Moser - Coterie Club	
Mike Wathen - Soil and Water Conservation District	
John Stoll - County Engineer .....	15
Lynch Road Project Agreements	
Contract cost changes - Burkhardt Road project	
Council Call - Radio Avenue bridge project	
County Garage .....	19
Progress report for February 14 through February 20, 1997	
Tony Greubel - County Commission Office .....	19
Joe Harrison, Jr. - County Attorney .....	19
Consent items .....	20
Travel requests:	
County Assessor	(5)
Health Dept.	(6)
County Clerk	(7)
Pigeon Township Assessor	(1)
Knight Township Assessor	(1)
County Treasurer	(2)
Scheduled meetings .....	21
Old business .....	21

New business ..... 21

- Nighttime bus service
- ADA Committee & Safety Committee
- Use of Liquefied Natural Gas for city vehicles
- Meetings concerning time accrual and personnel policy

Adjournment ..... 24

Attendance and signature page ..... 24

**Vanderburgh County  
Board of Commissioners Meeting  
February 24, 1997**

The Vanderburgh County Board of Commissioners met in session this 24th day of February in the Commissioners' Hearing Room of the Civic Complex at 5:38 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

(Due to technical problems the following portion has been reconstructed from notes.)

President Mourdock called the meeting to order.

Introductions were made as follows: Tony Greubel, Office Administrator for the County Commissioners; Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; Commissioner Bettye Lou Jerrel; Suzanne Crouch, County Auditor; Charlene Timmons, Recording Secretary; and Commissioner Richard Mourdock.

The Pledge of Allegiance was given.

**Approval of minutes**

President Mourdock asked for approval of the County Commissioners' minutes from the meeting of February 18, 1997.

Commissioner Jerrel so moved.  
Commissioner Tuley seconded.  
President Mourdock so ordered.

**Certification of Executive Session**

President Mourdock indicated there had been an Executive Session held prior to this meeting to discuss the initiation of litigation, or pending or threatened litigation and county personnel matters.

**Suzanne Crouch, County Auditor - Fixed Asset Report**

The following report was presented by Suzanne Crouch: Good evening, Commissioners. It is my privilege to submit tonight to the Board of Commissioners the Vanderburgh County Fixed Asset Report. You have before you three items. One, the large Fixed Asset Report broken down by department and category. Two, the Fixed Asset Summary Report and three, highlights of the Fixed Assets Summary Report. In August, 1995, the Auditor's Office began the process of implementing a fixed asset program within the county. Prior to this time, the county had not determined the value of fixed assets under its control nor what fixed asset improvements had been made. This resulted in the possibility of discrepancies between insurance coverage and specific assets. The Auditor determined that safeguarding the county's fixed assets could best be accomplished with a formal program that tracks the assets and includes physical identification through a tagging system. The Auditor's new system results in greater accountability to the taxpayers of Vanderburgh County. On April 29, 1996, the Ordinance for the Fixed Asset Policy and Procedure Manual was unanimously approved by the Commissioners, with a fixed asset being defined as a tangible item with a useful life of more than one year and an individual value equal to or greater than \$1,000. The current Fixed Asset Report will show the county's recorded assets total \$62,672,150 which

includes vehicles, \$2,542,220; land, \$1,930,311; buildings, \$54,168,740; and equipment \$4,030,879. This report represents the first time the county has had an accurate accounting of its fixed assets. The most direct benefit of this report to the county is in the area of insurance coverage. Prior to this report, total insurance coverage was at \$65 million for all county assets. County insurance advisors were able to use the Fixed Asset Report as a basis for re-evaluating the insurance coverage. According to the minutes from the February 11th County Commissioners' meeting, the insurance advisors were able to increase coverage in excess of \$72 million at a reduced premium. The compilation of this report points out the need to further evaluate the following areas: we currently carry approximately \$2 million physical damage insurance on the Safe House facility, yet the Fixed Asset Report does not include the Safe House because the county does not hold title to the facility. The Vanderburgh Auditorium is currently listed on the Fixed Asset Report with a dollar value of \$12,005,525. This facility may need to be removed from the Fixed Asset Report and insurance adjusted accordingly if the Building Authority is currently holding title to that facility. The third area that warrants further evaluation is the acquisition and transfer of county owned vehicles. Older vehicles were not being disposed of or traded in, but simply were given to another department. The increased maintenance and liability of these older vehicles was not cost effective. I appreciate your support in this long ongoing project.

President Mourdock asked if anyone had questions for Ms. Crouch?

Commissioner Tuley noted that this was a good accounting of all fixed assets.

President Mourdock commented that this was something that was talked about for a number of years and the Auditor has done a good job compiling this report.

Commissioner Jerrel said thank you. She also wanted to know if she could look at this report and tell who has which cars?

Suzanne Crouch answered yes.

President Mourdock wanted to know if the Safe House insurance issue was something that was required in the lease.

Suzanne Crouch referred that question to the County Attorney.

Joe Harrison explained that he was meeting with the county insurance agents tomorrow.

**Mike Shoulders, Veazey Parrott & Shoulders - Auditorium update**

Mike Shoulders reported that they have obtained and submitted prices for professional renderings. On April 7th they will submit a project directory to the Commissioners just for their information. He reported that they are currently within the budget set forth. They have begun to informally interview local contractors, subcontractors, and material suppliers to get ideas. They will start dialogue with the Commissioners in approximately four weeks concerning the bid package.

President Mourdock was concerned with just speaking to local contractors. He wants the best building for the lowest price.

Vanderburgh County  
Commissioners Meeting  
February 24, 1997

3

Commissioner Tuley agreed, but would like for that money to stay within the community if possible.

(The following minutes are verbatim.)

Mike Shoulders: They preclude smaller persons who could do the job, but couldn't bond the project, then I think we are only hurting ourselves. Those are the kinds of issues that we are exploring. As I say, we don't have any major conclusions as yet, but we are trying to look at that from every angle. We'll keep you posted.

President Mourdock: The date you gave us before for having the 50% drawings done in April, is that in accordance with the diagram that you have given us?

Mike Shoulders: Yes, it is. It is exactly at the 50% point and it is on a Monday night Commissioners' meeting. That's when we would intend to submit that.

President Mourdock: Okay, the last comment that I have, and I don't know if when you've worked with the county before, Mike...I don't even know if you have before, but Lynn Ellis is sitting here who is, of course, with the City/County Purchasing group. When a lot of this comes together I think the two of you need to have some conversations--

Mike Shoulders: Okay.

President Mourdock: --as far as making sure the bid package meets all the local requirements. That time I will stand out for the local folks because it is our bid, right?

Mike Shoulders: Will do. Thank you very much. Any other questions?

Commissioner Tuley: I agree a lot with what he said, but all things equal I would rather they were local builders.

Mike Shoulders: If all things are equal and we can keep the construction economy here, of course, it is going pretty good on its own now, but if we can keep those dollars we would like to see that. We're not going to pay a premium by any stretch or cause a lengthening of the schedule. That's out of the question.

Commissioner Tuley: That's the part that I agree with.

Mike Shoulders: Right.

President Mourdock: All things being equal, I agree with that, too. I would rather have it be local.

Commissioner Tuley: We've got some quality, capable people right here that are going to live here after that thing is built.

President Mourdock: Right.

Commissioner Tuley: And use it.

President Mourdock: Okay.

Mike Shoulders: Okay, thank you very much.

**Lynn Ellis - City/County Purchasing**

President Mourdock: Okay, speaking of...Lynn Ellis.

Lynn Ellis: Last week there was a claim submitted regarding the Coliseum. I have submitted this afternoon an agenda item regarding that. Hopefully, you have your copy of it. There are a couple of issues with the Coliseum. Last year, during 1996, Phase I was completed and the Commissioners approved the claim for payment of that phase. We are currently addressing Phase II. Phase I was replacement of some of the doors at the Coliseum. Phase II is a continuation of that replacement. There are 12 more exit doors that need to be replaced. The total cost of Phase II is \$15,035. I have been in contact with the contractor that was selected last time, and that is the low bidder this time, as well as Mark Acker with the Coliseum and have spoken to both of them regarding this. We did receive a second bid. Initially it was just the one from CDS Construction, but we did, in fact, receive a second one and they were higher, so the low bid is CDS and they performed well under Phase I. I would recommend them to complete that project with the remainder of the doors as the low bidder. The other bid that was received was in the amount of \$18,470.

Commissioner Jerrel: I would like to move approval of CDS Construction to complete this phase. Is the amount \$7,200?

Lynn Ellis: Well, the total amount would be the \$15,035. The current claim is for \$7,200 and this claim that you have to sign tonight is an order to actually place the order for the doors.

Commissioner Jerrel: That needs to be included in this motion, that it be for the total amount?

Lynn Ellis: Yes, ma'am. The total bid would be for the \$15,000 figure and then if the Commissioners would also approve the payment of the \$7,200 immediately so that the contractor can place the order for the doors.

Commissioner Jerrel: I will make that motion to approve the \$7,200 claim which we'll get to a little bit later on, but the \$15,035 to CDS.

Commissioner Tuley: I will second with clarification that it is CSD.

Commissioner Jerrel: Oh, what am I calling it?

Commissioner Tuley: CDS.

Commissioner Jerrel: CSD, excuse me.

President Mourdock: Okay, we had a motion and a second and I will say so ordered for Phase II.

Lynn Ellis: The other portion is Phase III. I have spoken with the County Attorney regarding this issue. The Council appropriated \$100,000 for Phase III. That would certainly exceed the statutory limits for legal advertising. Phase III consists of replacement of the seating in the existing facility. There are 1,000 seats in there currently. The bidder, CSD Construction, has obtained a quote from a vendor in Indianapolis, Irwin Seating Company is located in Indianapolis, in the amount of \$50,904. Now that figure

Vanderburgh County  
Commissioners Meeting  
February 24, 1997

5

is for the purchase of refurbished chairs as opposed to new chairs. The new chairs are \$149 a piece. The refurbished ones are \$56 a piece. I have included on Pages 2 and 3 kind of a summary of what has happened to date with this project. I, as a Purchasing Director, had mixed feelings about the competition, but after investigating this I don't see that the county will benefit from further bidding of the seat replacement. I have been in contact with the School Board and in most cases when they replace the seating in their auditoriums they also use Irwin Seating. They are very familiar with them. Most of the architects in town seem to spec their seats and as I was investigating this I only found two vendors actually in the country left that even do that type seating anymore. At this point in time there is a project going on in Kokomo where there is replacement of seating. These seats the county can purchase at \$56 a piece as opposed to \$149 a piece. We would be purchasing 909 seats, so the approximate savings is \$90,000 for the county. My fear is that if we delay this any longer that we will lose the opportunity to acquire these seats. The contractor has a seat available at the Coliseum if the Commissioners would like to look at it. The Coliseum is very comfortable with it and feels like they are in good condition and would like to see them installed. Now the purchase price of those seats, if we can split the purchase, is \$50,904. The county could actually contract with Irwin Seating Company directly for the purchase of those chairs and then we could seek bids on the removal and disposal and preparation of the Coliseum for the new seats. The \$50,000 figure includes the purchase of the seats and the installation of them. The other fees would include the removal of existing seats, the disposal and CSD Construction has actually been in contact with different people throughout the county that would like to take at least a portion of the seats. He has been getting people wanting 10 to 20 of the seats and could dispose of a lot of them in that fashion. That part of the bid could be competitively bid starting now if the county chooses to purchase these seats directly. The other option would be to bid the whole thing and we could bid it with refurbished seats or new seats. I don't think new seats are an actual viable alternative for the county because the funding is not in place. The purchase price of the seats is going to be \$149,000 and there is only \$100,000 appropriated for the project, so that appears to not be a viable alternative at this point. My recommendation is to purchase the refurbished seats from Irwin Seating directly in the amount of \$50,904 and then to bid the remainder of the work competitively.

Commissioner Tuley: I will so move.

Commissioner Jerrel: I'll second with one question. I didn't realize there was this much turn over in refurbishing of existing seats, but I spoke with you today and is it fairly common?

Lynn Ellis: It appears to be.

Commissioner Jerrel: I didn't realize that.

Lynn Ellis: Where they go in and renovate and take the old seating and then they actually take the whole seat apart and replace all the springs and the covers and I guess it is cheaper for them than building new ones. I don't know that there is a whole lot of market left. With only two companies in the country, there obviously isn't a great market for the purchase of new seating and at \$150 a piece I can see why.

President Mourdock: So there was a second there?

Commissioner Jerrel: Yes, I did second.

President Mourdock: I will say so ordered.

Lynn Ellis: Thank you.

President Mourdock: Anything else? Thank you, Lynn.

**Mikki Heck - Hillsdale Housing Association**

President Mourdock: Ms. Mikki Heck, from the Hillsdale drainage...well, about the Hillsdale drainage project, I presume.

Mikki Heck: Good evening, County Commissioners and President Mourdock. I am here from the December 9th meeting of 1996 to follow up on our bridge update. This bridge is located in the Hillsdale Subdivision. The roads are on Radio and Walnut. At that meeting from December 9th we had talked to John Stoll. The Engineer's Office was out sighting the area to see if it would be feasible and also if there was enough easement to put a new bridge in.

President Mourdock: Okay, John. My notes tell me that there was also a question at the meeting regarding whether DNR had some jurisdiction out there?

Mikki Heck: Yes, sir. That is also correct.

John Stoll: The survey has been completed. The soil boring work has been done. The DNR regulations, it appears that we do need to submit this to DNR, so based on a discussion with Tim Spurling and Valerie Harry we feel that the plans can be completed by the end of March and submitted to DNR at that time. Then it will just be playing a waiting game waiting for DNR to respond to the plans, but by the end of March they should be done.

President Mourdock: We'll have them done in March?

John Stoll: Pardon?

President Mourdock: We, the county, will have them done?

John Stoll: Yes, the county will have them done in March.

President Mourdock: The question about the easement. Address that one too, please.

John Stoll: So far the majority of the work that has been done has been in the hydraulic studies, so as far as the right-of-way needed, we haven't got all that exactly determined as of yet. That is still up in the air. There may be some permanent or temporary right-of-way that we would have to acquire, but that will just be on the basis of what the design shows.

President Mourdock: Okay, the other question was about...or the other comment you made at the outset was about some samples that were taken?

John Stoll: Yeah, the soil borings have been completed so the foundation can be designed.

President Mourdock: They have been completed?

Vanderburgh County  
Commissioners Meeting  
February 24, 1997

7

John Stoll: Yes, they have been completed.

President Mourdock: Okay, so what were they basically just blow counts or something like that?

John Stoll: Yes.

President Mourdock: You are not waiting for lab analysis or anything like that?

John Stoll: No.

Mikki Heck: Also, County Commissioners, while I do have your attention there is a couple other concerns that has come to our attention. Ms. Smith was the contact for us in this area to talk to the Vanderburgh County Highway Garage. At this time our main contact has resigned from this position. We're curious to know who should Ms. Smith's contact be in further development in this community as far as roadside ditching and completing of this work in the spring?

President Mourdock: The gentleman's name is Milton Hayden. H-a-y-d-e-n. It's 435-5777?

Commissioner Tuley: Uh-huh.

Mikki Heck: Also, Commissioners, we were just curious to know we realize that the Vanderburgh County Highway has a lot to do and a lot to catch up on, but how soon can we expect them back out in our community to finish these roadside ditches along Walnut Road? There is still a lot of unpatched work that has not been completed since they started this project of June. The road still is not 100 complete...100% completed yet and we was curious to know how soon we can expect to get this done. We have several residents calling and requiring of this information with the spring rains fastly approaching us. Also, we would like to know when the Engineer would be able to come out and resize on some different concrete tiles for different residents that have not been notified.

President Mourdock: Have not been notified? What do you mean?

Mikki Heck: What size of concrete tile they should have underneath their driveway, sir?

Commissioner Tuley: They're sizing it for them.

Mikki Heck: Yeah.

President Mourdock: That have not yet gotten it, but some have?

Mikki Heck: Yeah.

President Mourdock: Am I hearing you correctly? You said some have not been, so that implies to me that some have been?

Mikki Heck: Right, because there are several concrete culverts that are still laying in the yards of the properties that have been there since last summer that are yet to be waited to be put into the ground.

President Mourdock: Gotcha. Okay.

Commissioner Jerrel: I was just going to ask the question, is that

Valerie to determine the size?

John Stoll: She has done most of those to this point.

Commissioner Jerrel: Okay.

John Stoll: As far as the ones that need to be done still that shouldn't be any problem for us to get those sizes. All we need to know is the addresses and we can take care of that.

Commissioner Tuley: Joe is making a good point here on that particular aspect of it, Mikki, you need to contact John's office to set those appointments.

Mikki Heck: Okay. So, should we expect the County Garage out this spring then, sir, to help proceed with this project?

President Mourdock: I'm sure for the patching you referred to and the drainage work, the ditching that is in the county's right-of-way, yes, they will get to it this spring. I just made a note here, or started to make a note, I probably have a fairly good estimate for you on a date. Two weeks from tonight which would be the 10th of March.

Mikki Heck: So, shall I come and address the Commissioners then at that time?

President Mourdock: If you like, or if you like we'll just send you something.

Mikki Heck: Please, you can just forward it and that would be fine.

President Mourdock: I should of said this earlier and didn't, but would you state your address?

Mikki Heck: Yes, sir. My address is 11700 Walnut Road. That is Evansville, Indiana and the zip code is 47711.

President Mourdock: Okay, thank you.

Mikki Heck: Thank you so much for hearing us and have a nice evening.

**Mike Robling - Department of Metropolitan Development**

President Mourdock: Mike Robling.

Mike Robling: Mike Robling, Department of Metropolitan Development. In the agenda request I submitted I had five items. They don't all address the Daylight Sewer project. The first item concerning the amendment to the interlocal agreement, we did not get that resolved today, so we'll pass on that. The second item is a resolution to award the construction contract for the Earle Sanitary Sewer Project. Back on December 2nd these bids were opened at a Commissioners meeting and B & B Incorporated was the low bidder at the price of \$133,015.50. I would recommend that you approve this resolution to award this contract to B & B Incorporated.

President Mourdock: Okay, one question, Mike, and John is sitting behind you. I'm just curious, John, did you get a chance to review that bid? The only reason that I ask is that bid was significantly below the other bids. Is my recollection correct, Mike?

Vanderburgh County  
Commissioners Meeting  
February 24, 1997

9

Mike Robling: Right. The next bid was \$187,000, but the engineer's estimate was \$120,000.

Commissioner Jerrel: It was more than the...they were all more than the engineer's estimate.

President Mourdock: Yeah, that's not unusual. That's not as much of a concern to me--

Commissioner Tuley: As the disparity.

President Mourdock: Yeah, the disparity. Most of the bids were like \$230,000?

Mike Robling: Well, let's see. There was \$133,000; \$187,000; \$193,000; \$231,000 and \$249,000.

President Mourdock: Okay, maybe not quite as much disparity as I thought. Still is fairly wide, though. There is bond being posted on that job, I presume?

Mike Robling: Right, a performance bond.

President Mourdock: It's a good question to ask.

Commissioner Tuley: It sure is!

Mike Robling: This particular contractor had, I think, he was very familiar with the project because he had worked with the local businessmen when they were trying to accomplish this project themselves.

Commissioner Tuley: Some of them give us a courtesy bid too, I think.

President Mourdock: Pardon?

Commissioner Tuley: Some of them give us a courtesy bid.

Commissioner Jerrel: I would like to move approval of the low bidder, B & B Inc., for the amount of \$133,015.50.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Mike Robling: Okay, the next item is change order number one for the contract that you just approved.

President Mourdock: See!

Mike Robling: There were two reasons for this change order. One, apparently the sewer utility had identified two different types of pipe that would be acceptable and then after the bids were received they decided that they preferred one over the other. This part of the change order has no price change. The second part of the change order relates to obtaining an easement from BSH Development. They're planning on building a golf course, apparently, on both sides of Petersburg Road in this area and have an underpass design and the sewer on their property needs to be relocated to accommodate this underpass that they have planned. The \$4,694.20 change order was to accommodate those changes in the design.

Commissioner Tuley: Boy, it's nice to know that the change orders weren't bidder initiated. There were other problems, so I will move for approval.

Commissioner Jerrel: Second.

President Mourdock: I will so order and excuse me while I digress for just a minute. I don't believe we approved the golf cart pathway while you were on the Board?

Commissioner Jerrel: No.

President Mourdock: Okay, did we not have a provision in there for additional costs that the county might incur? As I understand it, we are going to see these additional costs because we are putting this...because they've got to work around, basically, an easement that the county granted to put a golf cart pathway underneath Old State Road.

Commissioner Tuley: You're memory is good. I think that's right.

Mike Robling: They're having to move the sewer back further from Petersburg Road and then there is a place where there is a driveway planned that they'll have to have a different kind of fill to allow driving over the sewer pipe.

President Mourdock: Right. I think one of the provisions to our easement was that any additional costs we saw they may be responsible for. So the cost of this change order, in fact, may be something that they would be required to cover.

Commissioner Tuley: Yeah, I would like to back up until we review that because you may be right. I'm thinking I remember that provision being placed on that.

President Mourdock: I think we can approve it at this point, that's not a problem--

Commissioner Tuley: Subject--

President Mourdock: --but I think we need to research the fact that can be paid back.

Mike Robling: That was something that I wasn't aware of.

President Mourdock: Yeah, and there would have been no reason for you to be. Joe, if we can maybe you can check that.

Commissioner Jerrel: Then your motion doesn't...

Commissioner Tuley: My motion stands then with the idea that we will just clarify who is going to pay for it.

Commissioner Jerrel: Okay, alright.

Mike Robling: The fourth item concerning a property on Read Street we need to put on hold. The fifth item is approval of a Resolution authorizing the conveyance of a portion of a vacated alley. As part of the Victory Theater project the City Council is expected to vacate two pieces of alley next week. One of which runs behind Freedom Park which is right across the street. At such time as that alley is vacated six feet of it will revert to the ownership of Freedom Park and six feet of it will revert to the Redevelopment

Commission who owns everything on the other side of the alley. The entire 12 feet right-of-way of the alley is needed for the improvements to the Victory Theater project. The property is currently held in the name of the Building Authority who has no objection to deeding this property to the Redevelopment Commission. However, the Building Authority's attorney felt that because the city and the county have a future interest in all Building Authority real estate that both the city and the county should also execute Quitclaim Deeds conveying that six feet of alley. The deed that was prepared is dated for next Tuesday which would be after the City Council vacation action takes place.

Joe Harrison, Jr.: I don't see any problem with that. You're being overly cautious.

Commissioner Jerrel: I would like to move approval of this request for Quitclaim Deed.

Commissioner Tuley: Second.

President Mourdock: I will so order the vacation of the alley. Any thing else? Okay, thank you, Mike.

**Proclamation - Indiana Black Expo Evansville Chapter Day**

President Mourdock: The next item that we have is one of the duties we get from time to time which we are asked to fulfill which is a proclamation. This was presented to us by County Councilman Royce Sutton that in recognition...I can't think of the formal date here. Well, let me read:

"WHEREAS, Indiana Black Expo Inc., Evansville Chapter has demonstrated consistent and impressive progress in realizing an ambitious and commendable goal of bringing forth into our reflections the achievements and contributions of African-Americans, both past and present; and

WHEREAS, activities such as corporate luncheons, jazz extravaganzas, cultural expositions, and youth summits are examples of cultural activities that expound upon the heritage and culture of African-Americans; and

WHEREAS, Indiana Black Expo Inc., Evansville Chapter has undoubtedly promoted accord among all persons and is referred to as a vital cultural diverse organization, demonstrating to all togetherness among all people is integral for progress; and

RECOGNIZING, that February is officially recognized and observed as Black History Month.

That the Board of Commissioners do proclaim Friday, February 21, 1997 as Indiana Black Expo Evansville Chapter Day in Vanderburgh County."

I would look for a motion to approve that.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: At this point beyond our issued agenda we open the podium to anyone who wishes to address the County Commission. As you do so we would ask you, because all of our notes are verbatim and everything is taped, to come to the microphone and state your name and address. Mr. Moser.

Ed Moser: Good evening, Commissioners. Ed Moser is my name and I am President of the Coterie Club. It may come as a big surprise to you, I am not going to talk about wood dance floors tonight! New copy. A couple of weeks ago I was privy to have offered to me the book that was finalized in August, 1996 that was prepared by the firm out in Kansas City, I think. The big book; the black book. Fortunately, I turned to the only section that I really studied and it was about the ballroom. When we first started this process back in June of '96 when we were first introduced to the idea and beyond that which was January of this year neither one of those incidences produced what was going on on the inside. We know what is going to go on the outside, but we don't know what is going on inside. The section of ballroom and I have highlighted a few pages and then I'll be on my way. First of all, we've heard the figure 15,000 square feet. Ballroom A is set at 9,600 or approximately 64%. Ballroom B, C and D are each scheduled for 1,800 square feet or a total of 36...for a grand total of 15,000 square feet. Page 19, ballroom serves as primary assembly space at convention center. It doesn't say anything about the space at the exhibition hall, but be that as it may. Multipurpose space, wide variety of activities sometimes operating consecutively or concurrently meaning that we could have a dance, for example, at 9,600 square feet. There could be in B, C and D three different separate organizations having a function in those facilities. We've experienced this over at the Green when one of those rooms adjacent to the Indiana Room where the dances were held would have a function. Can you imagine this? The band is playing wonderful dance music. We have three separate and distinct groups in these smaller facilities and they are each having a little combo. So what a conglomeration that would be. One case. Capacity of ballroom is at 15,000 square feet. Now this is big. Approximately 1,200 people for our banquets can be seated comfortably. I'm not telling you something that you already haven't known, but it was an eye-opener to me. Sixteen hundred people theater style. Now that's big. There is no permanent stage and I can understand that from the facilities that can be utilized there. Prefunction areas requirement for ballroom are included in area requirements of the exhibition hall. Now, I don't quite understand that, but the word prefunction has pervaded the whole process here. Page 20, activities characterized: banquets, dances and they mention for the first time a portable dance floor, which we don't particularly care for. Product shows, concerts, other events, speakers and exhibition. Now that word exhibition, we have on the drawing board an exhibition hall per se and it is supposed to be showing exhibitions. We find that this is something that might enter into the auditorium...I mean, ballroom. Page 21, stage is to be semi-permanent. Well, I can understand that. Walls, ballroom in general will have a higher level finish similar to upscale hotel ballrooms. Now, I've got a pocket dictionary at home that says and ballroom is defined:

"A large room for dances."

It doesn't say anything about anything else, but it is a large room for dances. Provide durable high quality floor finishes. Reduce interruption of floor by wall track by using cover strips. I'm talking about the B, C and D places. This is especially critical if floor is to be used for ballroom dancing for exhibits. We don't want to be tripping over anything like that. The floor, carpet or sealed concrete with minimum load capacity of 125 pounds per square feet. Just a few little tidbits that I have pulled out of this particular section on ballrooms. Page 25, equipment of storage requirements some names, movable wall system, baby grand or grand piano, spinet piano. Now that is intriguing because we haven't gotten down to the talk...the Coterie hasn't gotten into the discussion of what these rental fees are going to be for these dances. I don't know if we can afford it or not, but be that as it may. We rent a piano now, so that would be a plus if we had a piano, but be sure...we have contracts with these bands, but be sure we have to guarantee by contract to the band that the piano that we have rented has been tuned to perfection. So that is something that you will have to be sure and take care of. These are some of the things that I have picked up. Back up to Page 19. Multipurpose space, wide variety of activities. Sometimes, and this is the whole essence of my presence being here tonight, sometimes operating concurrently which will be a possibility under certain circumstances. I don't know how this is going to be left tonight, but this is something that I have picked up. Why have the exhibition and one of these pages says that they can put equipment in there at the ballroom for showing? I don't know how large of equipment, but that just doesn't seem possible. Why should we furnish space...I say "we", when there is an exhibition hall? Surely with a four story building they could provide suitable space for the people who would come in here. I thank you very much for your time.

Commissioner Jerrel: Your welcome. I think one way we might help is give a copy of the minutes to Mr. Shoulders so that he can listen to the comments that you've made.

President Mourdock: Sure, that would be fine.

Ed Moser: Fine. I was sorry, but he had to leave. That's alright. No problem. Thank you very much for your time. I appreciate it very much.

President Mourdock: Thank you, Mr. Moser. Anyone else? Anyone else wishing to address the Commission on a non-drainage issue. The Drainage Board will be coming up shortly. Mike, did you get up for this?

Mike Wathen: Mike Wathen, Soil and Water Conservation District. I'm here for a couple of reasons. Number one, I spoke with some members of my Board and we are going to have a Board meeting on Wednesday. The status of the ordinance, as you know, it is going to be for public hearing next week. We're getting a tremendous amount of phone calls even though whoever put it in the paper did an excellent job. It is word for word and we've still got a lot of people coming by. Their hope is if we could get somebody from the media to publicize it maybe somewhere other than just the legals we could for sure get the people here next week. There are a lot of questions. I thought we had it pretty clear, but apparently there is still some confusion regarding responsible parties. I think they would like to get everybody here and nobody come back after the fact and say they didn't get a chance to say something. Secondly, we've had some contacts from other counties regarding our

office's input on helping them create an ordinance similar to what we are considering here in this county. They just asked me to ask your input, so here I be.

President Mourdock: I'm sorry--

Mike Wathen: We're getting some interest from other counties.

President Mourdock: Right.

Mike Wathen: We even got a call from Nashville, Tennessee interested in putting something together similar to what we've got here or that we are considering to do here. My Board simply asked me to ask you guys what your feelings would be on that. Do you want me spending time doing that?

Commissioner Tuley: Did I hear you say spending time with them?

Mike Wathen: It would be an element of time, yes. The people from Nashville are willing to come up here for a day or so.

Commissioner Jerrel: You mean copies of the materials are not enough?

Mike Wathen: I have already provided them with that.

Commissioner Tuley: I would only suggest that you would have to be the determining factor on how much time you have to give to them because most of my conversations with you, Mike, you've got more than a plate load already. I don't have a problem with you doing it if time permits, but I think our obligation is here first.

Commissioner Jerrel: I do, too. I think sending them is adequate and if they are truly interested and have some questions you can answer, but I know how that goes. You know, different counties initiate different procedures and they would love to have free input from our experts.

President Mourdock: I'm going to be a little bit between these two as I am sitting here. I think it is very nice to be seen as a model community if we do something that way. However, as Pat said, I think you need to decide how much time you can give, but as Bettye Lou said, I think what you have given them already ought to be what we do as a model. I don't have any problem if you answer their phone calls or write them a letter or something, but don't ever come before us and say, gee, I've got all this work to do but I have been doing this stuff for the people down in Nashville, Tennessee and I can't get to what we need to get done.

Mike Wathen: The main reason that I brought it up is in our office we've got state, federal and local people. The federal people are now in what is called a Region Concept where we communicate frequently with other counties. It is called the Southwind Region. There is a lot of interest in the adjoining counties that are within that same region is what probably prompted it. I'd say we are probably looking at an allotment of six or seven days a year at those meetings in order to make it work to the level it is going to take to make it work. That's what prompted the question.

Commissioner Jerrel: Well, I am just going to repeat. They are not paying us. They are not helping with vehicles or gasoline or anything else. I think we take care of us, Vanderburgh County, first. I don't...I mean, I think we give them all the written

material we can and help them, but they will have to adapt anyway to their local situations. I'm not inclined to say go take care of them. I would share information, but--

Mike Wathen: Thanks.

Commissioner Jerrel: --you would be used.

President Mourdock: That's probably true.

Commissioner Jerrel: Yes.

President Mourdock: Okay, thanks, Mike. Anyone else to address the Commission on any issue before we get to the Drainage Board meeting?

**John Stoll - County Engineer**

President Mourdock: Okay, seeing none, the next item on our list is our department head reports. County Engineer, John Stoll.

John Stoll: The first item is agreements for the Lynch Road projects. There are agreements between Vanderburgh County and the State of Indiana. They provide for the county to pay the 20% of the estimated cost of the project. That cost as listed in the agreement is \$1,034,741.10. That amount could change depending on what the bids come in, but that is their estimate at this time. The agreement simply is to say that the county will provide their 20% when the project is awarded. I would recommend that it be approved.

Commissioner Jerrel: Move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got pertains to the Burkhardt Road project. I've got revised costs for changes in the contract that would result in a net increase of \$439,087.15. These changes are due to several things as shown on the change order summary sheet that I've given you. One item was a sanitary sewer force main that we had to relocate. That was for \$16,646.57. The next items, they all pertain to changes resulting from changes in the plans associated with the Lloyd Expressway and with Virginia Street. The changes associated with the Lloyd Expressway were necessitated by INDOT because they have not issued a permit as of yet for us to do work on state right-of-way. We knew that whenever we put the plans out for bid last year, but since it was a rush job, we had to go ahead and put it out for bid pending state approval on the plans. After the state reviewed the plans they made several changes and part of that \$406,000 difference shown there. The other part is in regard to Virginia Street. There was no...when the plans were originally drawn it was based on 1,600 feet of Virginia Street being built and that was an incorrect distance. We submitted the actual deeds to United Consultant and it is slightly over 1,700 feet that was actually needing to be built.

Commissioner Jerrel: As opposed to how many did you say? Originally?

John Stoll: It was originally about 1,600. By extending the street all the way to the east property line of where the Gershman/Brown development abuts the Buente property it brought in a significantly larger drainage area which in turn brought the need for a larger storm sewer line to run down Virginia Street. We went from 24 and 30 inch pipes to a 54 inch pipe. Those areas are shown on that map that Commissioner Mourdock has. It is basically areas that are all east of the end of Virginia Street and north of Virginia Street. The storm sewer alone was \$205,000 out of the \$406,000 shown on that net change order summary. The other item that has come up was a gas line that SIGECO had told us was out of the way was not out of the way. We've got some prices back from them at 5:00 this evening that indicated that it will cost \$30,360 to relocate that gas line. We have to cover that cost due to the fact that it is in a SIGECO easement, so we are stuck paying the relocation cost. It would have been nice if they would have told us this some time ago, so that way it would have already been out of the way because it has held up the contractor for roughly a week. At this point, that is the cost that they have given us to get it relocated and they did tell us that the contractor would be able to start work tomorrow. Hopefully, by the end of the week our contractor, Blankenberger Brothers, could start doing box culvert installation again.

President Mourdock: Originally SIGECO had said that we didn't need to relocate?

John Stoll: Correct. They said it was already low enough that it was out of our way.

President Mourdock: We bid it and these people came back with their price and then SIGECO said you're going to have to move it so we see the additional \$30,000 is that right?

John Stoll: We would have been stuck paying for the relocation regardless of when they told us it had to be moved. The only thing I don't know as of yet, due to the time that we got the costs in, is whether or not we're paying a premium for the relocation in such a fast turn around time. Since it is in a dedicated SIGECO easement we would of had to pay for the relocation costs regardless whether it was this week or if it was two months. The only thing that is the unknown is whether or not there is a higher premium associated with that getting done within a matter of a few days.

Commissioner Jerrel: The reduction on decrease or eliminating existing items. What are those?

John Stoll: In some situations, like say on the Lloyd Expressway, INDOT went from one type of overhead to another type of overhead sign so a decrease...say it was a cantilever sign, that would be deleted and it would be replaced with a cable span sign or something like that. More often than not it is just replaced with what is shown in the increase in existing items or the new items.

Commissioner Jerrel: We're about to reach the limit.

John Stoll: Yes. We budgeted for \$500,000 in contingencies and this takes about 90% of that.

President Mourdock: How far into the project are we? Total capital costs?

John Stoll: Dollar figure-wise I am not sure.

President Mourdock: Percentage-wise?

John Stoll: I would say 10 to 20. We have had the benefit of the soil conditions have been surprisingly good. They've not had any problems at all installing the box culvert which was a major concern. One of the reasons the contingencies were budgeted was because of the unknowns associated with the soil conditions. Given the fact that has not been a problem as of yet, that has helped, I guess, alleviate some fears that we might have some significant overruns to bring in borrow dirt rather than reusing the existing dirt that is out there. That is a plus, but still we are not very far into it to use up all of our contingencies. The only other option that I can think of would have been to stop Virginia Street short of running it all the way up to the Gershman/Buente property line, but that would still leave a gap in the street that we would have to come back in and build at a later date. Neither option is too good.

President Mourdock: But the benefit that we are getting from the good soil conditions aren't really affecting us cost-wise anyway because the contractor would of have to of eaten that. Correct? In other words, if it would have been terrible soil conditions he was still on a fixed price bid, so it was still going to cost us the same regardless?

John Stoll: Correct, but if we wanted to try and speed it up then that is when we were going to truck in borrow material then that would have been something that the county would have potentially had to address with a change order. We were concerned that dirt might not ever get dried because of the horror stories that we've heard about that out there. If it didn't, then it could sit all summer and they might not of made much progress at all just waiting for dirt to dry. To this point, that has not really been the case.

President Mourdock: In that situation we, meaning the Commissioners, would have been in the situation to decide do we want to pay them now or do we want the project to go along?

John Stoll: Right.

President Mourdock: I know the answer to that, too. I know if that question comes up, and obviously it would be something different than soil conditions, by being this deep into our contingency fund I know what that is going to be next time.

John Stoll: We've tried to foresee any additional problems where we might have some overruns. Like I said, the dirt was one that doesn't look like it will be a problem now. Blankenberger has already gone out and checked for Ameritech and SIGECO lines that cross at Virginia Street to make sure that they truly are out of the way even though they have already told us they're out of the way and those lines are out of our way, so right off the top of our heads, this is between me and Stuart May, the project inspector, we can't think of anything that should be a significant increase, but being only this far into the job who knows at this point.

President Mourdock: What was the total bid, John?

John Stoll: \$4,142,000.

President Mourdock: So we're looking at 10%?

John Stoll: Ten percent.

President Mourdock: Right now.

Commissioner Tuley: The bulk of that is that increase in that pipe size?

John Stoll: Right, \$205,000 is the pipe.

Commissioner Tuley: That should help maintain a good degree of drainage.

John Stoll: Right, without that the area between the Gershman/Buente property line and Cross Pointe Boulevard really had no way to drain back to Crawford-Brandeis Ditch, so that is where the need for this came from.

Commissioner Jerrel: I'll move approval of the change order.

Commissioner Tuley: Second.

President Mourdock: Reluctantly, I will so order. Do you have a specific signature page for the change order, John?

John Stoll: No, this is just for an authorization to go ahead with these changes. Whenever the items are actually installed that is when I will bring a change order that actually covers these amounts. Right now I don't have the actual change order form. That will be at a later date.

President Mourdock: Okay.

John Stoll: The other item in there pertaining to the Burkhardt project is in regard to Parcel Number 1, the Williamsburg on the Lake parcel. We need to acquire an easement and temporary right-of-way out there. I have the appraisals back from United Consulting and they are in the amount of \$41,485. I am requesting authorization to proceed with making that offer and signing off on the appraisals.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item that I have is I would like to request to go before County Council to appropriate \$100,000 for the Radio Avenue Bridge.

Commissioner Jerrel: Move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. You should have mentioned that before Mikki left.

John Stoll: I talked to her before the meeting and I told her we would be putting in the appropriation request.

President Mourdock: Okay. So ordered. Anything else for John?

John Stoll: That's it for me. That's more than enough. Dollar-wise at least!

President Mourdock: True.

**County Garage**

President Mourdock: Do we have anyone here from the County Garage? I don't think so tonight. Oh, okay. We have a written report for the record being submitted for the Vanderburgh County Highway Department Progress Report for February 14 through February 20, 1997.

Commissioner Tuley: I'll move acceptance of the report.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Tony Greubel - County Commission Office**

President Mourdock: Superintendent of Buildings. Tony, anything to report?

Tony Greubel: No.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney, Joe Harrison, Jr.

Joe Harrison, Jr.: I really don't have anything. If you have any questions? The Welfare to Work project is still...I'm still working on cleaning up the RFP proposal and that is A-1 top priority, so I am working on that with another attorney in my office. I'll speak with you, Richard, if you are still interested in going up.

President Mourdock: I'm very much interested.

Joe Harrison, Jr.: Are you going to Indianapolis on Wednesday? Were you going to be up there this week?

President Mourdock: No, we have a Board meeting this Wednesday, so I can't make it.

Joe Harrison, Jr.: Okay, I will call Mr. Morovich again tomorrow and get some other dates and I will call you ASAP.

President Mourdock: The following week, the week of the 3rd, I will be out of town. However, the week of the 10th I am fairly open.

Joe Harrison, Jr.: The week of the 10th?

President Mourdock: Yes.

Joe Harrison, Jr.: Okay.

Commissioner Jerrel: I would call your attention to the bills that have been submitted. Have you read this?

President Mourdock: I haven't seen that.

Commissioner Jerrel: Alright, you might want to read some of these

issues.

Joe Harrison, Jr.: Other than that, I really don't have anything else to report. I am still working on the Barrett Law information and I will be getting back to you all on my research and the procedures that the county will have to adopt in connection with the state statute governing those particular projects. There are some things that I would like for the county to adopt for any neighborhoods and homeowners that are interested utilizing the Barrett Law that will facilitate better mechanism for the county in such projects. So I will be getting back with you all real soon on those recommendations as well.

President Mourdock: Okay, very good.

<b>Consent items</b>
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President Mourdock: On our consent items this evening we include some travel requests, acceptance of the Weights and Measures monthly report, acceptance of the County Clerk's monthly report, the County Treasurer's report and the claims from Given and Spindler.

Commissioner Jerrel: I'll move approval and I did review those and spoke to the Auditor's Office. I'll remind you that our travel account is getting very low and we've had a lot of travel. We're going to have to do something.

President Mourdock: I'll come back to that in a minute.

Commissioner Tuley: I was going to say because I got a comment about one office in particular that has about three requests in there tonight and I don't want to sound political, but that person is never here.

Commissioner Jerrel: I called...I contacted Senator Borst's office today. We had one conversation with him with one of the officeholders here by phone which is really...and he prefers it that way.

Commissioner Tuley: Sure.

Commissioner Jerrel: I mean, he prefers local input that way. We're going to have to do something.

Commissioner Tuley: I'll second her motion to approve.

President Mourdock: I will say so ordered. Along with that perhaps we could get a report next week where we are budget-wise.

Commissioner Jerrel: And by office the travel to date.

President Mourdock: Okay.

Commissioner Jerrel: So that we know.

Commissioner Tuley: I hold my comments until we get the report. They will speak for themselves.

**Scheduled meetings**

President Mourdock: Alright, we have a list attached to our agenda of scheduled meetings, I believe, and those are for reference.

**Old business**

President Mourdock: Any old business items for this evening?  
Commissioner Tuley?

Commissioner Tuley: I'm sorry, no.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

**New business**

President Mourdock: New business for this evening? I have several that are listed. These are not actions items, but just as updates. First, the CAPE update. I am reading off of my computer and I am not sure they are in the same order. I was invited to a meeting by Ms. Alice Withers regarding the nighttime bus service which has been an issue here in the community for a while. She has asked that Vanderburgh County allocate somehow \$15,000 as part of a needs assessment to see if, in fact, such a study is worthwhile. I told her that I would bring it to the attention of this Board. I did tell her that if we were to do that I think the only way it could be done would be under the portion of transportation items covered from the Welfare to Work funding. Since that time State Representative Brian Hasler has also seemed, at least at this point in the legislative process, to come across about \$180,000 that will be funded into this area. So those two may preclude each other, I'm not sure, but as an update. The second thing, and this goes into two items, an ADA Committee and a Safety Committee. I understand at one point the county, through the County Commissioners' Office, had those committees. To be honest with you, and Pat, maybe you can give us some history, but I am not sure how active they were, but I have had the question forwarded to me. Do we want to reinstate those committees?

Commissioner Tuley: I believe the ADA Committee was headed up originally by Mark Abell, as Superintendent of County Buildings, and then taken over by Cindy Mayo when she took over that capacity. It is probably not a bad place to keep it.

President Mourdock: Okay, under the Superintendent of Buildings?

Commissioner Tuley: Uh-huh.

President Mourdock: Okay.

Commissioner Tuley: A lot of it had to do with assessment of our buildings and compliance and what have you. I'll plead ignorance on the Safety Committee. I'm not sure who was heading that up.

Commissioner Jerrel: I don't know who was heading it, but I know in the past I have had people indicate what is our safety plan and I think we fund half of Sherman Greer's Emergency Management and I would think that they would be responsible. I am responsible for

all the schools and maintaining a safety plan for every building and I think that should be their responsibility. I think Sherman needs to be contacted and, you know, I don't know what the process is. If there is a standardized drill. If there is a different procedure to follow for storms as opposed to other natural disasters. I know that we do, but I don't know anything about the safety of the employees in this building. Bomb threats or anything of that nature, and I think that should be their responsibility to do.

President Mourdock: Okay. The person who asked these questions, I will direct those two responses to her. As part of the Clean Cities Award that Evansville received on January 30th there was a commitment made to continue to investigate using additional liquefied natural gas for city vehicles. The question came to me is this something that we should consider for some of the county vehicles. I know it has been considered, at least to some slight degree, at the County Garage at one point. I don't know that there was ever anything very detailed looked at.

Commissioner Tuley: Right. I know that Joe had, Joe Kiefer, had made his presentation to the Commissioners. We might want to get back with Milton to get an update. I'm sure there is, particularly some of the--

Commissioner Jerrel: I would like to explore the possibility. They provide a rather sizable grant to other participants and I would like to explore the possibility of a grant to enable us...it would be more reasonable to do this with the newer vehicles.

Commissioner Tuley: Oh, yeah, rather than fitting some of the older ones.

Commissioner Jerrel: Yeah, just start at some point and set a goal for so many per year. But in order to help us, I would like to initiate that conversation.

President Mourdock: Okay, who is on the other end of that conversation?

Commissioner Jerrel: SIGECO.

President Mourdock: Oh, okay, when you said "they" give a grant that is who you were referring to?

Commissioner Jerrel: Yes, I am referring to them.

Tony Greubel: I believe the Indiana Department of Commerce gives a grant also to purchase these vehicles. Would you like for me to schedule Joe Kiefer next week for the agenda?

Commissioner Jerrel: Well, rather than have him speak, why don't you see what the details are and what the possibilities are and call the Department of Commerce. I don't think...I mean, I like to read that material after it is available. We'll save the talking for when we get ready to do something.

Commissioner Jerrel: Okay, I'll do that.

President Mourdock: I had on my list an update for the time accrual and the clock situation. I don't know if there really is one in that area. However, just broadly related to that subject, if I may, we've had some discussion...Ms. Crouch and I have had some

Vanderburgh County  
Commissioners Meeting  
February 24, 1997

23

discussion about the possibility of having some meetings hosted by the Commission for the benefit of officeholders to better explain that process, but perhaps even more importantly to solicit their input on the county personnel policy because I know there are ongoing questions. I have before me a list of dates being March 7th, March 14th, March 21st and March 27th at 11:00 a.m. on each of those dates to discuss. What I would like to do is see if each one of us at one time could host one of those meeting.

Commissioner Tuley: I would honestly tell you that I would love to take the 7th or the 14th because I am not going to be around on the 21st and the 28th.

Commissioner Jerrel: Well, unfortunately I am, so I'll take either one of those.

President Mourdock: Okay, Pat, you will take March 7th.

Commissioner Tuley: That's fine.

President Mourdock: I will try to take March 14th.

Commissioner Tuley: At 11:00 a.m. you said?

President Mourdock: Yeah, 11:00 a.m. Bettye Lou will take March 21st.

Commissioner Jerrel: Uh-huh.

President Mourdock: Do you want to start the cycle over again. Do you want to do one on March 27th?

Commissioner Tuley: If I can do it from Florida that will be fine!

President Mourdock: I'm sorry, yeah.

Commissioner Tuley: If you want to fly all the department heads down there!

President Mourdock: You wouldn't mind coming back?

Commissioner Jerrel: Tony could do one.

President Mourdock: Yeah, that would be a good idea.

Tony Greubel: Yeah.

President Mourdock: Okay, the 7th. Did you say the 14th?

Commissioner Jerrel: The 21st.

President Mourdock: The 21st. I've got the 14th and Tony has the other one. Okay. One other...no, that was my last item of new business. Any other new business.

Commissioner Tuley: None from me.

Commissioner Jerrel: None.

President Mourdock: That being all of our old business and new business and that it is 59 seconds until 7:00 p.m. when we are to start our Drainage Board meeting I will ask for adjournment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

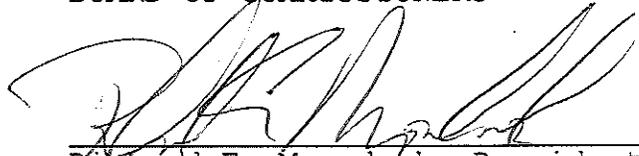
President Mourdock: So ordered.

The meeting was adjourned at 7:00 p.m.

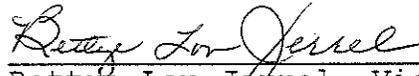
**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene M. Timmons  
Tony Greubel  
John Stoll  
Mike Shoulders  
Ed Moser  
Mike Wathen  
Lynn Ellis  
Mikki Heck  
Mike Robling  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



Richard E. Mourdock, President



Bettye Lou Jerrel, Vice President



Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 3, 1997**

The Vanderburgh County Board of Commissioners met in session this 3rd day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:39 p.m. with President Richard Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the March 3rd meeting of the Vanderburgh County Commissioners. If you are looking for the City Council, they're down the hall. If not, you're in the right room. As we get started we would ask you to join us with our Pledge of Allegiance. As we get started this evening, first to make some introductions at my far right is Mr. Tony Greubel, our Administrative Assistant in the Commissioners Office; to his left is the County Attorney, Joe Harrison, Jr.; to my immediate right is County Commissioner Pat Tuley; to my immediate left is County Commissioner Bettye Lou Jerrel; to Bettye Lou's left the County Auditor, Suzanne Crouch, who functions as the official Recording Secretary; and to Suzanne's left is Charlene Timmons, who is our hardworking truly Recording Secretary, I guess. If you did not when you walked in the room tonight, there are agendas for the meeting over here on the far table. We have a number of action items to go through and at one point we will call for anyone who is not on the agenda to speak, so if you don't show up on the agenda you are still welcome to come to the microphone. Because all of our minutes are taken verbatim off of tape, if you are going to speak you must be at the microphone and also, please state your name and address for the record.

**Approval of minutes**

President Mourdock: Having said all that, we will begin through our action items with the first item being the approval of minutes from the meeting of March...I'm sorry, February 24th.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: The second item on our list is certification of the Executive Session just prior to this meeting. Beginning at 4:40 today there was an Executive Session of the County Commission. During that meeting no final decisions were made, no votes were taken and the subjects discussed were pending or threatened litigation against the county and also county personnel matters. So, we will sign and execute that document.

**Erosion and Sediment Control Ordinance - First reading**

President Mourdock: Next on our action items we have the first reading of the Erosion and Sediment Control Ordinance. Joe, do you have some comments on that one? Or, I saw Mike Wathen, I think. Mike, do you have any comments to make?

Joe Harrison, Jr.: I don't have any comments right now. I think Mike may want to address the Commissioners and I believe there are probably some individuals in the audience that would like to address the Commissioners regarding the proposed ordinance. Again, this would be the first reading.

President Mourdock: Okay.

Mike Wathen: Mike Wathen, Soil and Conservation District. I'm here basically to answer questions and serve as an information source. I know there are several people in audience, I think, who would like to speak.

President Mourdock: Anyone wishing to speak on the Erosion and Control Ordinance on its first reading? Please come forward.

Richard Steedman: My name is Richard Steedman and I am an attorney here in Evansville. I represent Bill Wittekindt who is a developer who develops property primarily on the north side of Evansville and the McCutchanville area. I just did want to address very briefly the Erosion and Sediment Control Ordinance. I wanted to let you know that we are very much in favor of this ordinance and the general thrust of it. We feel that this places the burden in the proper spot and that is with each individual property owner as they acquire ownership of their property as it is developed. We know that a lot of work has gone into the language and the ideas behind this ordinance. As with any ordinance we do have some concerns about individual sections. We're concerned that it does not specifically address the situation of public and private utilities as they engage in land disturbing activities which are fairly substantial and over which most property owners have little or no control, so we are concerned that the ordinance does not address that. We would like to see some tightening up, perhaps, of the due process sections of enforcement in that we would like to see notice required to be in detail and written when it is given to the property owner and that there be a specified time within which the property owner is given notice that he must take corrective action before any penalty is imposed. Also, we would note that the penalty is imposed in the statute or in the ordinance prior to the property owner having any time to speak to the validity of those charges or the corrective action that he may feel he has undertaken in compliance. So, we are concerned that there is no opportunity for the property owner to address the problem until after the penalty is imposed by the Building Commissioner and the situation would go to actual litigation. We realize that there are other concerns that we and others may have as this ordinance is implemented and the bugs are worked out. I guess we would just urge that, assuming the Commission does adopt this, that it remain open to amendment as we work through this. Again, we are very much in favor of it and we feel that this is a good ordinance, that it is a great step forward over what we have at present and we would urge your adoption with a

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

3

mind open towards making appropriate amendments as we work through it.

President Mourdock: Okay, thank you, Mr. Steedman. Others wishing to speak on the Erosion Control Ordinance? Shirley.

William Smith: My name is William Smith and I live at 745 West Boonville-New Harmony Road in Darmstadt. I am on the Town Council in Darmstadt and I wanted to let you know that I have a copy of this and our attorney is preparing the proper wording in it, you know, so that we can be a part of this thing. We are in favor of it also, so as soon as we get our papers back, which we have a meeting next Tuesday, a week from tomorrow, and we should have this copied by then and we will proceed from there. If that's okay?

President Mourdock: That's more than fine with us, the Town of Darmstadt. Shirley.

Shirley James: I'm Shirley James and I'm pres...I almost said president! I swear, it is such a habit! Anyway I represent West Side Improvement Association and I am standing in for the President this evening, Steve McCallister. We, the Westside Improvement Association, strongly support this ordinance. In December 18, 1992 we requested that such an ordinance be developed at that time. We're happy to see it here. We'll do everything we can to help enforce it. As you know, we have two very severe problems where this is really causing some devastation at the present time because of siltation and everything into Carpenter Creek. We are looking forward to this and we are very happy about it. Thank you.

President Mourdock: When did you say, Shirley, that you first approached the...?

Shirley James: December 18, 1992.

President Mourdock: `92, okay.

Commissioner Tuley: And they say the wheels of government turn slowly!

President Mourdock: Yes, yes, but they do turn.

Shirley James: It was the Center West people came in and when they cleared out the trees a whole neighborhood was wiped out. So that was the time. Thank you.

President Mourdock: Okay, very good. Thank you. Anyone else wishing to speak to this particular issue?

Bud Bussing: My name is Bud Bussing and I am land developer. I would like to say that I think this is a good ordinance. It places the burden of maintaining the erosion control on the property owner rather than the developer. It is impossible sometimes for the developer to do anything once he has sold the lot, so I think it is a very good ordinance. Thank you.

President Mourdock: Thank you, Mr. Bussing. Anyone else wishing

to address the Commission regarding this particular ordinance?

Joe Harrison, Jr.: For your information, the City of Evansville did adopt a similar ordinance on, I believe it was November 20...hang on a second here. November 25, 1996. Basically, the same ordinance, so it has been in effect within the city of Evansville for the last two months, three months. Also, the Town Board of Darmstadt is considering the same ordinance and thereby it will be hopefully in effect within the whole county. The Soil Conservation District will be, which Mike Wathen is here for, will be basically monitoring and enforcing the ordinance for both the city and the county and the Town of Darmstadt. This is, again, a first reading this evening with respect to the ordinance. This is the time for the public hearing with respect to the ordinance. Also, I may add that the Genesis, I think, for this ordinance was the result of a number of meetings over the past year or so that Mike Wathen and others, including developers and homeowners have had and they have basically come up with this particular ordinance. The standards and specifications, I believe, for this particular ordinance are set forth in the Indiana Handbook for Erosion Control in Developing Areas. So, there is a handbook out there that sets forth most of the language that is in the ordinance. Again, it is published by the Natural...Indiana Natural Resources. That is available, I presume, and I am sure that Mike has a copy of that and I think the Commissioners do as well.

President Mourdock: Any comments from the Board regarding the ordinance?

Commissioner Tuley: Mike, in reference to Mr. Steedman's questions, it does talk about notice and what have you, but it does not specifically state that it would be in writing.

Mike Wathen: The one point that he made reference to under enforcement and violations if you look at Sections 1 and 2:

"SWCD or their representatives or authorized agents of Vanderburgh County are authorized to enter the site for purposes of investigating non-compliance reports and to verify compliance measures. If entry is denied by property owner, a court order may be sought and obtained by SWCD or their representatives to permit such entry on property."

Item 2:

"SWCD representative will investigate the incident at the site, make corrective recommendations to the property owner or the property owner's agent."

Our first role, if I understood what he said correctly, that was what he wanted to see in writing, that second Item 2. Is that correct?

Commissioner Tuley: That's my understanding, yeah.

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

5

Joe Harrison, Jr.: Well, do you have any problem with putting that in writing? It doesn't say it has to be in writing, but it doesn't say it can't be in writing. I mean, you don't have any problem putting that in writing?

Mike Wathen: I think the reason that we did it the way that we did is just from a time standpoint and the huge volume of incidents that we are going to be dealing with. We've had 11 today.

Joe Harrison, Jr.: I understand, but you don't have a problem with doing that? If you have put it in writing you don't have a problem with doing that?

Mike Wathen: I don't have a problem with doing it.

Joe Harrison, Jr.: Okay, I think what Mr. Steedman is saying is sometimes people get their messages crossed and I think that if you speak with someone orally, you know, in person that you ought to follow it up with a letter. Not only does it protect you, but it may protect them as well if they have a misunderstanding with what might have been told to them. I think that is the prudent thing to do and I would urge you to put anything in writing if you're asking someone to make some corrective measure.

President Mourdock: As a matter of practice, it would be no more complicated, I presume, then having a very basic form letter that you would send out 11 times today.

Mike Wathen: We'll put something together.

President Mourdock: Okay. Mr. Steedman's comments also about having something that can be amended in the future, I think are pertinent. Certainly any ordinance can be amended down the road, but I think the key there is being sensitive to whether it works or whether it doesn't work. I see that perhaps as a given, but it is always good to be reminded of it.

Joe Harrison, Jr.: I think if there are going to be changes and there probably will be some changes or modifications, but they will need to be made to the city's ordinance as well as the county's and the Town of Darmstadt's. I think you want to be uniform, but since the city has already passed their particular ordinance I think the prudent thing would be to consider this particular document and then move forward if things have to be changed then make the changes.

President Mourdock: Any other discussion?

Commissioner Jerrel: Are you ready for a motion?

President Mourdock: Hearing none, I would ask for a motion for approval on first reading and publication.

Commissioner Jerrel: I would like to move that the ordinance concerning Erosion and Sediment Control be approved by the Board of Commissioners of Vanderburgh County.

Commissioner Tuley: On the first reading.

Commissioner Jerrel: On first reading.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: You all need to...technically, you probably need to take a vote.

Commissioner Jerrel: Okay, a roll call?

President Mourdock: A roll call even on first reading?

Joe Harrison, Jr.: Yeah.

President Mourdock: Alright, I'll ask for a roll call vote then for the Erosion and Sediment Control Ordinance. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: On first reading, again, just because I think we need to make at least the initial indication that those citations or recommendations will be in writing. I'll second. I mean, yes.

President Mourdock: I will vote yes.

**Jayne Berry-Bland - County Treasurer**

President Mourdock: The next item we have...I see our County Engineer is in the hallway, so we will move to the County Treasurer for credit card use for tax payments. Now he is in the room. I just skipped you, John. Well, it's time for the Strawberry Hill.

Commissioner Jerrel: Do you think we ought to do that then or do it --

President Mourdock: Let's move you down here and do it all at once. Okay, we'll get to that when we do it. We'll set that aside for the moment. If we could, let's move to the County Treasurer's comments on credit card use for tax payments.

Jayne Berry-Bland: Jerry Berry-Bland, Vanderburgh County Treasurer. Actually, I have a couple of things. We got our reports done that we just give to the County Commissioners on a monthly basis. Both the fund investment and the General Fund investments. I would like to leave those with you tonight.

President Mourdock: I'll ask for a motion, I guess, for acceptance of the monthly Treasurer's Report.

Commissioner Jerrel: Move approval.

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

7

Commissioner Tuley: Second.

President Mourdock: So ordered.

Jayne Berry-Bland: Okay, I got that one out of the way. The next thing that I have is I'm going to leave the best for last the credit card. I would like to make a statement on the timekeeping issue. I would like to make a statement regarding the timekeeping proposal by the Auditor's Office. Not at any time has Mrs. Crouch questioned the personnel policy. Instead, she has questioned the actual timekeeping by the individual officeholders. I called an officeholders meeting on February 19, 1997 to discuss the concerns of all the offices regarding the timekeeping proposal. The consensus by the officeholders was that immediate changes need to be made to the County's Personnel Policy. Since my meeting of February 19, 1997 Mrs. Crouch has taken it upon herself to notify the Commissioners of some of the things that were discussed at that memo...or at that meeting. Her memo dated February 24, which I am sure that you have a copy of, addresses the way she interprets the county's personnel policy. I would like to say on behalf of all the officeholders that attended the February 19th meeting that we appreciate the four meetings scheduled in March by the Commissioners to discuss the personnel policy even though a bit premature. We will be prepared though to question many of the issues in our County Personnel Policy. I would also like to request that the Commissioners establish a committee from the officeholders of Vanderburgh County to ensure that all of the officeholders are informed of all the discussions regarding the personnel policy and timekeeping by the Auditor's Office. I don't think that is too much to ask since we have been approaching this subject for several years now. Because a lot of the officeholders felt like that they were uninformed, we still feel like that we're not in the midst of what is happening. We do want you to know that we appreciate you setting up these meetings for us to discuss the many, many problems that we've found to be true from our February meeting. We did have a very nice showing. I see that Mr. Byrne is here from the County Clerk's Office. I'm like him, I don't even like to use the word bipartisan. In no way did it have anything to do with politics. We had a great showing. We did discuss a lot of the issues and the consensus was it is not really the officeholders it is really establishing a new personnel policy. I don't think it is out of the question to form a committee to help get some of these things worked out with the policy.

President Mourdock: Okay. Questions from the Commission at this point?

Commissioner Tuley: I'll be the bad guy. The only thing that I would say, Jayne, is no problem. We welcome the input, but at the same time we would like compliance from the officeholders as to whatever policy comes out that they agree that whatever comes out of there in terms of a policy is adhered to across the board.

Jayne Berry-Bland: I can't speak for every officeholder.

Commissioner Tuley: I know you can't.

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

Jayne Berry-Bland: I am one officeholder of many, but of the officeholders, and Mr. Byrne can attest to this, that attended that meeting that day there wasn't one officeholder that does not try to follow that personnel policy. As you are all very much aware, that personnel policy is very, very gray and even contradictory in some areas. It's totally unfair to the employee in my personal opinion.

Commissioner Tuley: Well, I don't disagree with your comments and I know you can't speak for all of them. Probably the ones who will show up to have the input will be the ones who are already doing it as best they can. I guess the word needs to go back that's fine, but everybody across the board needs adhere to whatever policy we come up with. Again,--

Jayne Berry-Bland: I think the majority of them will.

Commissioner Tuley: --I'm sure the only ones that will be there will be the ones who are doing so will be the ones that will show up at the meeting.

Jayne Berry-Bland: I would like to make a statement right now. The majority of officeholders right now are following that personnel policy to the best of their ability. Trust me, the majority are and even I would say the majority of the officeholders have time clocks in their offices.

Commissioner Jerrel: Excuse me. It will help all of us during these four hearings if you write down those things where there are gray areas. We've had for the last couple of years Irwin and Scheele have come in and they've worked with the Commissioners, but it is the Commissioners...the buck stops here in terms of developing a personnel policy.

Jayne Berry-Bland: There are some federal things, I feel that are not being followed.

Commissioner Jerrel: Yes, well put them down because that is what we need, Jayne. There will be one of us of at each meeting and we are very anxious to get the input, but we are going to have to come up with something because that is the responsibility of this Board.

Jayne Berry-Bland: We are only asking for a policy that is workable--

Commissioner Jerrel: Sure.

Jayne Berry-Bland: --for everyone not just for a couple of offices.

Commissioner Jerrel: Well, and I do think in all fairness I want to say that, you know, the issue is not Ms. Crouch's issue in terms of compliance. That was an issue raised by the State Board of Accounts and she responded to that at our wishes, so we are going to proceed to work with everybody.

Jayne Berry-Bland: And I understand that. The State Board of Accounts also has informed me that they in no way asked that her

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

9

office take over the timekeeping. They still feel that it is the individual officeholders' responsibility.

Commissioner Jerrel: For the 40 hours?

Jayne Berry-Bland: And it is. We're elected officials. We are to run that office according to federal and state regulations and to that personnel policy.

Commissioner Jerrel: But, again, when it happens that there is some issue that arises it doesn't end up on your plate it ends up on ours.

Jayne Berry-Bland: That's right.

Commissioner Jerrel: So that is why we want it straightened out.

Jayne Berry-Bland: We do appreciate all that you have...we feel like we have really made some big strides here just with these meetings that have been set up. We are very appreciative of that.

President Mourdock: Okay, well, let me make a couple of comments here. First of all, and perhaps ironically, we had a discussion today out in my business office somewhat in a similar nature about the use of a consultant because sometimes you wonder if you ever get the complete product from a consultant because as long as they keep coming back and fixing the product the meter is running. I wonder sometimes with any consultant, especially in something as gray area as this is, if that isn't the case. You're right, it is the officeholder's duty to administer the policies and stick to them, but as Ms. Jerrel just said, the problem has been in the past your name isn't on the lawsuit, but Mr. Tuley is, Ms. Jerrel is and mine is. We are trying to do the right thing in the right way which is why the meetings were scheduled. Let me also say that Ms. Crouch in response to the meeting you had said perhaps the best way to do that is to schedule a series of meetings, so I'll give her--

Jayne Berry-Bland: Right, but that's not what she agreed to when we had the meeting, but that's okay. We're prepared. We are prepared to...we have the questions written down and the gray areas and the problems in that policy. There won't be one officeholder there that is not prepared. Trust me.

President Mourdock: Okay, well I'm sure that's right. We do want to make a personnel policy that works for everybody. That's our goal. It sounds like we have the same goal and that is a very nonpartisan goal, to use that word.

Jayne Berry-Bland: Thank you.

President Mourdock: So, we'll look forward to the series of meetings coming and, hopefully, we can start to make a little better--

Jayne Berry-Bland: Please don't forget the request from all of the officeholders that attended still feel that it would be nice to have a committee set up of bipartisan officeholders.

President Mourdock: Okay.

Jayne Berry-Bland: To help keep everyone informed because obviously every officeholder probably is not going to make it to every meeting.

President Mourdock: Yeah and I don't know that it is necessarily necessary for every officeholder to make every meeting--

Jayne Berry-Bland: Right.

President Mourdock: --as long as we get input, written or verbal, from those who feel a need to do that. Okay, and regarding the question for the committee that is certainly something that we will keep in mind. Hopefully, maybe this series of meetings will kind of move us beyond even that point.

Jayne Berry-Bland: Thank you.

President Mourdock: You bet.

Jayne Berry-Bland: Next, credit card payments. I have a little memo that I would like to pass out first. Well, once again I am up to something that no other Indiana County Treasurer has done yet. We have a law since 1994 that provides that we can accept credit card payments for our local taxes. The problem that the Treasurers have run into is the law also states that if there is a merchant fee from the credit card company we cannot pass that on to the taxpayer. So, Visa and Mastercard will not forego the merchant fee, but Discover Card will. Discover Card has an entirely different plan for governmental entities that is totally separate then from any other that they have. They do not have a merchant fee. As you can see by the second page of what I just handed you they have what they call a transaction fee. By this law we are entitled to pass this transaction fee on to the taxpayer or the consumer. Before I go any further, if I had a hat on I would take it off to Mr. Harrison. I got him information on Friday. He got right back with me and helped me with this tremendously and I appreciate his very quick response.

President Mourdock: Another nonpartisan comment.

Jayne Berry-Bland: Exactly. Don't hold it against me! As you can see on the transaction fees it is tiered because we have never ever tried a credit card payment system. I have to guess that our average tax bill is going to be over \$200 so I am looking at the first tier there. The first group of numbers. That is how the fees would break down. The taxpayer, as they call in or mail in, when they get a receipt returned to them they will be told what that transaction fee is and it will be passed directly onto their charge slip. Now in order for us to do this we have to have equipment which is terminals and printers. On the last page I have included what the terminals and printers costs. I have talked with the lady from Novus and she feels like for the first year we can get by with four terminals and four printers. Two each being in the Treasurer's Office and two each being at Citizens Bank which handles our local tax payments. They handle

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

11

probably 90% of all mail in payments. They are ran through Citizens Bank. She also told me that these prices are negotiable for the equipment. Now, she did not go into any other detail, so I am not sure how negotiable, but I think we can be pretty pushy because they obviously want Indiana's business. I would like for you to take into consideration of this credit card payment I think it is another option for the taxpayer to pay their tax bills. I had a question today, well, what about the credit card debt? So many people are getting into credit card debt. How do you feel this is an advantage to the average homeowner? I feel like it is much better to have some credit card debt than to have your house sold on tax sale or to lose your property. We are also looking into automatic debit accounts which has not been finalized yet where you sign a form through our office or through the bank and they will actually debit your checking or savings account which we hope to have another option available by spring payment. I'm really going to have to push both of these in order to get them implemented. Mr. Harrison has looked over the contract that she sent. Are there any questions?

Commissioner Tuley: Any legal questions?

Joe Harrison, Jr.: No, the only thing that I was going to say is that the statute is 36-2-10-23 that says:

"A Treasurer may contract with a bank card or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge (which is what she is talking about) or discount fee whether billed to the Treasurer or charged directly to the Treasurer's account, the Treasurer shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the Treasurer by the bank or credit card company."

So that is what you are referring to in your memo would be the transaction fee that would be charged to you that you would pass on to the individual charging to his or her credit card.

Jayne Berry-Bland: That's correct.

Joe Harrison, Jr.: As far as the contract, the one thing I didn't have, and maybe the Commissioners have it, I just didn't have the last page of the contract. I had up through page--

Jayne Berry-Bland: I did not make them a copy of the contract.

Joe Harrison, Jr.: Oh, okay.

Jayne Berry-Bland: I apologize for that. That's my fault. I do have that.

Joe Harrison, Jr.: The term of the contract is it can be terminated by either party given 30 days written notice. Again, there is no other fee other than the transaction fee on the particular transaction.

Jayne Berry-Bland: Right, and according to law we would only charge what the credit card company is charging on that transaction fee. It would be not less. It would not be more. It would be exactly what the credit card company charges.

Joe Harrison, Jr.: As we discussed, prior to someone charging anything they would have to be told up front, either they walk into your office or on the phone, and I guess if it is mailed out and you say it can be charged you are going to have to tell them when they call in on the phone exactly what that charge will be up front before you actually handle the transaction.

Commissioner Tuley: That was going to be my question. Jayne, you may of answered it when you were giving your presentation and maybe I didn't hear when you were reading it. For the people that mail those in how are you going to notify them how much it is? I mean, if they don't call?

Jayne Berry-Bland: When they request for a credit card payment we will have a form that shows them that there is a transaction fee. What I am planning to do or there is a couple of options here and, obviously, I haven't gotten quite this far. There is another option that we could do inserts with the tax bill explaining that this is an option. Obviously, I'm going to have a hard time this short of notice trying to get this information to the public. So I am not so sure that we couldn't just do an insert within the tax bill saying that the Discover Card is an option to pay your taxes and here is the tier of fees.

Commissioner Tuley: Okay, well, this is not partisan, although it may be hard for some people to believe that, I appreciate your innovation in that Vanderburgh County gets to be the first to try something instead of me too later. Its a novel idea.

President Mourdock: I have a couple of questions. I salute your innovativeness here, too. I guess the first question, do I understand correctly that the only card you would be accepting would be Discover Card?

Jayne Berry-Bland: Yes, that is part of the contract.

President Mourdock: Okay, second question. You're going to make notice of this through the tax mailings with an insert in such a way that if people wanted to do it by mail by credit card that would be a possibility?

Jayne Berry-Bland: Yes.

President Mourdock: Okay, this next question is for Joe, then.

President Mourdock: Given the status of the state law that does permit this to happen are we simply or will we in a moment be voting on, basically, the mechanism or whether we should or shouldn't? In other words, are we approving here...let me say it in the inverse. Can we say we choose not to have Vanderburgh County do credit card payments given that the state law says that it can be done that way?

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

13

Joe Harrison, Jr.: Oh, well, yeah--

Jayne Berry-Bland: Yes.

Joe Harrison, Jr.: --because it hasn't happened yet. I mean, apparently from what you just said no county in the state has been taking advantage of this even though they could of. I'm a little uncomfortable. I thought there was one page missing, but there was two that I still haven't looked at so we may have...I may have to glance at it before they consider that tonight. No, this body can agree to do this or not. I think I need nine. I need nine, too, nine, ten and eleven.

Jayne Berry-Bland: It's the cheap fax machine I have in my office.

Joe Harrison, Jr.: The fact that it's available and hadn't been taken advantage of I guess just means that there haven't been any credit cards, I think, out there possibly that have been like Discover, where they had, I think, the other credit cards probably have other fees attached to it that just weren't permissible under state law.

Jayne Berry-Bland: That's correct.

Joe Harrison, Jr.: This is one that doesn't have another fee other than this transaction fee attached to it. So, it's up to you all whether you want to consider this mechanism.

President Mourdock: Well, I understand the answer to this question. I know the answer to this question, but I can already hear the call saying how come I didn't get \$35 knocked off my bill because I paid with a check? I understand the answer to that question, but I know it is going to be asked.

Jayne Berry-Bland: What...?

Commissioner Tuley: I'm confused by the question, too.

Jayne Berry-Bland: Could you say that again?

President Mourdock: Sure. Let's say somebody, and I am going to use your table here, you send out the billing and you say that someone's tax statement is \$3000 and they can pay by credit card and then there will be...actually they will pay \$3,025. You're going to get questions and I know the answer, but you're going to get questions, hey, how about if I only pay \$2,925 because I am going to pay mine by cash, this isn't fair. Again, I understand the answer.

Jayne Berry-Bland: That's pretty simple. Yeah. That's pretty simple.

President Mourdock: Well, I know the answer.

Jayne Berry-Bland: I'll be happy, Mr. Mourdock, for you to send those people to me. I would be happy to answer those.

President Mourdock: Those probably won't come to me. They will probably go directly to you anyway, Jayne.

Jayne Berry-Bland: I think it's worth it and I realize that any time that you implement something new there are going to be some problems and some bugs and probably something we might not have necessarily thought of. I think it's a grand idea. The license branch, as you all know, take Visa and I don't know what other credit cards. They do take other credit cards. Apparently they operate under a different law. I think many people take advantage of that.

President Mourdock: How so?

Jayne Berry-Bland: By paying by credit card.

President Mourdock: Oh, you just mean utilize?

Jayne Berry-Bland: Right, because they don't have to stand in those long lines which is the same problem we have in our office.

Commissioner Jerrel: May I read something to you and see if you can kind of help me think this one through? This is called the charge back rights. Did you go over that carefully?

Jayne Berry-Bland: No.

Commissioner Jerrel: If you do not follow all...this is your office--

Jayne Berry-Bland: Oh, I did go over that.

Commissioner Jerrel: --and the county. So, you all are comfortable with that or do you want me to read it?

Commissioner Tuley: Read it because I don't know what you are talking about.

Commissioner Jerrel:

"If you do not follow all of the terms of this agreement an operating guide with respect to a card sale made by you or if a card sale which is the subject of a billing dispute is subject to a charge back."

So they could have our charges on a bill with another dispute.

"We may refuse to pay you for the card sale or disputed portion of it and if we have already paid you we may at our option debit the settlement account in the amount in question or deduct it from future payments we owe you.

These return charges are called charge backs. Any charge backs that are not paid by the foregoing means shall be due and payable by you on demand. We will notify you of card sales that are subject to charge back as they arise, but in some instances charge backs will be processed prior to the notification as

specified in the operating guide.

If charge backs exceed 2% of the total number of card sales submitted by you in any calendar quarter, we may reserve the right to charge you and you agree to pay a fee of \$5 for each charge in excess of such 2% limit.

If you and a card member resolve a billing inquiry or dispute on a card sale which has been charged back and the bank is permitted by law to rebill the card member for all or a portion of the disputed amount we will reimburse you for the charge or that portion for which the bank can bill the card member.

If due to federal and/or state consumer laws the bank is not able to bill a card member for a disputed transaction we will not be required to reimburse you for the charge or non-billable portion of it even if you complied with the terms of this agreement."

I wish I knew this and you don't, but I would like to know what is the status of credit card collections? If we, you know, accept this what kind of turn around time and what kind of non-payment do banks typically have?

Commissioner Tuley: Don't you thought...I mean you'll have approval, right, just like anybody else? If you go to the store--

Jayne Berry-Bland: I have two remarks to make regarding her issues.

Commissioner Jerrel: Yeah, that's why I wanted to ask you.

Jayne Berry-Bland: Number one is, because we are a governmental entity we are not allowed to take a credit card payment without authorization. If we can't get through for some reason, if the terminal is down or whatever the case may be, we cannot absolutely take that payment. Now, if it becomes a dispute regarding the amount, etc., we by law can charge back the taxes. It's not like I am going to have to say, okay, the county is out \$100, they're not going to pay this bill. The taxes can be charged back and I hope that we operate at an efficient level that we will have slim or none of charge backs.

Commissioner Tuley: That's no different than a check.

Jayne Berry-Bland: Right.

Commissioner Tuley: If we get a bad check you've got to turn around and charge back.

Jayne Berry-Bland: We get many bad checks. As unbelievable as this is, we get a lot of returned checks.

President Mourdock: Do you have any idea, Jayne, what percentage of your checks are bad checks?

Jayne Berry-Bland: It's small compared to how many we actually collect.

President Mourdock: Do you have in researching this, even though no other state or no other county in Indiana has done it, I presume you probably researched other areas where it has been done. Any comparison between the checks, bad checks, and the problems here? I have a hunch, and forgive me here, but anybody who stands on that side of the microphone always tells us all the good things--

Jayne Berry-Bland: Right, and not the bad.

President Mourdock: I have a feeling that you know some bad things that you are not telling us that we need to consider.

Jayne Berry-Bland: I really don't. I wish I did. I'll tell you where this all started. Joe, back here from Computer Services--

Commissioner Tuley: Joe, you get blamed!

President Mourdock: All the usual suspects!

Jayne Berry-Bland: Actually it started several years ago at one of our Treasurer's Conferences. It was questioned. We got this law, but can't use it, why? You know, nobody could use the law because Visa and Mastercard charged a merchants fee which we could not pass on to the taxpayer. Joe happens to find through one of his, I guess it was one of his computer magazines, an article from California, I don't remember the county in California, that had been using the Discover Card for two years. Although they had not had a huge response, they felt like it was very workable and they were very happy with it and was staying with it. They had no problems with charge backs. They had a minimal amount, but the percentage was under 1%. It was very minimal. They felt like it was very feasible to use this system and they've been very happy with it. They said from one year to the second year, now this article was written with their second year of it being used, they had increased the amount of people actually using the card, I believe she said, by 3%. Does that sound right? It's been a long time.

President Mourdock: Increased by or increased to?

Jayne Berry-Bland: Increased more from the previous year which may sound minimal, but if you look at it from my point of view I'm here trying to collect every nickel, every fifty cents that I can get because the more that I can collect the less the rest of us taxpayers are going to have to pay in the future from the delinquencies. I like to look at every option that I may be able to collect money without expense to the county and I realize that this initial setup will be some expense to the county for the equipment, but I feel like if we give it a chance the overall picture is going to be good.

Commissioner Jerrel: I have a question, Joe. On Page 6 it says, and maybe I am being too particular, but it says:

"Billing Inquiries: From time-to-time we or the bank

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

17

may receive a request from a card member for information regarding a card sale transacted by a card member with you."

Are they saying only the person that has charged...this isn't a card member that, for instance, another business can't call up and ask about card members of--

Joe Harrison, Jr.: No, it would be that particular.

Commissioner Jerrel: Okay, that's all I wanted to know.

Joe Harrison, Jr.: Again, I didn't realize that you all hadn't seen this agreement.

Commissioner Jerrel: No, we haven't seen it.

Joe Harrison, Jr.: They may not want to consider this tonight. I mean, I wouldn't blame them if they didn't want to just because they haven't had a chance to look at it.

Commissioner Tuley: Jayne, okay, so you'll go ahead and process it...you've got to remember that I've been gone from there for going on the start of five years now. Will there be a computer change that you are going to have to make to reflect as your receipts come out that this was...how are you going to separate the \$4 to \$25 from the rest of your money? How are you going to do that? Or how are you going to track it so that you know how much?

Jayne Berry-Bland: Their system on their terminals keep separate the taxes and the fee.

Commissioner Tuley: Okay.

Jayne Berry-Bland: They actually wire the money in to us daily.

Commissioner Tuley: So you really don't have to require any kind of computer changes on our end at all?

Jayne Berry-Bland: Right, and it is also a state law that...I don't know if you remember this or not, but it is a state law that mail in payments have to be processed in a 24 hour period and they are well aware of that. So, it would work the same way if we run that credit card through and this is a credit card payment they will have to wire in the money for that particular payment by the following business day.

Commissioner Tuley: They'll keep their \$4 to \$25 and mail you the difference?

Jayne Berry-Bland: That's exactly correct.

Commissioner Tuley: The individual's receipt will just reflect the actual taxes paid?

Jayne Berry-Bland: Yes, and that's an option that I asked for. She gave me several options where they could like bill the county. We would collect the money and they would bill us and then we would pay them back. I didn't like that idea. I felt

like it was much cleaner if we only get the amount of taxes collected on a daily basis.

President Mourdock: Just to clear something up though, a moment ago you said that the receipt the people get will only show the amount of taxes they paid. Do you mean by that the receipt that comes back--

Jayne Berry-Bland: I did not say that.

President Mourdock: I thought that was what you said.

Commissioner Tuley: Yeah, I thought that was how you responded to my question. The receipt that is given to them from your office--

Jayne Berry-Bland: The receipt from our office, excuse me, the receipt from our office will only show the tax amount paid. They will also receive the receipt that is ran through Discover Card's terminal and printer. That is why we need a printer. If it is a mail in they don't have to sign it or phone in, but, obviously, if they come they have to sign that little slip of paper, but they actually would receive just like you do at the department store, you get the sales slip plus your slip that you sign for the credit card purchase. They actually would receive two slips. One showing the receipt of the taxes and the other showing both the taxes and the processing fee. She said that is divided out and then at the end of the day they also print out a report for us that comes strictly through our printer there in our office that shows how much was taken in which would be great because we'll need these stats to see if this is going to be something that we want to continue if we are lucky enough to do this. It shows on a daily basis how many came in and paid with a credit card and it says total taxes, total fees and then the grand total.

Commissioner Jerrel: I think this sounds very interesting. I would hope that if you don't object we could put it back on the agenda next week for a vote. I would like to share it with the Council also.

Jayne Berry-Bland: I'm going before the Council on Wednesday regarding this because obviously I'll need an appropriation if the Commissioners agree.

Commissioner Tuley: The only other question that I have, Jayne, because today is March 3rd. We've already signed the contract to get your bills printed. I mean, if you're going to put an insert how are you going to do that? Are you going to do that where they are being printed or...because they don't come back to you.

Jayne Berry-Bland: They do not come back to us.

Commissioner Tuley: So, if we are going to do this, I mean, absolutely we need to have an answer by next week.

Jayne Berry-Bland: And that is pushing it. That's why I've been trying to...and I do appreciate Mr. Harrison's quick response on

this and he knew that I was trying to get this done for the spring payment. We mail our tax bills the first week of April, or try to. Our tape will be ready to go on March 12th to the printers. If this is approved by the Commissioners I will have to, obviously, have an insert printed and shipped to the printer in Rochester, New York in order to get this insert in.

President Mourdock: Alright, well, we will, and I just added a note to make sure that we have it on the agenda for next week so you may get some calls from the three of us.

Jayne Berry-Bland: Okay.

President Mourdock: I, along with the other members here, support your innovativeness. I'm not sure I support the idea, but I support the fact that you are looking at it differently and trying to find a new way. It is a very interesting proposal.

Jayne Berry-Bland: Thank you.

**Joe Profazer - SCT**

President Mourdock: Joe Profazer.

Joe Profazer: My name is Joe Profazer and I am with SCT Computer Services. I have two items of business on tonight's agenda. The first of which is a payment of an invoice to Comdisco Mobile Disaster Recovery Services from January 1, 1997 through June 30, 1997. Total expenditure is \$3,360.00. The County's expenditure is \$2,080.58. I would recommend approval for that.

Commissioner Jerrel: I'll move approval of the Comdisco Disaster Recovery Service invoice. The county's share is \$2,080.58.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profazer: The second item of business tonight I just handed Commissioner Mourdock a three year extension agreement with the City of Evansville and Vanderburgh County with Comdisco Disaster Recovery Services and also an amendment for disaster recovery testing. I will explain a little bit here what this is all about. The disaster testing expenditure will be proposed in fiscal year '98's budget. This is just an agreement to sign the amendment this evening for a three year extension.

Commissioner Jerrel: Now say that again.

Joe Profazer: There is an amendment to the three year extension. The amendment is for disaster recovery testing. The disaster recovery testing will not take place until 1998 if monies are approved for it. I would just like to stress that disaster recovery testing is pretty much 80% of disaster recovery, 20% is writing the plan.

Commissioner Jerrel: Well now, wait a minute then. What kind of

costs are you talking about that they're going to come in and test us on?

Joe Profazer: Okay, the testing...it's a mutually agreed upon date and it will be \$3,000 a day for testing, plus--

Commissioner Jerrel: What is it? \$3,000...?

Joe Profazer: It would be \$3,000 a day for testing and the estimate for mobilization expenses which mean they're bringing us a 600 square foot trailer, UPS power supplies, the proper equipment we have in our computer room is estimated at \$11,200 plus 15% mobilization expenses. Those are the estimates.

Commissioner Jerrel: And then how many days are they going to be in here?

Joe Profazer: That's agreed between us and Comdisco. I would think that they would be here no longer than two days.

Commissioner Jerrel: What are they going to test?

Joe Profazer: Well, it is a mock disaster recovery or a mock disaster, say a natural disaster comes in here. We have mocked our computer room with this company. They would test...we would recover data and we would also tap into the network here and there are four locations where we could have this 600 square foot unit. The first of which is right out front here. If that doesn't...I mean, if that is unavailable we'd go to Vanderburgh Auditorium. If that is unavailable we'll go to the Dispatch Center and if that's unavailable we'll go to the Sheriff's Command Post. They'll test just to get us minimally so we can we operate until we can rebuild.

Commissioner Jerrel: Where have they done this?

Joe Profazer: They've done this in the Carolinas.

Commissioner Jerrel: I'd like...excuse me, but this is just another example. I would like to...companies like this are springing up all over everywhere that have special programs that they come in and do for counties. Not just for this disaster testing, but for other issues and then it becomes real money and it may be an excellent program, but, you know, it may also be something that is not something that we actually need because we already have in place certain procedures for disaster. Maybe we don't have enough, but I would like to talk, before we agree to any recovery service agreement, I would like to have the names of communities where this has been performed so I can call and speak to the administrators of either the county or city and find out what the value of this program was and what the end cost was. I just don't want to agree to something--

Joe Profazer: It's a dead expense. It's a necessary evil in my opinion. I mean, you're not going to get anything out of it right now.

Commissioner Jerrel: Well, then I am not sure I would have made that motion if I hadn't heard...I mean, I wouldn't have made a motion to approve it until I had talked to those people in some

counties.

Joe Profazer: I mean, we've done reference checks. We've had an agreement with this company for the last three years.

Commissioner Jerrel: Well then tell me where this has been done and how successful? You just say South Carolina, but where?

Joe Profazer: Well, I'll have to get the actual references for you. I mean, they're a very reputable company. We were going with Digital Equipment Corporations, but since then this company has bought that business unit of Digital, so this is who we're going with now.

Commissioner Jerrel: The replacement company?

Joe Profazer: Yeah, and they've been in business I would say for at least 25 years.

Commissioner Jerrel: I don't know how the other two Commissioners, but I would like to be able to call and talk to a county or city official and say, what advantages did you receive or glean from this? Was it valuable? What did it accomplish? Is that--

Commissioner Tuley: Joe, just so I am clear because this is not new?

Joe Profazer: No, it's not. It is something that we've had in the past since 1993.

Commissioner Jerrel: Digital came in here with van and did it?

Joe Profazer: No, we didn't do the disaster recover testing.

Commissioner Jerrel: That's what I am saying. We haven't done this.

Commissioner Tuley: You haven't done the testing, but the actual service agreement that would provide for those services in the event that we would have a natural disaster has been in effect? Am I understanding that correctly?

Joe Profazer: Yes, yes.

Commissioner Jerrel: Right.

Commissioner Tuley: So what are you hesitating on? The actual test?

Joe Profazer: You're wanting to question the amendment for the testing, I believe.

Commissioner Jerrel: Yeah, I want to talk about that.

Commissioner Tuley: But actually coming in and doing the \$3,000 a day testing, is that right?

Commissioner Jerrel: And \$11,200 plus 15%. I mean, there is more to it than \$3,000.

Joe Profaizer: Right, but the service agreement here, like you said, has been in place since 1993 with a three year agreement.

Commissioner Tuley: It's insurance?

Joe Profaizer: It's basically insurance, absolutely. But if we go down--

President Mourdock: Let me be sure I understand it then. The item that we acted on a moment ago, basically, was the insurance policy.

Joe Profaizer: Yes.

Commissioner Mourdock: And that, as you're saying, we've been doing all along?

Joe Profaizer: Yes.

President Mourdock: And we just did it again?

Joe Profaizer: Yes.

President Mourdock: But Ms. Jerrel's point is regarding the mock emergency and all of that.

Joe Profaizer: That is the amendment--

President Mourdock: That's really the question.

Joe Profaizer: --to the insurance, if you will.

Commissioner Tuley: That part is what you are questioning?

Commissioner Jerrel: I want to hear from somebody that has done this mock and see what the value has been to them.

Joe Profaizer: Okay.

President Mourdock: Joe, did you have a question or comment?

Joe Harrison, Jr.: Yeah, I, and, again, I'm sorry I didn't even realize that you passed...the first thing that was passed was the business continue service master. Was that approved?

Commissioner Jerrel: Yes.

President Mourdock: Yes, and that was actually acting on an invoice from the prior agreement.

Joe Profaizer: That was an invoice.

Joe Harrison, Jr.: I was--

Joe Profaizer: The second item of which is actually two pieces. One, to sum it up, is a three year insurance agreement and there

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

23

is also an amendment for disaster recovery testing. We can approve the three year services agreement and pend the disaster recovery testing until reference checks are made.

Joe Harrison, Jr.: What I would like to see is the original agreement. It says addendum to...is this it right here?

Joe Profaizer: Those are copies of the original. I just have three originals.

President Mourdock: Just for future reference, I think that's the key right there. If you would make sure you get those kind of agreements in to us prior to just handing them to me and I realize it's not always possible to do that.

Joe Profaizer: I made six copies of that. Are you saying you'd like originals ahead of time?

President Mourdock: No.

Commissioner Jerrel: We have a Data Board in the morning or Wednesday.

Joe Profaizer: Wednesday morning, yes.

Commissioner Jerrel: Could you have that ready Wednesday morning and I'll make those calls?

Joe Profaizer: Yes.

President Mourdock: Let me be sure, because this agenda requests says that the entire package, meaning both the invoice and the mock disaster was approved by the Data Board on January 22nd? Is that right?

Joe Profaizer: Yes, uh-huh.

Commissioner Jerrel: Did the Data Board realize that these were all new additional charges for this mock testing?

Joe Profaizer: Uh--

Commissioner Jerrel: Did they know...I mean did they ask any questions?

Joe Profaizer: No, they didn't ask any questions.

President Mourdock: I don't think it's fair--

Commissioner Jerrel: Well I want to ask some questions.

Joe Profaizer: Absolutely.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: If I could go back, I'm sorry, that is why I asked this originally, the agreement has a provision in it that I know you all approved, but maybe you can revisit it, that this agreement will be governed by the laws of the State of Illinois.

As long as I am County Attorney, I don't want any provision like that in any contract that comes before this body. So, if possible, what I would like for this Board to do would be to take a look at what they just passed and maybe have this contract come back to us with language that says this agreement will be governed by the laws of the State of Indiana, not State of Illinois. If we lived in Illinois it would be different, but I am not going to recommend them approve any agreement ever from any other state other than Indiana.

Joe Profaizer: Okay.

Joe Harrison, Jr.: I know there is an invoice that's got to be paid according to what you were just saying and that is understandable, but as far as this contract is concerned I will ask for them to reconsider their previous approval of this and then have it come back and we can look at it later.

Joe Profaizer: Okay.

President Mourdock: Wait a minute. It must be a full moon tonight. The invoice that we approved, I think, is subject to a prior agreement. Is that correct?

Joe Profaizer: Yes.

Joe Harrison, Jr.: Okay.

President Mourdock: I don't know that there is anything that we can do with what we approved a moment ago since the money is due and owing. However, your comment regarding the State of Illinois is very pertinent for any additional Business Continuity Service Master Agreements which is what this is. Are we in agreement there?

Joe Profaizer: Yes. I will get that taken care of.

President Mourdock: Alright.

Commissioner Jerrel: I'll talk to you Wednesday and get the names.

President Mourdock: I'll give these back to you at this point and the invoice was approved for payment.

Joe Profaizer: Thank you.

President Mourdock: Okay, thanks, Joe.

**Lynn Ellis - City/County Purchasing**

President Mourdock: Lynn Ellis.

Lynn Ellis: I was hiding behind the podium.

Commissioner Tuley: Step right up.

Lynn Ellis: Alright, we have a few items this evening. Just simple items to request permission to bid. The first is

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

25

advertising of bids for a pay loader or wheel loader for County Highway. The request is to advertise on March 13 and 20th and open bids on March 31st.

President Mourdock: Was this part of their approved budget?

Lynn Ellis: Yes.

Commissioner Jerrel: It's in the Cum Bridge budget.

President Mourdock: I just wanted that for the record.

Commissioner Tuley: I'll move that the bid be advertised for the pay loader/wheel loader for County Highway being advertised the 13th and 20th of March and bids being opened on the 31st.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Lynn Ellis: The next item is to approve the bidding of the concession food bid for Burdette Park. Bids would be opened March 24th and hopefully awarded March 31st in order to get ready for the summer that is hopefully coming soon.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: The third is the advertising...not advertising. It is just a request for bids for shirts and hats and that is in relation to Burdette Park summer day program. Bids will be opened March 24th and hopefully awarded March 31st.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Okay, thank you. You all have a nice evening.

**Joyce Moers - Burdette Park**

President Mourdock: Joyce Moers.

Commissioner Jerrel: Moers. I would like to propose a couple of things. Joyce is not here and I spoke to both Mark and Joyce two or three times. She has recommended, and Mark agrees, that we should increase the day camp fee. I would like to read you very briefly her comments:

"I am submitting the fee rates of the Day Camp programs to you for your review and either approval as they are currently increased. I have prepared an evaluation for you to consider and help you to be informed of changes that will occur this year.

First, due to the change in the Vanderburgh County School schedule our Day Camp program will run one week less than last year and our Discovery Camp will run two weeks less than last year. This will decrease the income significantly from last year. Secondly, we have had an increase in the minimum wage rates since last summer, so the cost of labor will also increase. While these programs have been profitable for the county in the past few years, the basic rate has changed very little. The demand for increased enrollment has escalated each year to what is now maximum capacity in our facilities. We have a waiting list of usually 30 to 40 campers. The list does not include the ones that have had to make other arrangements. I do not feel comfortable increasing our enrollment due to a lack of space."

Joyce has presented to us to help cover the increase due to labor costs you would consider the Day Camp fee increase of \$10 per two week session and Discovery Camp \$5 per two week session which would make both program fees the same. This increase would result in approximately an \$8,000 increase this year and that would be off-set by the approximate \$8,000 increase in wages. I would like to make that motion that we accept the recommendation of the Burdette Park staff.

Commissioner Tuley: Bettye, what about the \$10 discount that's mentioned in that letter?

Commissioner Jerrel: Oh, yeah. They would include that for the Bristol Myers employees the \$10 discount. They do assist us with a grant.

Commissioner Tuley: Every year?

Commissioner Jerrel: Every year.

Commissioner Tuley: Yeah, okay. I'll second your motion.

President Mourdock: So ordered.

Commissioner Jerrel: The second item there were concerning...we entered into a contract with the Concession Managers a year ago and Joyce Moers suggested perhaps we go back to a line item. We talked today and she said she would be willing to defer that until she had a chance to talk to the County Attorney.

President Mourdock: Okay, that's deferred. Any other items regarding Burdette Park?

Commissioner Jerrel: Yes, I did talk to Mark and the same issue came up that he would like to move the assistant guards, some that are now listed in a line item to the payroll. I think his idea is good, but I want to run that by Joe, also. He had a good recommendation.

President Mourdock: Okay, so you'll report back next week on that?

Commissioner Jerrel: Monday, we can act upon it.

President Mourdock: The next item I have--

Commissioner Jerrel: Did we vote? On the Day Camp?

Commissioner Tuley: We did do that.

President Mourdock: Yeah, we did that.

Commissioner Jerrel: Oh, okay.

### **Vanderburgh County Drug & Alcohol Deferral Service**

President Mourdock: Okay, there is a full moon. The next item, we have two contracts for approval for the Vanderburgh County Drug and Alcohol Deferral Service. Any one here to address those issues? Joe?

Commissioner Jerrel: I spoke to Mr. Campbell today. This is a line item in their budget that is called Client Treatment and it is \$8,000 or \$9,000 and they have a list of state certified alcohol counselors and these are two more being added to the list. They use them and the one lady, Connie Grubstein, does speak Spanish and they wanted someone that was bilingual so that if the issue arose that they would have someone. The other one is Martin Graham and they are both state certified alcohol counselors. I would move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

### **Health Department**

President Mourdock: The last item we have is two contracts for Health Services.

Joe Harrison, Jr.: I met with Sam Elder last week and these contracts, one is with Dr. Art Bentsen regarding services that he provides once a week on Tuesday from 9:00 to 12:00 noon, from the TB Clinic and that is for his services for providing those medical needs. It is \$75.20 an hour. This agreement has been signed by Dr. Bentsen and Dr. Heidingsfelder and it needs to be approved by the Commissioners. The second one is, I think, with the Pharmacist, Don Gries. It is, again, for payment of \$27.50 per hour. That agreement has been signed again by Mr. Gries and Dr. Heidingsfelder and it needs to be approved by the County Commissioners.

President Mourdock: I would add that both of those items come to us with the recommendation of Mr. Elder.

Joe Harrison, Jr.: Yes, that's correct.

Commissioner Jerrel: I would like to move approval of the two contracts for services.

Commissioner Tuley: Second.

President Mourdock: So ordered. That takes care of our action items for this evening.

**Any group or individual wishing to the Commission**

President Mourdock: Is there anyone in the audience wishing to address the Commission on any subject not on the agenda?

**John Stoll - County Engineer**

President Mourdock: Okay, we're at the department head reports. County Engineer, John Stoll.

Commissioner Tuley: He's got bids to be opened. We should of gave him permission a long time ago, so he can start looking those over.

President Mourdock: That's for the Strawberry Hill?

John Stoll: Yes.

President Mourdock: Okay, why don't we do that as the first item here under the engineering report is to move approval of the opening of those bids.

Commissioner Jerrel: I would like to move approval of the opening of bids for VC97-02-01, construction of Bridge 2015 on Strawberry Hill Road.

Commissioner Tuley: Second.

President Mourdock: So ordered. The County Attorney has the bids.

John Stoll: The first item there is a change order on the Burkhardt project. This is the change order that was authorized last week. This is the actual change order form that needs the signatures of the Commissioners. The amount on the change order is \$408,727.13. This is \$30,000 less than what was stated last week because we haven't received any invoices as of yet for the gas line relocation. That will be billed separate.

President Mourdock: Okay, and I guess officially since we acted to approve this last week...I think we acted to approve it, did we not?

John Stoll: Yes.

President Mourdock: I don't know that we need to vote to approve it tonight, but at least act to sign it. Tony, could you help him set that up on an easel somewhere?

**County Garage**

President Mourdock: While we are doing that do we have a County Highway report? I know Milton is not in the audience. Did he forward something to you?

Commissioner Jerrel: No.

President Mourdock: Okay.

**John Stoll - County Engineer (continued)**

Commissioner Jerrel: Good thing I'm not helping. I'm not tall enough to reach anything.

President Mourdock: Okay, you're on John.

John Stoll: Okay, what I tried to do in the documents that I handed to you there was outline where the funding comes from and what our local sources are, what we've gotten in federal funds as well as what has been spent and what is needed on future projects. The first sheet that you have in front of you there is just annual revenues that we received in the Cumulative Bridge and Road and Street Funds. This is just our local source of funding for local matches and construction and things like that. I just left the County Highway Fund off of that simply because that fund primarily has the salaries and equipment and things like that in that. That's all taken out of that account rather than any kind of actual construction funding. So, this is on an annual basis what we've received in Cum Bridge and Road and Street. The next two sheets that I've got are in here--

Commissioner Tuley: Joe...John, I'm sorry. Bridge, I know there is a tax rate for. Road and Street, is that a...?

John Stoll: Gas tax.

Commissioner Tuley: Gas tax? Okay. Is that part of the MVH distribution?

John Stoll: Yes.

Commissioner Tuley: Okay, sorry.

Commissioner Jerrel: What's your rate? It's 15 cents?

Commissioner Tuley: That's 15 cents Cum Bridge, yes.

John Stoll: It's 15 cents, yes. The next two sheets that are in there I put in there to show exactly how much of the Road and Street and Cum Bridge Funds actually go to actual construction compared to the actual total revenues that we've gotten each year. This just shows that the entire fund doesn't go to construction. There are things like equipment and salaries and things like that come off of these two accounts. Road and Street does not have any salaries in it that I can think of off the top of my head, so that is primarily road equipment and repairs and things like that which are making up the difference there. Cum Bridge does have salaries taken out of it.

President Mourdock: Obvious question looking at the graph, why was there such a huge expense in '95 disproportionate to the other years?

John Stoll: That year there was an extra \$3.5 million revenue in

the Cum Bridge Fund on the basis of investment income because that caught my eye right off the bat whenever I got those numbers from the first sheet from the EUTS Transportation Improvement Program because it put a big spike in the graph there.

President Mourdock: But if the money didn't go for construction where was it utilized? In other words, this is the page I'm looking at.

John Stoll: Uh-huh.

President Mourdock: If it didn't go to the construction budget was it utilized somewhere else because you showed a big surge of revenue coming in and if my eyes are right it looks like we actually spent less in construction in '95 and '96 then we did in '94? What does that mean?

John Stoll: Right, just slightly less. I didn't go back and get the actual expenditures on every account. I mean, on these accounts. This is just what was originally budgeted. The original budget requests versus the total revenues, so I didn't check line item by line item what was actually spent. I could check into that and let you know.

Commissioner Jerrel: Has the gas tax stayed...I ought to know this, but I don't, constant?

Commissioner Tuley: Yes.

President Mourdock: And the revenues are actually down because we are getting such better gas mileage out of all of those vehicles these days.

Commissioner Jerrel: Okay, I was wondering about that. Now is there legislation proposed this year for increasing it?

Commissioner Tuley: No, not at this point in time. One of the things last week that I learned up there that there is a lot of politicking going on both sides. Nobody wants to raise taxes. Okay, so we can't get more money for roads from gasoline tax because they won't raise it, plus something in the bill and the budget this year that hasn't been adopted yet is taking \$11 million out of that MVH Distribution Funds and using that other money to buy \$70 million worth of computer equipment for the Bureau of Motor Vehicles, so that would be even less money coming back to counties if that happens. At the time it has not been approved yet, but our Association will be working on that. They'll probably, if that continues to head in that direction, will be asking us for resolutions from all 92 counties from the Commissioners saying we're not going to accept that, don't do that. So it is just something that we need to stay on top of and work closely with Don Michaels, our Association Chair.

President Mourdock: Uh-huh.

Commissioner Tuley: We're getting less money as you indicated.

President Mourdock: Yeah.

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

31

John Stoll: The fourth graph that I put in there is just a chart of the average annual revenues that we've received. Not "we've received", but the Evansville MPO which consists of Vanderburgh, Warrick and the City of Evansville. That is the funding, STP Funding, goes to each of those...I shouldn't say each of those. STP Funds are allocated to the MPO, so the revenues that you see there, the \$1.4 million to the \$2.7 million, will go to the MPO in general not to a specific governmental agency of the MPO. So the projects with the City of Evansville, Warrick County and Vanderburgh County are somewhat in competition with each other to get these funds.

Commissioner Tuley: Is Henderson in our MPO?

John Stoll: Yes, but they're not part of this funding.

Commissioner Tuley: But they are not part of this funding? Okay.

John Stoll: Right. This is what has actually been received by the Evansville MPO, EUTS, over the past highway bill. I put a line in there showing the average annual funding just to show on an annual basis we get about \$1.75 million per year in STP Funds. I only showed the STP Funds because those are the only funds that are somewhat guaranteed to be received by the MPO. The Minimum Allocation, the MA Funds, are not guaranteed as such. Each governmental agency is eligible for \$3 million of the life of the last highway bill, but you couldn't spend any MA Funds until your STP Funds were already spent on a given year.

Commissioner Tuley: Would you a...we've heard MPO, STP, MA and all this kind of stuff--

John Stoll: M-O-U-S-E!

Commissioner Tuley: --could you kind of talk in English for the rest of us that don't know exactly what all this is?

John Stoll: The STP Funds are Surface Transportation Program. MA, like I said, is Minimum Allocation and MPO, that is the Metropolitan Planning Organization.

Commissioner Jerrel: Do you have your CMAQ Funds included?

John Stoll: No, I do not.

President Mourdock: Because those are federal and these are only state?

John Stoll: They're all federal.

Commissioner Jerrel: They're all federal, but they come to us in a block grant.

President Mourdock: Through the state?

Commissioner Jerrel: Yes, the feds give them to the state.

President Mourdock: I know, I know.

Commissioner Jerrel: Including the CMAQ.

President Mourdock: Why is CMAQ not in here then if it is all coming down the same railroad track from the same depot, why is CMAQ not here?

John Stoll: CMAQ is similar to the Bridge and the Minimum Allocation Funding in that there is no specific amount guaranteed to go to the MPO. If we weren't non-attainment we would get that money. We don't have a pending project set up that locks in that funding. We're not guaranteed to get that for a Vanderburgh County project at this time.

President Mourdock: Let me just repeat back what you said because it almost went over my head. If we are deemed under attainment, then we lose money?

John Stoll: Yes.

President Mourdock: We do the right thing with air quality therefore we get punished?

John Stoll: Yes.

Commissioner Jerrel: We get a lot less CMAQ money anyway then the Level 1--

John Stoll: Right, since we are just marginal rather then--

President Mourdock: It seems totally insane, so I must be starting to understand it! Okay, keep going.

John Stoll: You should have seen the printouts that Rose gave me from the state that outlined this. It makes this seem really sensible. Those were crazy.

President Mourdock: What was...the big jump you show here from '96 to '97, what's causing the big jump? What projects? I'm assuming Lynch.

John Stoll: Lynch is it, yes. That entire \$2.7 is going to go to Lynch and you can see some of it was carried over from '95 to '96 where we dropped off from \$1.6 million to about \$1.4 give or take, so some of it was carry over and I don't know if some of it might have been left over from previous years. I am not on top of all that funding distribution on how that all is allocated to this area. That is something that EUTS has traditionally handled, so I don't know exactly where the breakdown comes from as far as how they get the exact dollar figure each year.

Commissioner Jerrel: That is a point that we need to become better informed about because a lot of money is allocated to these areas and if they don't use it it's supposed to go back into the mix to be redistributed to projects that are ready. We would be well served to be ready and then make a real case for having those dollars that are not spent sent in our direction.

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

33

Commissioner Tuley: Be allocated?

Commissioner Jerrel: That's right.

John Stoll: The thing you mentioned about the CMAQ Funds not being in here the same thing pretty much applies on the Minimum Allocation and the Bridge Funds because we are not guaranteed to get Bridge Funds because INDOT's policy is that they don't traditionally allocate Bridge Funds to urban areas. It was somewhat of a bonus that we did get the Bridge Funds for Franklin Street and Ohio Street because they are not obligated to give us that money, so that is why the Bridge Funds weren't included in here because there are no guarantees on that funding source and the same with Minimum Allocation. The Minimum Allocation Funds are set up by the highway bill to give each governmental agency up to \$3 million for the life of the highway bill, so we were eligible for \$3 million total. We're in competition again with all the other cities 200,000 and under and the total Minimum Allocation Funding available in the state over this highway bill has been \$6 to \$9 million, so you've got all these different agencies trying to get their share of \$6 to \$9 million, so it is pretty tough to get your \$3 million share because there is just not enough to go around. They treat that on a first come first serve basis as well. There again, there is no guarantees that you'll get that. You're eligible for up to \$3 million, but they don't guarantee that you'll get it.

President Mourdock: When is the allocation decision made? In other words, you just said we don't know when we would get it or we don't know how much we would get in any given year?

John Stoll: We have to have a request in for using so much of the Minimum Allocation money.

President Mourdock: When is it likely that we would be notified as to how much we did or didn't get?

John Stoll: It varies. The original request for Lynch went in last April and that has been going back and forth until now.

President Mourdock: Okay, so the state doesn't say, as in the budget process, as of January 1 this is the amount that would go for this calendar year or for this fiscal year to any given group?

Commissioner Jerrel: If I may insert a comment? It is all based on federal authorization. The budget is defined, but the authorization by the federal government for the expenditure of STP money and all the different funds must be received by the State of Indiana. The State of Indiana, due to the fact that we don't have a lot of dollars and we are a donor state, for every dollar we get only 82 cents, then they are reluctant to authorize local projects not knowing how much we are going to get, so it truly, simply, highlights how important it is that we have a real presence at the Department of Transportation because these funds come in and they don't always alert the MPO's.

John Stoll: For the past year they've been telling us basically that there wasn't funding available for Lynch and now it's

there.

Commissioner Jerrel: It appeared.

John Stoll: It's one of those things with enough persistence, yeah, they'll finally find the money is what it comes down to.

Commissioner Tuley: What trade-off was there here? We got the money for Lynch, but what...Fulton?

John Stoll: Yes.

Commissioner Tuley: Yeah, Fulton Avenue. So we gain in one area, but we lost somewhere else.

Commissioner Jerrel: Well, but, you know, to the average taxpayer this is one community they never know where the boundaries stop between city projects and--

Commissioner Tuley: Oh, no. Yeah, I'm not thinking that.

Commissioner Jerrel: I think we need to be partners with the city and they need to know we're partners.

John Stoll: All in all it worked out fairly well because the city didn't want to start Fulton Avenue and get everything torn up around the Lloyd Expressway since the Lloyd Expressway bridges are going to be rebuilt. All in all it isn't as bad as it might of been if it wasn't for that bridge project.

Commissioner Tuley: I'm grateful for the money, but my point is it wasn't extra money.

John Stoll: No.

President Mourdock: Let me go back to my question again because I hear an answer, but I am not sure I heard the answer. I realize that the state will only issue money as the feds issue it to the state. Is there a quarterly process by which the feds allocate money to the state? Surely there is some calendar schedule of some type?

Commissioner Jerrel: The fiscal federal--

President Mourdock: Okay, October 1st?

Commissioner Jerrel: Right, that's the calendar. They tell Indiana, I don't have it with me, they have an amount and this is your appropriation, but they don't give them full authorization at that time. This is what you're going to get.

John Stoll: They go on a quarterly basis on that.

President Mourdock: Oh, okay. That's quarterly?

John Stoll: Yes.

Commissioner Tuley: Distribution is quarterly?

John Stoll: Yes.

Commissioner Jerrel: And then the authorization kind of comes along.

President Mourdock: Okay.

John Stoll: When they were pushing the Lynch project off they had originally said letting in the first quarter of fiscal year '97 and then they pushed that off and put it in the second quarter and then they kept jumping the month around from January to February to March, but they were treating it on a quarterly basis. The next table that is in there is just a summary funds that we have received for our projects here in Vanderburgh County. You can see that we will get about \$2.3 million in the Minimum Allocation Funding, so even though it is not a full \$3 million we didn't do too bad on that. There again on the bridge projects as well since we weren't guaranteed bridge funding too bad for that since we got \$3 million in that funding source. These are all on the basis...the Lynch Road paving items are on the basis of estimates on what we think they will be on the basis of the engineer's estimate, so those figures might not be 100% accurate, but they are close to what we will end up getting in those two funding categories. The next page, the next two pages actually, show the current federal aid road projects, local projects, local bridge projects, and culvert projects. You can see real quick that if we were to receive an average of \$1.75 million per year we wouldn't come anywhere close to funding these projects. The current federal aid projects on the books right now with Fulton, Lynch Road, Eickhoff/Koressel you can see totals \$53 million on the basis of the estimates. So, \$1.7 million a year is not going to get that. The next chart there shows the projects that are in the EUTS 2015 Plan at a price of another \$35 million.

**Tape Change**

President Mourdock: Are you ready, Charlene?

Commissioner Jerrel: I would like to just make a suggestion, and I have talked to John about this, I would like for us to start looking at a way to finance the Burkhardt Road project because--

President Mourdock: Define Burkhardt Road, first of all.

Commissioner Jerrel: Well, as far as we can go. At least to Morgan and, hopefully, all the way to Lynch. I think that makes the most sense and if you are looking at \$9.9 million, let's just say that's an accurate figure to complete that entire project making a loop. The TIF is not going to generate that kind of money, so we would be waiting, as Commissioner Tuley said, forever. I think that we need to take a look at our resources and examine our Cumulative Capital Development Fund because that is certainly a project that would have long-term benefit for everyone and I think we need to look at money that we have that perhaps will not need to be committed from the County Unappropriated Funds this year and that, of course, would have to be something we would work very closely with the County Council on, but I think we need to look at some of our own

resources and speak to our local banks and see if we can develop a plan and do this funding and do it quickly. I'm not talking a bond issue, I'm talking about utilizing our resources and I think this is a priority that is high enough that we could work out with our banks perhaps a way to finance this and do it on a short-term cash basis and get it done.

Commissioner Tuley: If Lynch Road goes through Burkhardt, you're right, it has to be done.

Commissioner Jerrel: Yes, I think does and I think it is something that we ought to look at financing. I know that it is nice to do a lot of small projects, but this is something that would benefit everyone in our community.

President Mourdock: John, Pat just said "if" Lynch Road goes through? I don't, I mean, from the current schedule--

Commissioner Jerrel: In 28 weeks.

President Mourdock: --with the bidding of that project it is going to be bid when?

John Stoll: March 11th.

Commissioner Tuley: The 11th.

President Mourdock: March 11th?

John Stoll: Yeah, a week from tomorrow.

President Mourdock: I say it is somewhat euphemistically if, it's going to happen.

Commissioner Tuley: Yeah.

President Mourdock: I think the die is cast on that one.

Commissioner Jerrel: In 28 weeks.

Commissioner Tuley: I'm just one of these...I'm going to say if.

Commissioner Mourdock: Yeah.

Commissioner Tuley: It is going to happen. Does it happen this year? I hope! But if it does then we need to do exactly what you are saying. We need to look at CCD, any unappropriated funds. We set aside \$1.2 million out of '96 Riverboat Revenue to be expended for capital improvements, infrastructure improvements.

Commissioner Jerrel: Then we need to start talking to the banks.

Commissioner Tuley: Oh, I'm just looking at revenue sources to pay back the banks.

Commissioner Jerrel: I think we can do it. I've been talking to John about this for several weeks, so I think we can do it.

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

37

John Stoll: Another option that we are trying to pursue right now as well is to try and get some CMAQ Funding at the Morgan and Burkhardt intersection. Rose and her staff have put together an environmental study to try and document that as far as getting the CMAQ money and the environmental study, I believe, was approved last week, so it sounds like we'll be eligible for some CMAQ funds at that intersection which would help offset the \$10 million that we are looking at for the rest of the project.

President Mourdock: Again, maybe it is the full moon or just the night of innovation here. This is the second one tonight, but the idea of doing something on a short-term cash basis with the local banks, I think, is something that is rather novel. At least it sounds like it to me and I think it is something very much worth pursuing. The \$1.2 million of funding from the Riverboat obviously never worked to back a bond because bond people wouldn't recognize it, but it makes me wonder if the people whose windows generally look out on that riverboat, local folks, may not have greater faith in that institution than what the bonding people do. Councilman Hoy is snickering back there, but obviously the County Council very much needs to be involved with this type of discussion as well.

Commissioner Jerrel: Just think there would be no bond costs and attorney's fees and all that interest rate.

President Mourdock: For that reason it will probably be a legal hurdle!

Phil Hoy: I think talking to the banks is a very good idea. This comment may seem out of order. I have two major concerns about the expansion projects, commercial projects. One of them ties in with roads. In this county we have absolutely no adequate way of transporting hazardous materials through our county via the highway system. If we're going to do planning, it seems to me for the safety of our citizens that is something that we need to look at. The second comment is I am sort of glad that I am not from the northwest side or representing the northwest side of this county in regards to Fulton Avenue. That promise has been broken many, many times. My third concern is the large picture and I know that I am probably whistling in the wind, but I think that at some point we need to look at what we call economic development particularly in the retail realm when I think you can establish that much of the east side development is not the creation of new jobs, but it is the lateral transfer of jobs from other parts of the city and county. K-Mart is a good example. One major store, three stores closed. My other concern is in the larger picture and that has to do with agriculture. I do deal in the area of food. I'm wondering how much longer, you know, we are going to be able to use up good farmland. We talked about on the federal level the deficit. The country to whom we export the most in agricultural goods is Japan, \$14.5 billion dollars of ag products. They can't grow anything over there. The next country is either Canada or part of the European market and they are all the way down to \$6.5 billion and we are a place who can grow food. The final concern is this. It has been raining a lot lately. Now, I'm no genius at

drainage, but the more we pave the more problems we're going to have getting rid of the water. I am not antidevelopment, but I also live and my food bank sits in a section of the city where I think we could find some places or at least warehousing and things like that. There's a lot of vacant space. I think it might behoove us as a city and county, again, to use both of us together to look at the whole picture in our county. We really do not have much land left, you know, that is not in a 100 year flood plain. You said you may not live long enough to see that project, I some days hope I don't live long enough to get the revenge of my grandkids who say there is no place that you can build where your basement or your first floor is not flooded. That's sort of a general broad statement, but I do think if we are going to talk about planning we need to look at that because I think we just keep going and going with the coverage of land and maybe it is time to look at it a different way. Thank you.

President Mourdock: Those comments are from Phil Hoy, for the record. John, do you want to continue on? Before we do that, as an action item from this meeting would it be appropriate, Bettye Lou, to ask you perhaps to report back in a month or something less on discussions you may have--

Commissioner Jerrel: I'd be happy to.

President Mourdock: --and to present alternatives to us for funding?

Commissioner Jerrel: Yes, and I want to interact with County Council, the Auditor's Office and John. We've talked a little bit about these costs, but I would be happy to do that and report back.

President Mourdock: Okay. Continue on John, now that you are getting us more and more frustrated when we see big numbers.

John Stoll: Well the next page doesn't have any numbers on it except for the bridge projects, so not as many big numbers at least. The culvert replacement repair and widening projects there are just the ones that are too big for the county crews to handle in-house and would likely have to be contracted out. We don't have costs on all those as of yet because we just got the inventory done last summer and we are just being able to start figuring out which ones we need to replace and prioritize things accordingly. We'll get some costs on those, but we don't have them as of yet. The bridge projects listed below there are the projects that we are planning on pursuing in '97 as well as the bridge projects that are listed in the Bridge Inspection Report for being needed in 1998. The ones in 1998 could change simply because we'll have a new bridge inspection done later this year and that has a tendency to shuffle the priorities around. It is identified more critical problems in the past which would push some of these potentially back a couple of years. They're just shown as what is needed at the current time. The last sheet is just a draft copy of the tentative road paving list for this year. I have been working with the County Highway Department and with my staff and we've come up with this list tentatively. There are a couple of things that were omitted mainly in the concrete repair areas like Ohara Drive and Burch Park Drive. We

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

39

know of several areas that need concrete repairs, but this is the asphalt resurfacing list. It can be modified with any other ones that you know that we might of missed on this list?

President Mourdock: Yeah, I was just going to say one comment. We had previously mentioned that next week, the 10th, would be our evening for public input on these lists so I would suggest--

Commissioner Jerrel: The 10th of March?

President Mourdock: Yeah, what did I say? Yeah, next week the 10th, so that Tony, perhaps you could put out a media advisory this coming week that this will be our annual...next week will be our annual meeting for input for the road hearings, yeah.

Charlene Timmons: Excuse me. In the past we've put a legal ad in the newspaper concerning a public hearing. Do we need to do that?

President Mourdock: Are we required to do a legal ad?

Joe Harrison, Jr.: Well, if you are going to phrase it...if you've had a public hearing in the past and you want to have a public hearing I think that would be appropriate. You wanted to do it...yeah, I understand, but I still think it would be nice to--

President Mourdock: I have no hesitancy in running the ad. The question is there a legal notice requirement that we are otherwise not going to meet?

Joe Harrison, Jr.: Oh, no. We're going to be having a meeting regardless. And you want to do it next...?

Commissioner Tuley: Monday.

Joe Harrison, Jr.: Monday.

Charlene Timmons: I can get it in the paper for Friday if you want.

Joe Harrison, Jr.: That's fine. That would be great.

Charlene Timmons: Is that okay? Can I just use last year's and change the date?

Commissioner Tuley: Yeah.

President Mourdock: Sure, I guess I would ask then for a formal motion to advertise the annual County Highway Hearing for March 10, 1997, so that we can advertise that.

Commissioner Jerrel: I'm sorry.

President Mourdock: We need a motion to--

Commissioner Tuley: So moved. I'm sorry.

Commissioner Jerrel: I would like to second that. I appreciate the information.

President Mourdock: So ordered. Now, you've got a map, John. Keep going here while you're on a roll.

John Stoll: The map up there just identifies the projects that are listed on the...not the paving list, but the second...let's see. The current federal aid projects sheet and the 97/98 bridge and culvert project sheets in the information that I handed to you. The culverts on that map are identified with the red dots. Those dots have a project number on them that are keyed into the legend that is up there on the right side of the map. The bridge projects are the yellow dots and the road projects shown in red are the current federal aid projects and the road projects shown in green are the proposed federal aid projects. The proposed east side road network with Vogel, Virginia, Cross Pointe and Columbia is shown in blue out there just simply because there is no designated funding source earmarked for those projects. They may be built by developers. So anyway I just showed those in a different color than the other two projects, the other two types of projects.

President Mourdock: Okay. You're going to leave that map with us, correct?

John Stoll: Yes.

Commissioner Tuley: Of course, that wasn't a question.

President Mourdock: Yes, that wasn't a question. That's right. Anything else, John?

John Stoll: Other than the bids for Strawberry Hill, no I don't have anything else.

<b>Joe Harrison, Jr. - County Attorney</b>
--

President Mourdock: Joe, are you ready to report on the bids?

Joe Harrison, Jr.: Yes. We received three bids regarding the Strawberry Hill Bridge Project 2015. The three bids were as follows:

- |                             |             |
|-----------------------------|-------------|
| 1. Phoenix Construction Co. | \$60,927.50 |
| 2. CLR, Inc.                | \$52,087.00 |
| 3. CCC of Evansville, Inc.  | \$58,822.01 |

Those were the three bids that were received on this particular project. I presume that John and does Lynn take a look at these to make sure that the requirements of the specifications are met and then we'll come back within the next week or two?

President Mourdock: Yeah, it is normally done that we take those under advisement and then report back.

Joe Harrison, Jr.: And see whether the low bid is both responsible and responsive.

Commissioner Jerrel: I would like to move that these bids be taken under advisement.

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

41

Commissioner Tuley: I will second.

President Mourdock: So ordered.

President Mourdock: Joe Harrison, Jr., County Attorney's report.

Joe Harrison, Jr.: Last week Mike Robling was here regarding a change order on the culvert out on Petersburg Road where the golf course is going to be developed. There was a question as to whether the developer of that project should be responsible for paying that particular change order. The minutes from the meeting of November 25, 1996 seem to indicate that the developer would be responsible for the relocation of that sewer since it is for the benefit of the developer and wouldn't of had to of been relocated anyway but for that specific purpose. I have talked with Mike Robling and he is going to get in touch with either Jim Morley or BSH and see if they can recoup that cost.

President Mourdock: Okay.

Joe Harrison, Jr.: As far as any other matters at this time, I'm not too sure that I have anything else. If you all have any questions I'll be happy to...I can tell you this. I am in the process of drafting an ordinance regarding dues that will be permitted to be paid by the county with county funds for county officeholders and county employees. Suzanne has expressed that desire a couple of times to me and believe it or not I did that over the weekend I just didn't have a draft to bring in today, but I will have that available for you all to review next week and let you look at and then if it is something that you want to proceed with the following week we can do that or the week after or whatever you want to do, but I want you all to look at the draft first.

Commissioner Jerrel: That will be very helpful for Council at budget time too.

Joe Harrison, Jr.: Also, County Council will be required to designate which specific membership dues that are permitted that they will want to budget, but there are certain things that can't be paid and those will be set forth in the ordinance, but then those that are going to be up to the Council's discretion that will be up to them to decide what they want to pay, but those they can't pay that will be set forth in the ordinance. That's all I have.

President Mourdock: Just one comment. I know you and I are planning, not this coming Friday but the following Friday, to go to Indianapolis on a little research on the Welfare to Work issue.

Joe Harrison, Jr.: Yes. In fact, I spoke with their office again today and they want me to fax them some information prior to going up there and gave me the spelling of Mr. Hmurovich's name. I would of never guessed--

President Mourdock: It starts with an H.

Joe Harrison, Jr.: It starts with an H and I would of never guessed that. Anyway, we are to meet up there at 11:15 Indianapolis time on the 14th of March.

President Mourdock: Okay. You have now from Lynn, I think, the RFP draft for the gatekeeper position.

Joe Harrison, Jr.: Yes, I do and I am refining that a little bit and then I want to speak with you on some other information that we may want to send up there as well.

President Mourdock: I understand that they do have some level of interest in what we're doing.

Joe Harrison, Jr.: Yes, they do.

President Mourdock: That's very exciting.

Joe Harrison, Jr.: They're very interested in speaking with us and want to help us in any way they can.

Commissioner Jerrel: I would like for you to take that bill, Senate Bill 509, and ask them what implications that would have for us.

President Mourdock: Okay.

**Tony Greubel - County Commission Office**

President Mourdock: Tony. Tony?

Joe Harrison, Jr.: I think he had a report to give you.

President Mourdock: For the record, did you get one, Charlene? We have a written report from the Superintendent of Buildings, from Tony Greubel, regarding some surplus properties and appointing a Commissioner to the Metropolitan Small Business Association. I'm not familiar with that group are you?

Commissioner Tuley: Metro Small Business?

President Mourdock: Last year Commissioner Borries represented the Board of Commission, this note says. Where did he go?

Commissioner Tuley: You're losing control of your meeting!

President Mourdock: I'm losing control. It is the moon. I'm telling you it's the phase of the moon!

Suzanne Crouch: Skip him and move on.

President Mourdock: Yeah, I am more than ready to skip him, but the next thing on the agenda though is the consent items and we're missing...there he is. Okay. Tony, quickly summarize, if you would, your report regarding county buildings.

Tony Greubel: First of all, I gave you a summary of our travel expenses that we've incurred, but I am going to have to amend that. We actually have a little bit more money than we show

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

43

because there are some called meetings.

President Mourdock: More money expended than this shows?

Commissioner Tuley: No.

Tony Greubel: The same amount of money was expended, but out of this particular account perhaps I shouldn't of deducted some of the money from that particular account because they're from called meetings, but this still gets the general idea of the money that we've spent. For example, 64% of our current expenditures have been for called meetings.

President Mourdock: Again, the significance of a called meeting is that it's not out of our budget?

Commissioner Jerrel: Yes, it is. It's an unappropriated account line item in the Commissioners' budget and then there is a travel account in the Commissioners' budget. Some of the approvals we give come out of the Commissioners'...sort of like taking the money off of the top. The called ones cost us also, but those funds are distributed when the settlement is made. It's a complicated process.

President Mourdock: I'm sure it is.

Tony Greubel: Every time I think I know what I am doing I learn something else.

President Mourdock: You ought to serve as President of this Board!

Commissioner Jerrel: I don't think you want to hear all this. I've already been told it's boring!

President Mourdock: Okay, you will revise this?

Tony Greubel: I'll resubmit it next week, but we have spent that many dollars. The second item is more on surplus property. I had a meeting last week with Mr. Wes Vaughn, he's the Regional Director for SRI, Incorporated and they specialize in tax sales and surplus property sales for local government. I think with the knowledge that he has and through investigating this matter with officials in the Auditor's Office with the county's surplus property maybe we can start selling some property in the near future. If nothing else, I think we ought to at least start making a...getting the ball rolling somewhere. You know we've been waiting the last few years because we thought maybe the legal system would change its mind, but we've been keeping on thinking that, so we might as well start doing something and then we are one step closer.

President Mourdock: You definitely need to confer with Joe on that because the legal problem in the past was a ruling of a judge, I think, up in Orange...?

Tony Greubel: Lake County, I think.

President Mourdock: Okay, Lake County, and he basically caused

the whole state timetable to change so properties had to be held for longer periods. Work with Joe on that then.

Commissioner Jerrel: I would suggest that you contact the Commissioners Association and ask them what is happening around the state. That would be helpful for us.

Tony Greubel: I'll do that.

Commissioner Tuley: This company here too can provide you with a whole lot of counties that they are doing business with. I used to be associated with them.

Tony Greubel: The final item, is that the Metro Small Business Association called me up today. They're a part of DMD. They're needing a Commissioner to be appointed to their advisory board. There is only one meeting a year and last year Commissioner Borries represented the Commission. I don't know if that is an action that you want to take up tonight or discuss it and do it next week?

President Mourdock: Given that last year the Vice President of the Commission was Commissioner Borries, would it seem appropriate that the Vice President of the Commission this year serve on that board?

Commissioner Tuley: Makes all the sense to me!

Commissioner Jerrel: You're sure there is only one meeting?

Tony Greubel: No comment.

President Mourdock: Do I hear a motion?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Thank you.

Tony Greubel: That concludes my report unless you have any questions.

President Mourdock: Alright. Thank you.

<b>Consent items</b>
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President Mourdock: Consent items. We have in our packets consent items regarding employment changes; travel requests: County Assessor, Health Department, Burdette Park; Vanderburgh Auditorium; Emergency Management Agency acceptance of Survival Kit Guide and Proclamation; and a lady is requesting family leave. Do I hear a motion for approval of the consent items as submitted?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: Scheduled meetings. You have in your packet a list of meetings. There is one other meeting that I would bring to your attention. I received a letter from Sheriff Hamner, you may have gotten copies also, calling some interested and involved folks together on March 14, 1997 at 2:00 in Room 303. I am going to attempt to attend that meeting, but I might as you to attend also.

Commissioner Jerrel: Would you mind repeating that again? The 14th?

President Mourdock: Yeah, March 14th, Room 303, 2:00 p.m. It is regarding overall capacity questions at the county jail.

Commissioner Jerrel: I did send a letter to Sheriff Hamner requesting that he give us the number of prisoners who were sentenced in November of '96, December of '96 and January of '97 since those were the three months he referenced how many were sentenced and how many we are receiving funding for because they couldn't be placed in the Indiana penal system or the federal penal system, so we have an idea of those bigger issues.

Commissioner Tuley: Richard, I know you already said this, but what time again? Two what, 2:30?

President Mourdock: Yes, 2:00 in this room. Oh, Room 303 actually.

#### Old business

President Mourdock: Old business before the Commission this evening?

Commissioner Tuley: No.

President Mourdock: Any old business, Bettye Lou?

Commissioner Jerrel: No.

#### New business

President Mourdock: New business?

Commissioner Tuley: No, I'm sorry.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: Okay, I have two items just to bring to your attention. One is some information on I-169 that came through my office and I thought I brought with me, but I didn't. Just by way of suggestion, it seems we are at a critical time from speaking with the folks for Voices for I-69. I think I remember

that this Board is now and even for several past Boards have been very supportive of I-69. We see what it would do for this county. I don't know that we've ever tried to organize the other County Commissioners in the counties along the route, but I was wondering if the two of you would be interested perhaps if we did a resolution on behalf of this Commission to send it up to Indianapolis and also send a draft of that resolution to Warrick, Pike, Gibson, Greene, Martin, Daviess and Monroe Counties for their Commissions to consider. I think that kind of regional impact certainly has something to be said for it. I don't know that they...I would be they haven't done such a thing in the past, but I think it might be a good regional bit of symbolism.

Commissioner Tuley: Agreed.

President Mourdock: Okay, Bettye Lou?

Commissioner Jerrel: Right, do you want a motion to that effect?

President Mourdock: Yeah, and if we could...well, go ahead and make your motion.

Commissioner Jerrel: Do you want to...

President Mourdock: Yeah, what I was going to suggest is perhaps we could have Tony draft something up for this coming week and then we can--

Commissioner Jerrel: Pass it then?

President Mourdock: --officially act on it next week.

Commissioner Jerrel: Okay, fine.

President Mourdock: One other item on a somewhat similar but different note. I also received this week from something called the Henderson Futures Initiative, Your Choice/Our Future. I won't read this to you, but basically it is saying that the City of Henderson is forming what is going to be somewhat similar, I think, to our Vision 2000. Clearly economic development is a regional thing, more than it is just a local thing. The benefits will even go across the widest river in the world, which is the Ohio River, if they are successful and I was wondering if you thought it would be appropriate on behalf of the County Commission to send a letter wishing them well in the venture. I have a hunch this is the first letter prior to the fund-raising letter. We may stop short of going to the County Council to ask for funding for Henderson!

Commissioner Jerrel: I hope!

President Mourdock: I hope so, too, but nonetheless as a show of good we talk about regionalism in every thing from air quality issues to overall economic development and I think it would be fully appropriate and if you would concur I will draft such a letter.

Commissioner Tuley: Lots of good will, but no money.

**Vanderburgh County  
Commissioners Meeting  
March 3, 1997**

47

President Mourdock: The best kind! Alright, I will do that. Any other new business before the Commission this evening?

Commissioner Tuley: Remember at one time and this goes back to Toyota, we started to meet with this group of Commissioners. Now, you've expanded a little bit on this one particular project, but the one thing that came out of last week's meeting when we were up there for County Government Day everybody was sitting there pointing their finger at the Governor and the legislators and why we are having trouble getting road funds and gas tax included and the Commissoiner from Vigo County got up and said let's quit pointing fingers at everybody and start pointing them back at ourselves. That's part of our problem. We're not organized as a statewide organization as strong as we should be and he is right.

I think it would help if we could put that group back together and start maybe some of those meetings. You started this which was a great idea and I think we just need to see if we can rekindle that and at least get southwest Indiana as a cohesive group.

President Mourdock: I would be delighted to do that. I've had one conversation back in January with Bill Sipes, who is a County Commissioner from Greene County and Bill is currently the President of the Southwest or actually the 8th District Association of County Commissioners. Perhaps that would be the best venue to do that. I am certainly willing.

Commissioner Jerrel: I wonder if they would come down here?

Commissioner Tuley: Who is that? The other counties?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: Oh, I'm sure.

President Mourdock: When we did this previously we had...well, we invited Warrick, Posey and Gibson and did it here at the airport at the meeting room. We could certainly suggest that. I don't know at this point and perhaps you have a specific issue in mind or series?

Commissioner Tuley: Well, basically, it goes back and John's chart showed it tonight why with MVH money being taken or at least be proposed to be taken away from us that shouldn't even be on the table. There is another bill being introduced and some of this stuff isn't going to happen, but we at least need to be aware of it and stay in contact so that we can watch for it to exempt fire protection rates out of the TIF and if that would happen to go through, then next year it might be schools or whatever and all I see is us finding less and less money available to us to do our roads. I think as a group at least of southwest if we can find adopt resolutions county by county and by district and forward those to each of our Legislators within that district and get them as a strong body to say...one of the other things that came out, too, was don't just call your legislator and say vote no on House Bill 1246 or whatever. Sit down take a few minutes and put it in writing and say this is why you should

vote no or this is why you should support a bill. I think this is a good way to get that dialogue started.

President Mourdock: Okay.

Commissioner Tuley: If we can start something down in here in the southwest then maybe it will spread.

Commissioner Jerrel: Do we have all their names and addresses and everything?

Commissioner Tuley: We sure can get them.

President Mourdock: Yeah, if we don't have them I'm certain the County Commissioners Association will make them. I haven't seen an updated list, but--

Commissioner Jerrel: Let's get them and let's get a letter drafted for next week and see if we can't organize something.

Commissioner Tuley: Okay.

President Mourdock: Okay.

Commissioner Jerrel: It's a good idea. May I move to adjourn?

President Mourdock: You certainly may.

Commissioner Tuley: I will second.

President Mourdock: And I will say so ordered.

The meeting was adjourned at 7:47 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Mike Wathen  
Richard Steedman  
William Smith  
Shirley James  
Bud Bussing  
Jayne Berry-Bland  
Joe Profaizer  
Lynn Ellis  
John Stoll  
Phil Hoy  
Other unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 10, 1997**

The Vanderburgh County Board of Commissioners met in session this 10th day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:30 p.m. with President Richard Mourdock presiding.

**Introduction & Pledge of Allegiance**

President Mourdock: Good evening. We will start the Commissioners meeting exactly at 5:30. Let the record show we're going to get started tonight, members of the press, please note that; it's such an unusual event. Welcome to the Vanderburgh County Commissioners meeting. If you are looking for County Council, City Council or somebody other than the County Commissioners, you're in the wrong place. By way of introductions tonight, at my far right is our Administrative Assistant in the Commission Office, Mr. Tony Greubel; to his left is the County Attorney, Joe Harrison, Jr.; to my immediate right is County Commissioner Pat Tuley; to my immediate left is County Commissioner Bettye Lou Jerrel; to her left the County Auditor, Suzanne Crouch, who serves as our official secretary; and to Suzanne's left is our Recording Secretary, Charlene Timmons. As is our custom, would you join us for the Pledge of Allegiance? If you have not picked up an agenda of this meeting, they're present over here on the table. If you are addressing the Commission, because we do all of our notes verbatim, we would ask you to come to the microphone, state your name and address for the record.

**Certification of Executive Session**

President Mourdock: The first couple of items on our action list for today. Just for the record, we did not have an Executive Session prior to this meeting. We had a Solid Waste Board meeting instead.

**Approval of minutes**

President Mourdock: We do have, however, this evening the minutes of the March 3rd meeting of the Vanderburgh County Commission.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Public Road Hearing**

President Mourdock: The second item on our list is the official county road hearing that we do each week. I see the previous minutes and the other ones got changed, so I am going to go with what is on the computer. We would ask for the public road hearing to take place and I saw Milton Hayden, our County Garage Superintendent. Milton, if you would, please come to the

microphone and tell us what all you've got in store.

Milton Hayden: Good afternoon. I have...these are the last reports from last week which you did not receive, so I am bringing those for the week of February 28 through March 6. I did the reports.

President Mourdock: Okay, we'll enter those into the record. Charlene, did you get copies? Okay.

Milton Hayden: If you read those and if there is anything else that you see that needs to be done or changed get those corrections back to me.

President Mourdock: Okay, we certainly will.

Milton Hayden: Is there anything else?

President Mourdock: As far as the county road hearing that we've got coming up or that we are having, I know John gave us last week the list of roads for improvement. John, maybe you would care to comment on that.

Milton Hayden: I also have a list on that, too.

President Mourdock: Okay, go ahead.

Milton Hayden: John and I have gotten together with those. I do have the roads that need to be repaved this year. You want me to read all these roads off?

President Mourdock: That's not necessary. We do need to make sure that we get a copy of that for the record, too.

Milton Hayden: I will see that you get a copy of that. Then the necessary roads that you have during the road hearing, we will be glad to add those.

President Mourdock: Okay.

Milton Hayden: I think you will have some that you also had recommended to do.

President Mourdock: For the record, Milton, the roads that you have listed on this schedule, are these in order by priority? In other words, if the weather were perfect today would you start working on these roads as listed?

Milton Hayden: No, we don't have them set as we are going to run them yet. We try to wait until we have all the lists, all the roads and then we will sit down and get those in order.

President Mourdock: Okay, when do you need to have that list completed?

Milton Hayden: We would like to have them by the first time in May. At least the middle of May where we can assume to start at that time if the weather permits us.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

3

President Mourdock: Is it likely that you would start any earlier?

Historically, have you started earlier?

Milton Hayden: Yes, if the weather, you know, if the weather permits it.

President Mourdock: Okay.

Milton Hayden: We would start. I know the first road that we are going to do. The first road we're going to do is Hogue Road from Tekoppel to Red Bank Road.

President Mourdock: Okay.

Milton Hayden: From there I know we're going over to the chalets and Burdette Park to get those out of our way because...of course, you know the park will be opening and we want to try to get out of their way and they do have a lot of people that have rented those buildings and we will try to get them ready for those.

Commissioner Tuley: I have a list here right now.

Milton Hayden: They're pretty bad. Some of the roads out there are pretty bad and especially the main drive. Of course, he is not going to have enough money to, you know, put in all that out there, but we can get what we can get and make quite a bit of improvement.

Commissioner Tuley: Milton, is Vanness...does that intersect with Hogue out there some place? I got a question on that--

Milton Hayden: Yes, it does.

Commissioner Tuley: --because of that intersection being...it needs to be widened or something is what they're saying. It is real difficult to make turns in and out of there because of the width of the road.

Milton Hayden: Well, we've got a telephone pole that has been there and we've been asking for that to get moved for years. We're waiting on SIGECO to do that.

Commissioner Tuley: Would it help if--

Milton Hayden: If they ever move that or when they can get around to moving it, we will widen that intersection there.

Commissioner Tuley: Okay. Perhaps a letter from the Commissioners might encourage them to do that as opposed to just dialogue from the Highway Department?

Commissioner Jerrel: I spoke to the same person you did today, I'm sure.

Commissioner Tuley: Yeah, I'm sure you did.

Milton Hayden: Well, it's been coming for a long time. It is

very short access on that road going out to Hogue Road and it really needs to be widened.

President Mourdock: Again, I'm sorry I was putting some notes in, the approximate location of that pole is on Hogue Road where?

Commissioner Tuley: Hogue at the intersection of...is it Vanness?

Milton Hayden: It's Vanness.

Commissioner Tuley: Vanness. You probably actually got to speak to the person, I got to speak to the wife.

Tony Greubel: I have documentation from that person.

Commissioner Tuley: A letter?

President Mourdock: Bettye Lou, did you start to say something?

Commissioner Jerrel: No.

President Mourdock: As a general criteria, Milton, what do you use to set your priority list? In other words, why do you do one road over another?

Milton Hayden: Well, we don't set a priority list. Mostly we try to stay in the same area because this priority...I mean, I don't see where any road should be a special priority. I mean, I am just being frank with you. They all have to be done, but if we are in one area then we have to lose so much time in traffic and that kills a lot of time in paving season. So we like to stay in the same area and then move into another area.

Commissioner Tuley: Right. Let me interject something though. I mean, there has got to be some criteria. I'm going to assume that it is condition of the road.

Milton Hayden: The road, see--

Commissioner Tuley: Hogue Road is a fine example.

Milton Hayden: Yeah, Hogue Road is because the Water Works tore that road up and we really have to go do that again. Plus, there is a great deal of traffic there.

Commissioner Tuley: I wonder if we can...just to avoid any confusion, if we could identify them basically as areas as opposed to individual streets--

Milton Hayden: Yeah, we can go in areas.

Commissioner Tuley: --that way we can say "this area bounded by" would be the first priority.

Milton Hayden: Yes.

Commissioner Tuley: Just do it that way. Maybe that would make

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

5

more sense.

Milton Hayden: I've always suggested that we would go by areas.

President Mourdock: You're the expert, so we're looking to you for advice here, Milton.

Milton Hayden: Well, areas would be better to go by. After Johnny and I go out and look at the roads, then we will put the roads that, you know, that need to be done in that area first and then we will get the other roads and then we will move to another area and get those roads. It is more simple that way.

President Mourdock: Okay. Just so that we can have it for the record, the first Monday that we meet in May is May 5th. Let's use as a target that date to receive the final listing and please put it together, as Commissioner Tuley just said, area by area in a priority and then the roads within that area that you know are coming up.

Milton Hayden: We'll do so.

President Mourdock: If you would get that to us by May 5th.

Milton Hayden: I'll have it by May 5th.

President Mourdock: Okay. Are there any other people here in the audience who wish to address the issue of roads? Yes, sir. Please come forward.

Commissioner Tuley: There are several people.

President Mourdock: Yeah. I'm sorry?

Unidentified: Are you talking about his particular...

President Mourdock: No, I am talking about any road you have. Come on up.

Jerry Jones: Okay, thanks. My name is Jerry Jones. My address is 2253 Cherry Lane. I have a twin brother and he and I are school teachers. We are both math teachers. We lived on Lyle Road all of our lives which is on the west side of Evansville. It is about two or three blocks before you get to Burdette Park. It runs perpendicular from Nurrenbern to Bayou Creek Road. My parents purchased their home about 50 years ago and every time this creek, Lilly Creek, it runs into the Ohio River and when the river gets up around...it used to be 38 feet, but the county when it put rock on every year, you know, it builds up. Now, actually the water gets on the road around 40 feet and at 41 feet you have to take your car out because you might not make it out in the morning. There are three homes back there and these people...it's terrible. I mean...dad died last summer, but my mom still owns the home and I talked to John Stoll last summer about it when my dad was still alive and I was hoping something could be done. Maybe build this road up four or five feet and they thought maybe I should approach the Commissioners and talk about it. I know there is a lot of water out there now, but it

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

happens all the time. If there is a two or three inch rain in a short period of time it cannot escape quick enough and you might be blocked in in the morning to go to work. Of course, it is headwater. It will run off. The river doesn't have to be no 35 feet, it can just stop you. So that is what my intent of today is to share some information. I think Mrs. Cecil probably gave you guys a letter about Lyle Road. I checked with Floyd Staub, Incorporated, who owns the east side of Lyle Road. I talked to Tony, Gary and Don Staub and they all said if they have to widen Lyle Road to build it up four or five feet it would not be any problem if they had to take part of their land, so there would be no problem. They said that they would give the county an estimate for the dirt or that they would give an estimate to do the job completely. They said they would have to know the specs of what the county would have to be done. They said there would be no problem, so that is what I am here for. There is a young couple out there and an older couple. They're related. The older couple are in their upper 70's and I always thought if there was a health problem and couldn't get out it would be pretty sad maybe or a fire hazard. The young couple, they've got two children. One is in college and one is a junior at Reitz and they have to boat out now or walk across the field about a mile. It's very inconvenient and I just thought...I know there is a lot of priorities. I just thought if there was any money available they would really appreciate it. It's a very well traveled road. A lot of times people think that old Lyle Road is not traveled much, but it is a short cut to lot of the people who live down in the bottoms of Union Township. They really travel that road a lot. It would benefit a lot of people, but especially with Toyota coming in town there is a lot of ground out there. I know people would build, but they could not build with a possibility of not being able to get to work. I have some...you don't need to know this, but here are some records of the last three years alone that shows how many times the water had gotten up and forced the people out from four days up to two weeks. I know last winter, a year ago, the ice froze and when the water did drop down below the banks, but it wouldn't run off the roads because it was frozen about one foot thick, so this prevented, you know, them to get in and out. That's about it and I hope you give it some thought. I appreciate it. Did you want to ask me anything?

President Mourdock: Any questions for Mr. Jones?

Commissioner Tuley: I know where he is talking about.

President Mourdock: Okay, thank you very much.

Jerry Jones: Does it have to go through a discussion meeting later and decide what to do?

President Mourdock: Yes, as a road hearing what we want to do is to take whatever comments from the public and add those to the comments that you just heard Milton Hayden make and then we will ask Milton and John Stoll to get together on requests like yours and to come back to us at that same May 5th meeting, I think it would be appropriate, and make a recommendation to us.

Jerry Jones: I wanted to add that the other neighbors would of

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

7

been here, but they are behind the water and it would be past dark before they might get back across, so they were wanting to be here even of their age.

President Mourdock: Okay.

Jerry Jones: Thank you.

President Mourdock: Thank you very much. Yes, either one of you come on up.

Unidentified: I just wanted to ask, in McCutchanville we've got a short road, Sharon Place--

President Mourdock: Excuse me. State your name and address please.

Tom Wolf: Oh, Tom Wolf, 2410 Sharon Place. What it is the Water Department, the pipe keeps breaking so they keep digging it up and they throw a little tar in it and that's it and they leave and the road really could even stand widening. You can't pass on it. It's like big confusion when the mailman comes that day. Everybody is pulling in different driveways. It just needs resurfacing and every time you've been to McCutchanville it seems like you missed that road and it could be because nobody has said anything about it.

President Mourdock: What stretch of road? From where to where?

Tom Wolf: Sharon Place. It is right off of Whetstone. It's a little short street there, but it is at the bottom of a hill. Some places you can pass a car and when you get some place where you can pass a car you can fall into one of the ruts or you about hit the mailbox because it jumps you over.

President Mourdock: Okay.

Tom Wolf: If it could be widened...it might even be on the list, I don't know.

Commissioner Tuley: They say it is on the list.

President Mourdock: John is nodding his head in the affirmative, so I take it that is on the list.

Milton Hayden: Yeah, it's on there. It's there from last year.

Tom Wolf: Good deal. Okay, thanks a lot.

President Mourdock: We're good, aren't we! Thank you. Yes, ma'am.

We'll see if we can make it two in a row here!

Betty Whittinghill: My name is Betty Whittinghill and I live at 3001 Crowley Drive. I keep reappearing before you people every year asking you to repair my road. I have been there almost 50 years. Last year the nursing home used Crowley Drive for deliveries. This year they have their own private...they've made their own concrete private drive to the back. All I am asking for...I have four apartments and my house which there is

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

175 feet in front of us. All I am asking is that you just do that part of the road. That is the worst part because everybody turns down and turns around down at the end of the road. We're at the end of the road and I would like for you to asphalt...I have a sunk hole as I go out my driveway. We keep our property up real well and I am kind of ashamed of my road. I would appreciate you taking consideration. I have already talked with the new County Superintendent and he said he would look at it in the morning. I keep calling, but everybody seems to be busy, but I do want this on record that I have requested it again this year.

President Mourdock: Okay. John or Milton, do you have any comments about this particular stretch?

John Stoll: Ms. Whittinghill is correct. They have now built a drive for the nursing home, so that should eliminate the delivery trucks that were tearing up the road and rutting the road out. Once Milton and I or somebody from the garage and from my office can get out and take a look at it, it should...if we do resurface it shouldn't be a problem where it is going to get torn up again immediately. In the past couple of years that would of been the case. We would have put the new asphalt down and it would have just been torn up within a matter of time.

President Mourdock: Okay, would you please put that one on your list specifically to make a recommendation on that--

John Stoll: Sure.

President Mourdock: --at that May 5th meeting as well?

John Stoll: Sure.

President Mourdock: Okay. Anyone else? Sir, come forward.

Jim Ackerman: I'm Jim Ackerman. I live at 1406 Westwood Hills Drive. I have been up here before and talked about our streets that need to be brought up to code so that the county will accept them. At that time it was suggested that we form a steering committee and talk about it. We've got some information from Mr. Tuley in reference to the Barrett Law. We have had those meetings and we are now ready to have a neighborhood meeting. The neighborhood meeting has been set and I would like to give each one of you a notice and we invite you to come. It will be the 18th and to answer questions in a legal manner so that we may proceed with getting this project under way this year because the streets are getting in the shape...you know, they're getting pretty bad. Like I say, again, I would like to invite you to be at the meeting on the 18th, and Mr. Tuley if you'll notice there is a change in location from where I talked to you before.

Commissioner Tuley: Okay. Oh, yeah there is. That's right outside of your sub now.

Jim Ackerman: That's right, that's right. So, like I said, we would appreciate you being there because you can answer questions that we can't.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

9

President Mourdock: Sure.

Jim Ackerman: We'll look forward to seeing you there.

President Mourdock: Before you leave the microphone I will ask the County Attorney, we've discussed it several times when Mr. Ackerman has been here and other times, I think, the general status of the Barrett Law. I don't know if you have had any conversation, but you might just give an update.

Joe Harrison, Jr.: I have not spoken with you before--

Jim Ackerman: No.

Joe Harrison, Jr.: --but I do plan on going out there and meeting. I can't stay the entire time, but I'll be there whenever you start.

Jim Ackerman: That will be fine.

Joe Harrison, Jr.: I'll be speaking with you at that time. We've talked a couple of times among ourselves. One of the things that we are checking on right now and I still don't have a definitive answer is whether the county can, in an attempt to save some costs on this issuance of a bond with regard to your project and the other projects, whether we can do it in one bond and that would save everyone who is benefitted by this cost. The issuance costs, etc., will be part of the expense that you all will have to split up and bear. So if we can cut those costs that is what we would like to do. As far as the procedures that have to be followed, John Stoll and I have talked on a couple of occasions and I have not personally seen the information that you have, but it is my understanding that you have received some cost estimates.

Jim Ackerman: Yeah, John has come out and we've went over the streets and he has given us a cost estimate on what it would cost to bring the streets up to code.

Joe Harrison, Jr.: I don't know if there are utilities that you have to speak with or anything.

Jim Ackerman: Not to my knowledge at this point.

Joe Harrison, Jr.: As far as a legal description, you probably have that, I'm sure, with everyone in your subdivision. That is something that I will need at some point as well as a listing of all the homeowners in the subdivision and then we can check with the tax numbers on all of those people. There are some things that, obviously, we're going to need up front. Before petitions and those types of things are signed for or against this project, I want you all to have a good feeling on what you think...or what we believe the numbers are going to be so those individuals who sign a petition one way or another aren't going to be blindsided later on with some additional costs that they may not of realized. As much information as we can possibly get up front, that's what we want.

Jim Ackerman: When you come to the meeting if you'll bring a

list of things that we need to do, that you have to have, why have those with you and then we can proceed with that.

Joe Harrison, Jr.: Okay.

Jim Ackerman: You can, you know, once we get that why then you can tell us approximately--

Joe Harrison, Jr.: I'll get with John Stoll and find out exactly what all he has and whatever information we still need we will request.

Jim Ackerman: Good.

Joe Harrison, Jr.: Okay.

Jim Ackerman: We'll look forward to seeing you there. Thank you.

President Mourdock: Thank you. County Councilman Jim Raben.

Jim Raben: Hi there. I'm County Councilman Jim Raben and I also represent the west side and I'm sorry I didn't get that gentleman's name.

Commissioner Tuley: Jim Ackerman.

Jim Raben: Jim Ackerman. Just to add a little bit to what Jim was saying, another important thing that we need to keep in mind is that the school buses, Vanderburgh County school buses, run in that subdivision and as that road deteriorates they're on those roads plus the fact that we are not able to offer snow removal and they're traveling that subdivision daily in the winter. I know those people have called me numerous times and anything we can do to work with them I would certainly appreciate.

President Mourdock: Yes, very much so. I should have said it when Mr. Ackerman was here, I didn't think of it. Keith Rounder had put together a basic packet of information last year regarding the general needs of the Barrett Law and we need to be sure at that meeting we have at least a few of those to hand out that begins to explain how that process works.

Jim Raben: I'd like that myself.

President Mourdock: You've got it? Okay, very good.

Commissioner Jerrel: I have a question of the attorney. Would there be more than one other potential Barrett Law user that you're discussing?

Joe Harrison, Jr.: Well, there are three projects that I am aware of now, but, you know, there may be more. There are three...this particular one, there is one off of Oak Hill which is the one that Mr. Schwenker has referred to and then there is one off of Old State Road. There are three. Two are roads and one is a sewer.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

11

Commissioner Jerrel: Is there a plan, perhaps, to move in the direction of getting the information to all groups so that if...I mean, it would be nice to be able to move on something like this during the paving season if we are going to do something like this. So, we need to get all three or two or however many are interested we need to get these projects--

Joe Harrison, Jr.: Right, I think there is just one road and two sewers. Again, the construction work can't be done on those roads until we can start the process on that particular area.

Commissioner Jerrel: Right.

Joe Harrison, Jr.: I just want the homeowners to know exactly when they start signing petitions, you know, a pretty good idea of what the cost is. The cost isn't just going to be the cost of the road or the sewer or whatever. It is going to be more than that. You know how things develop sometimes. I just want to make sure that everyone knows up front what the costs are before you all approve a preliminary resolution on this particular project that they may have in front of us.

Commissioner Jerrel: Are we dialoguing with those people though?

Joe Harrison, Jr.: Well, yes. I believe that John Stoll has received information from each one of them. I've gotten a lot of information from Mr. Schwenker. I don't have any information on the Westwood one, but on the Old State Road, I believe, that you do have an estimate on that one as well.

John Stoll: Right. I have been working with Andy Easley Engineering and Mr. Leroy Walther who is pushing that project. I have not been working with the Oak Hill sewer though. I have been working with the Westwood Hills group as well.

Joe Harrison, Jr.: I think we have, really, three...I think there have been three cost estimates done. I think there has been one for each project.

John Stoll: Right. I have one for Westwood Hills and I've also got one that Easley submitted last week for the Old State sewer.

Joe Harrison, Jr.: I've got the one for Mr. Schwenker. At least we have that, but, again, there are some other things. For instance, with the other sewer one you have to deal with the city to make sure that they're not going to have some additional costs. I don't know if you've talked to them about that or not?

John Stoll: They did submit a letter stating several things that they would like to see in the plans. I figured that we could probably once we are to the point where the preliminary hearing could be held if those revisions aren't made to the plans at that point we could just make it subject to that letter that was submitted by the Water and Sewer Department. They said as a whole the concept for the sewer plans were okay with a few minor revisions.

Commissioner Jerrel: So then we will know and there will be a prorating out of the costs based upon the total bond costs?

Joe Harrison, Jr.: Yeah, and, again, the reason I have asked for the listing of all the homeowners is so then we can start prorating that out and then deciding...Mr. Schwenker has all the names. I mean, I've got all that and I am sure that Mr. Ackerman can provide us with that. What we are going to do is go out and get a copy of the subdivision plat and everyone and the lot owners in all three. Now, Mr. Schwenker's is not actually a subdivision. I thought it was, but it is kind of a hodgepodge of roads out in that area.

John Stoll: Neither is the Old State sewer.

Joe Harrison, Jr.: Okay.

John Stoll: It is not a subdivision.

Joe Harrison, Jr.: It is easier if it is a subdivision, so it is just a little tougher. Anyway, John and I have been talking about it, but we are going to get it straightened out in the next week or so. At least a game plan on where we've got to go and then we are working on the numbers and hopefully find a way to do one bond issue.

Jim Raben: I don't mean to take up all your meeting. Are there any measures in place or can we put measures in place to prevent subdivisions like this from developing that we end up in this situation? Particularly, not just streets, but sewers like what we've ran into out in University Heights on the west side where these people...so many of them, I guess, first time homeowners, they probably know it going in, but the second or third or fourth or on down the line...the realtors are much like used car salesmen, I guess. They forget to tell you that it smokes! It would be nice if there were some type of measures or something to prevent this from happening.

Commissioner Tuley: I can't address the sewers so much, Jim, as the problem with the roads. There are standards in place that if the developer wants them to be accepted by the county for maintenance they have to be built to a certain standard. They know that and some of them won't build any other way because they are real reputable. They'll go in and they'll do it by county standards and they can't wait to give it to us and then they are done with it. Some of the others, like any group, they're not quite so reputable. I think that is what happened here maybe. It was that they weren't built...I shouldn't say that quite the way it came out, but in this group they chose not to build them to our standards for whatever reason and now they are crumbling and like you said, the first time home buyer...most of us assume when we look at the street that the county is going to take care of it for us. I don't know how you change that unless...if there is any way to require it and this is more of a legal question, that all subdivisions roads would have to be built to our standards and taken over for maintenance by us. I don't know if that is something that you can do or not?

Jim Raben: Yeah, that is what I was asking.

President Mourdock: I don't know if that is something that you

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

13

can do.

Jim Raben: You might even--

Joe Harrison, Jr.: I don't think it is.

President Mourdock: Yeah.

Joe Harrison, Jr.: Because they are basically private roads.

Commissioner Tuley: They are.

Joe Harrison, Jr.: It's like telling you how you are going to have your driveway.

Jim Raben: It was just an idea.

President Mourdock: Good question. I wish there was an easier answer. John Stoll.

John Stoll: The letter of credit is one thing that helps on that because we just don't release the letter of credit if they have not built it properly. Back when Westwood Hills was built there was no letter of credit, so nobody could call in the letter of credit to do the repairs needed to make the streets be built to the point that the county could of accepted them. That is one safeguard, but you're right. In some situations it is still not the answer.

President Mourdock: But the letter of credit only applies when they are built to our standards to begin with right?

John Stoll: No.

President Mourdock: Even if it is private road that is less than county widths there would be a bond or letter of credit posted?

John Stoll: Right.

President Mourdock: Well, that would help some.

John Stoll: Then we would just have to make sure that they do establish maintenance provisions through a homeowners association that are long-term. If that is dissolved in some way or another then that is beyond their control as well.

President Mourdock: The county cannot enforce those.

John Stoll: Right.

President Mourdock: That would be the individual homeowners.

Commissioner Tuley: In Westwood my understanding is that developer went belly-up anyway and is no longer in business.

John Stoll: That is my understanding, too.

President Mourdock: Any other members of the audience to bring an issue? Russ.

Russ Lloyd: Russ Lloyd, Vanderburgh County Council. I live at 344 Wilson Square. I wanted to address you on the proposal to improve Burkhardt Road. Ms. Jerrel made a presentation to the County Council last week on, I guess, a preliminary idea here and I wanted to mention that I thought that was an excellent idea. Currently I am serving on the Evansville Urban Transportation with Commissioner Tuley. You know the Burkhardt Road improvements between the Lloyd Expressway and Morgan are on the drawing board for some time after the year 2000. When you have that kind of development out there, you know, the idea of possibly getting that in ahead of that I think would just really be a boom to the county. I talked to some of the EUTS people trying to get a handle on this and year old figures on traffic counts between Morgan and Oak Grove Road you are talking about over 14,000 vehicles a day. To give you kind of an idea of city streets like First Avenue and Green River Road some of those are around 30,000. This was taken, I guess, in February of '96 which was prior to the opening of Circuit City and the Lloyd Crossing developments out there, so that is somewhat old data. I guess one thing about this, these improvements would be in District 1 which is actually Councilman Wortman's district, so why am I up here arguing for that? Because that would help us quite a bit. I drive that intersection every day to get to work and those improvements are getting ready to come in, but to not have the north/south going north would be, I believe, shortsighted. Going through the Comprehensive Plan we are talking about 80,000 vehicles a day through that Burkhardt/Lloyd intersection. The Lynch Road extension over 30,000 a day, so when Lynch Road gets done and to have all that traffic piling into a two lane road it just seems like we really need to get on that quick. I thought that the presentation that Ms. Jerrel made was a great idea and I think that is something that we need to move forward on, so I would appreciate your consideration on that. It would be an opportunity for us to instead of being behind the development like it seems like the county always is we would at least be even. I hope you can consider that.

Commissioner Jerrel: Thank you. At this time I would like to just ask the two Commissioners to consider with me asking the County Council for an appropriation for a new line item in our budget for infrastructure. I wrote some notes to you to consider. We would have the opportunity to use perhaps \$3 million of General Fund excess money to put in the Infrastructure line item. The existing infrastructure money in the riverboat money we would be able to borrow short-term and we're meeting with the banks next week to see if we couldn't fund the rest of it. We would be able to do that project at least from Virginia to Morgan without any long-term borrowing. No bonding, no tax increase and John, are you over there? How soon do you think we could get something like that on the drawing board if all those numbers work out right?

John Stoll: Probably summertime.

President Mourdock: Define what you are using as the start. I mean, what would happen by summertime?

John Stoll: Well, the contract for design was signed last year. The design for Burkhardt was all between Lloyd and Morgan in its

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

15

entirety. It was just that this first phase was split out. The contract has already been awarded. I am not sure exactly where United stands as far as where that design currently...how much of it they have done, but they have been working on that. I know all of the survey work is completed, so I guess it depends on when we would anticipate having money to go ahead with it.

Commissioner Jerrel: There are two Councilman here and I presented this to them last Wednesday and I am just looking for some guidance from both of you as to how far and how fast you want me to go?

Commissioner Tuley: Just real quick, Bettye Lou. The \$500,000 '96 CCD, was that allocated or was that allocated reserve that is set aside?

Commissioner Jerrel: Uh-huh.

President Mourdock: That was one-third of the two-thirds that we spoke of last week.

Suzanne Crouch: You have a financial statement.

Commissioner Jerrel: We don't have a financial...I don't.

Commissioner Tuley: We have \$500,000 in riverboat in infrastructure.

Commissioner Jerrel: Well, you should have a financial statement in your packet. Is it in there, Tony? It isn't in there.

President Mourdock: My initial one didn't have it.

Commissioner Jerrel: Unless we just got it.

Suzanne Crouch: No.

Commissioner Tuley: I don't remember seeing it, but that doesn't mean anything.

Suzanne Crouch: It's in the consent items.

President Mourdock: I've got the cover letter, but not the item.

Suzanne Crouch: Well make copies for you.

President Mourdock: While we're looking for that--

Commissioner Tuley: Yeah, go ahead.

President Mourdock: My comment would be a very brief one which was essentially that last week we talked about this briefly. I thought then that it was a good idea. I still think it is a good idea as far as trying to use the bank money on a short-term basis. The question that I have is one of whether or not the banks would be interested in doing that given the funding source being the riverboat funds. At least from the bonding point of view, historically that has not been something that would be

allowed because the riverboat monies weren't seen as a sure stream of income. If you report to us on...what did we say, I think the 7th of April?

Commissioner Jerrel: Well--

President Mourdock: When you get your report, then we would know what the banks were going to do.

Commissioner Jerrel: We could pay the banks with the CCD which is in place and not going to go away. See, we have enough funding to be able to if we decide we want to do this we're almost there. The difference if we borrow from our local banks we could pay back with a portion of our CCD money which is already in place. I think that isn't something that would disappear.

Commissioner Tuley: Are you talking about putting up \$1 million in cash and borrowing \$2 million and paying them back \$1 million a year on that. Is that what you are saying?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: That's what I thought.

Commissioner Jerrel: And get it paid off right away. I will do it in much more detail, but I am just trying to let you see that we're ready and if we go to the County Council and ask for that money to be appropriated that gives them a chance to dialogue and I would think that we would all three want to appear and John would want to present that to them and I think we'd be in a position to be ready to move. Now, I know this is different paying out front without borrowing, but I think it is worth our consideration. I don't want to...if you are not prepared to do something like that tonight, then think about it.

President Mourdock: Yeah, sure.

Commissioner Jerrel: We ought to get on the agenda.

President Mourdock: I think that's the appropriate action. Again, I'm not at all opposed to the full plan. I just want to make sure that I understand what the full plan is.

Commissioner Jerrel: Right.

Commissioner Tuley: Right, because if I am reading it right this doesn't sound like a bad approach from the standpoint if you are only going to take one half million each two years in a row from those funds so that we don't deplete or dedicate 100% of those funds--

Commissioner Jerrel: Right, right.

Commissioner Tuley: --so that we have money for other things that come up out of CCD and what have you.

Commissioner Jerrel: We're in a situation where the economy is good. As long as we can do it we don't know what the future is

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

17

going to hold and it would be short-term and it would be paid for.

Commissioner Tuley: Right. Virginia Street to Morgan has to be done almost first and then we need to look at from Morgan Avenue north to Lynch.

Commissioner Jerrel: Right.

Commissioner Tuley: If we don't utilize TIF money from that area bounded by Oak Grove to Morgan, because this is already paid for out of other sources, then it would free that TIF money to use to do Morgan--

Commissioner Jerrel: The balance. Absolutely.

Commissioner Tuley: I would like to see some more figures, but that doesn't sound bad.

Commissioner Jerrel: I would like for you to consider it and I would like to be able to...well, we wouldn't. When is the 15th?

Suzanne Crouch: This Friday is the deadline.

Commissioner Jerrel: Well, we either make the request for the Infrastructure line item and get it in by this Friday or we have to wait another month.

Commissioner Tuley: You can go ahead and make the request and put it in and then if we don't agree with the funding mechanism we can always withdraw it by the time they actually act on it.

Commissioner Jerrel: Right.

President Mourdock: With that in mind, I would ask then for a motion to have a request of Council for a new budget item labeled Infrastructure.

Commissioner Tuley: I would so move.

Commissioner Jerrel: And ask for \$3 million dollars?

President Mourdock: John, the number that we are looking at. Is that fairly well coinciding with what the bid number was off the Lloyd to Virginia section?

John Stoll: I've got a \$6 million dollar estimate for Virginia to Morgan. To prepare that estimate I took out the Virginia Street extension plus the work that we had to do out on the Lloyd Expressway right-of-way and I came up with a cost of about \$1,000 a foot for the Burkhardt improvements. Knowing that we'll need a bigger box culvert up through there, I came up with about \$1,200 a foot from there on northward, so that is how I came up with the \$6 million dollar figure.

President Mourdock: The motion was for the line item and then I think I heard an amendment to the motion in your second to go to the \$3 million dollar figure?

Commissioner Tuley: My motion didn't state \$3 million.

President Mourdock: Right.

Commissioner Tuley: That's the problem. It needs to have a dollar amount affixed to it.

Commissioner Jerrel: Yeah, if we are going to have anything appropriated for John to start working on.

Commissioner Tuley: I'll amend my motion to include the \$3 million, but it sounds like even that is not going to be...

Commissioner Jerrel: Well, we can put the other million in from those two funds so we are at four and that means there will be \$2 million additional.

John Stoll: I don't know if there is any cap on the amount of CMAQ Funding, the federal funding that Rose was pursuing for the Morgan and Burkhardt intersection, but that is where some more funds could come from to help pay for the thing.

President Mourdock: We've been told historically that once you are in attainment, which we are supposedly going to be redesignated now thanks to IDEM and the EPA, that CMAQ money may not be available. Do you have any idea what the timing would be on that?

John Stoll: I'm not sure how that works because I don't know if due to the fact that the project has already been initiated through an environmental study it might be funded even despite the fact that we would be redesignated. That is something I can check with Rose on a be sure.

President Mourdock: Please do.

Commissioner Tuley: I'll keep my motion as long as it is with the understanding that...and it sounds like and I would like to see more figures a little more defined just so that we're not...if the idea is, and I heard Commissioner Jerrel say that it was, not to use up every year 100% of the CCD or the riverboat--

Commissioner Jerrel: Oh, no.

Commissioner Tuley: --I mean, I think this is probably a novel idea and a good way to go. As long as we don't just deplete every cash reserve we've got, but the road has to be built somehow.

President Mourdock: Right.

Commissioner Tuley: It has to be done. I'll amend my motion to include the \$3 million.

Commissioner Jerrel: Second.

President Mourdock: I will say so ordered. With that also add that let's still aim for that April 7th date and, obviously,

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

19

Commissioner Jerrel and John Stoll will need to work together very closely to come up with a full plan for the April 7th meeting so that we can see a better handle on what the costs would be and also have a full funding package put together.

John Stoll: Okay.

President Mourdock: Councilman Raben, did you start to say something?

Jim Raben: I am Finance Chairman. Can I be a part of this?

President Mourdock: For the record, Councilman Raben asked as Finance Chairman if he could be part of the record and I think that is a wonderful...or part of that committee, and I think--

Commissioner Jerrel: I do too.

President Mourdock: --that is very important. We certainly hope you do that.

Commissioner Jerrel: Councilman Lloyd could be very helpful. That's two votes.

President Mourdock: Yes, Councilman Lloyd, please feel free to be involved with that. Any other comments from the audience regarding our road hearing?

Tony Greubel: Commissioner Mourdock? This is Tony, the Administrative Assistant. I have several letters that people have sent us about roads that are relevant. One person wants us to extend the westbound turn lane at Boonville-New Harmony Road.

President Mourdock: That's Gene Koch.

Tony Greubel: Yes, Gene Koch.

President Mourdock: John, let me give these letters to you and ask if you would also--

Tony Greubel: I have that. I will give it to him.

President Mourdock: --this is the only one that I have if you have more.

Tony Greubel: I've got more.

President Mourdock: I mean this is the only letter I have. Do you have other letters?

Tony Greubel: Yes.

President Mourdock: Okay.

Tony Greubel: Yeah, a few others. I'll just give them to you. The other letter is from Aimee Hebbeler. This was first sent to the Mayor's office and forwarded to us late last week. She wants more stoplights on Oak Hill Road. She thinks it is too

dangerous north of Lynch Road. Colleen McGovern on the topic that we were just talking about is worried about the Burkhardt and Lloyd area. She thinks there is too much development out there.

Commissioner Tuley: Who is it? Who was the person?

President Mourdock: Colleen McGovern.

Tony Greubel: Yeah, Colleen McGovern. Let's see, then a Mary Kluge called us up and she would like Deshields Drive and Bridgeview Drive to be repaved this year. That's it.

President Mourdock: Okay, John, if you would please include those to your action items for May 5th, so that they're in that report. Okay--

Jerry Jones: Mr. Mourdock, can I ask one thing?

President Mourdock: Sure, Mr. Jones. Come to the microphone, please.

Jerry Jones: I get a little nervous sometimes up here and I don't know if I said this or not, but when I was talking about Lyle Road a while ago it is not the whole road. There is about, oh...a couple of blocks that needs to be built up and then the families would be okay. The dirt that Floyd Staub was talking about, I mean, it is only about 40 or 50 yards from the road, so he might really cut the county a pretty good deal on the dirt. I thought I would add that. Thanks.

President Mourdock: Okay, thank you very much.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Okay, moving from our line item then on the road hearing, the next thing I have is Mike Shoulders regarding an update on the Vanderburgh Auditorium.

Mike Shoulders: I am Mike Shoulders, President of Veazey Parrott & Shoulders at 528 Main Street. I have two items for the Commissioners tonight. The first one, as I promised, was a listing of a project directory of my consultants. I am not asking you to call them and chat each day, but so that you will know who they are and their numbers. If you do have any business concerning any of these sub areas or consultant areas I would appreciate you going through our office on it so that we can keep everything coordinated. That directory is as much for my staff and consultants as it is for anyone so that we know who is on the project and what phone number to call. The other item that I have tonight is a more detailed cost estimate. A further elaboration from two weeks ago when I presented some cost information to you. As you can see from the front page summary, we are on budget with this project. This front sheet has various sub areas of cost and then those areas in the following pages are somewhat delineated in some detail. You have approved in past sessions all of these improvements, so we are not asking you to vote on this budget or to even comment, but I do want you to know what the public monies are being expended for and if you

do have questions on any of this certainly after you have had a chance to study it I would be happy to answer them and go over any of this with you. We are on budget. We are still doing value engineering. As you can see if you compare this sheet to the one we gave you two weeks ago, there are little minor fluctuations and headings. This will continue. This finessing and this refinement and this cost containment and cost prediction effort will continue from now until we bid the project. We do want you to understand the sub headings and the areas where the funding is going. I will entertain any questions that you might have just as you glance through it and certainly will be back in two weeks with another report and at that time would be more than happy to answer other questions that you've had through studying it.

President Mourdock: Questions of Mr. Shoulders?

Commissioner Tuley: Not at this time.

President Mourdock: Bettye Lou? One quick one then, Mike. Is my recollection wrong? I thought you last contingency was showing 7%?

Mike Shoulders: No, it was five and it still is. That will go...when we get about 90% into our construction drawings that will go down to three as we understand, but two weeks ago it was five.

President Mourdock: Okay, was it? Where are you then on the design drawings? Are you still on schedule to have the 90%--

Mike Shoulders: We're on schedule. We will have a 50% submittal in four weeks to you and to Mr. Stoll. We will be at the mid-mark of what we call the construction documents portion. We are still on schedule for the bid date that we had projected.

President Mourdock: Okay.

Mike Shoulders: We will continue to monitor the schedule and the budget in this way and give you periodic updates. I will be out of town in two weeks. I will have Michael Buente, my project architect, here for an update. He will be talking to you about some of these subdisciplines in the project directory. Two weeks after that is our April 7th submittal which is a 50% construction drawing submittal in four weeks.

President Mourdock: Okay. Bettye Lou, did you have any questions?

Commissioner Jerrel: No.

President Mourdock: Okay.

Mike Shoulders: Thank you very much.

**Final reading - Erosion and Sediment Control Ordinance**

President Mourdock: The next item on our list is the final reading of the Erosion and Soil Control...Sediment Control, I mean. That's next on the list. The changed list! Final reading, Joe, comments?

Joe Harrison, Jr.: We need a second reading of the ordinance. The ordinance, again, was published in the newspaper prior to last week's meeting. The ordinance did pass last week unanimously and there needs to be a motion and a second and then a roll call vote on this particular matter. There might be someone in the audience that wishes to address the ordinance. I don't know.

President Mourdock: Anyone here wishing to address the ordinance? Okay. In that case I would move on second reading approval of the Vanderburgh County Erosion and Sediment Control Ordinance. Actually, I would look for a motion for that.

Commissioner Tuley: Just a question. The only thing that was in there last week was...the only change and maybe you said it, Joe, and I am sorry, but there was a request to change in regards to...I forget exactly what it was.

Joe Harrison, Jr.: The only thing and, again, it hasn't been put in here is the fact that Mr. Wathen is going to--

Commissioner Tuley: Put it in writing?

Joe Harrison, Jr.: Yeah. Is going to put the objections in writing. It doesn't say that it has to be in writing or not in writing in the ordinance, but he has consented to notifying the landowners in writing of problems that develop with respect to the ordinance. He is going to draft a form letter to that effect and keep a copy of every notice that goes out not only for the county's protection, but for the landowner's protection.

Commissioner Tuley: Okay. I almost wish that was in writing, but I'll move for approval.

Commissioner Jerrel: Second.

President Mourdock: Since it is an ordinance, I'll ask for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I vote yes. With unanimous approval on second reading it is official. Is that right, Joe?

Joe Harrison, Jr.: It's official.

President Mourdock: Yes.

**Lynn Ellis - City/County Purchasing**

President Mourdock: We have from City/County Purchasing, Lynn Ellis, the approval of a bid for consideration? Is Lynn here?

Commissioner Tuley: She got a hold of me late this afternoon.

She said it is pretty clear cut and asked if she would be excused from attending tonight. I think she had a...she didn't really say why, but she said she would like to be excused if at all possible. She went over it with me and she said it is just pretty clear cut. I told her I didn't think it was necessary for her to be here it was something we could do. So, with her recommendation I would move at this time the approval of the award of bid number APA014-97 for traffic paint as follows: Centerline Industries, Inc. for the paint at \$25,696.52; for Cataphote, (I think that is) Inc., thermoplastic at \$8,920.00; and Flex-O-Lite, Inc., glass spheres at \$3,840.00.

Commissioner Jerrel: I would like to second that motion.

President Mourdock: So ordered.

**Bob Dillow - Group Benefit Service Agreement**

President Mourdock: We have an agenda request from the county's insurance agents, Torian, Hofmann & Dillow for a Group Benefit Services Agreement. Any discussion on this item?

Commissioner Jerrel: I would like to move approval of the terms of this service fee for \$10,000 to provide the six services from 2/1/97 to 2/1/98. These services are the same provided by the previous carrier for the exact same amount of money.

Commissioner Tuley: I will second your motion.

President Mourdock: So ordered.

**Jayne Berry-Bland - County Treasurer**

President Mourdock: County Treasurer on a bit of business that was incomplete from last week on credit card use for taxes. I see Jayne Berry-Bland. Any comments to make, Jayne?

Jayne Berry-Bland: Unless you would have some questions. I did want to come in case you looked over this and had a better opportunity to look over the contract. Not that I can answer anything legal, but I have dealt with the representative, so I will be happy to answer any questions anyone may have.

Commissioner Jerrel: I don't have any. I have been able to read the contract. I just wondered why nobody tried this since it has been in effect for almost three years?

Jayne Berry-Bland: Because they want...what I am hearing from the other Treasurers are they really want to use Visa and Mastercard. They're not convinced that this Discover Card is popular enough. Now the stats that I am getting from the Discover Card people, and I don't know how reliable this source is, but they're saying 31% of all Indiana households have a Discover Card. I personally feel like it is worth trying or I wouldn't of come before you. I certainly think in the years to come we're going to see more and more of this type of payments.

Commissioner Tuley: I might add something. You're a County Treasurer, so you can't say this so I will.

President Mourdock: A former County Treasurer!

Commissioner Tuley: As a former County Treasurer, unless they've gotten a lot more sophisticated in some of these smaller counties it is different, it's new and they're not going to try it.

Jayne Berry-Bland: They won't try it.

Commissioner Tuley: That's part of the problem, I think.

Commissioner Jerrel: What about the, obviously, the counties like Allen, St. Joe, Marion.

Commissioner Tuley: That one I can't answer you. I mean, I don't have an answer for you on that because they obviously, I mean, Tim Berry who is the Treasurer in Allen County he is pretty progressive.

Jayne Berry-Bland: I will say along that same line that the only other county that I am aware of that are even doing that debit option that I spoke about last week where you sign a form and we can literally take it out of your checking or savings account, Marion County is the only one that is doing that and they are in their second year. I'm not sure why these things are not implemented any sooner, but I think in the very near future we are going to be forced. Cash management has been around since 1990. I'm close, or approximately 1990.

Commissioner Tuley: Yes.

Jayne Berry-Bland: As of 1996 there were seven counties that use the cash management system which is sad. We are one of them and we went on right away, but it's certainly a way to get more return for your money.

Commissioner Tuley: Jayne, let's just call this a pilot if nothing else. The first year your intent was to rent the equipment and see how it goes. If it creates more problems than it is worth then at that time we are out the rent of the equipment. We haven't bought anything that we are stuck with. Is that correct?

Jayne Berry-Bland: That's correct.

Commissioner Jerrel: Then you can tell how accurate the percentage is.

Jayne Berry-Bland: Yes, I can. They do, and I think I mentioned this last week, they do in the rental of this equipment I would rent a printer also and it prints us a report at the end of the day that shows exactly how many people called in and how many people mailed in. There is a way to designate that, so that will be interesting for us to know, too. Of course, I can do percentages of how many people...how many tax bills I send out and how many taxpayers actually use this service.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

25

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I will second.

President Mourdock: For the purpose of a vote, I would like to call for a roll call vote if I may? Commissioner Tuley?

Commissioner Tuley: I'll vote yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I will respectfully vote no. Jayne, I salute you innovativeness and I really do appreciate the fact that you are looking to try to do things differently, but I just have a problem with people paying their taxes on credit. I realize a lot of people probably pay the bill by the end of the month anyway, but I just hate to see government encourage that kind of debt. Again, I salute your--

Jayne Berry-Bland: I respect your opinion.

President Mourdock: --innovation. Well, thank you. I salute your methods there.

Jayne Berry-Bland: Handling as the Treasurer of the county I will try to get the money for the county in any means that I possibly can.

President Mourdock: Sure.

Jayne Berry-Bland: I really don't think it is all bad. I would much rather, as I said last week, put my tax bill on my credit card then to have the county take my home.

President Mourdock: I thought of that--

Jayne Berry-Bland: Which would be a last means, but I do understand exactly.

President Mourdock: You made that same comment last week and that one did have a lot of merit to it, but sometimes it is just philosophical.

Jayne Berry-Bland: I understand. Thank you.

President Mourdock: Thank you. The next item is also from the County Treasurer's Office regarding the Citizens Bank Cash Management Contract.

Jayne Berry-Bland: I guess you will want me to address this also. Apparently during my research on the credit card payments and getting with the bank we've had some problems with Citizens Bank this year. We signed or we thought we had signed a contract with them in September of '96 to begin on January 1 of '97 for a two year contract period. The bank, nor Mr. Greubel or no one can seem to find a signed copy. We looked back through the minutes. Apparently the contract never got signed.

It got awarded to Citizens on September the...Tony? The 23rd?

Tony Greubel: September 23rd it was approved.

Jayne Berry-Bland: It was approved. I gave him a copy of the approval of the minutes, but no one can find a signed contract. So to ensure that we're right I felt like it needed to be presented again. I'm not sure whose responsibility that was for the contract.

Commissioner Tuley: Let me put you on the spot then, seeing how you've had this since January 1 without a signed contract you do want us to sign it?

Jayne Berry-Bland: Please.

Commissioner Tuley: Okay. I was going to say, if you've had any problems now is a chance to regroup and back out!

Commissioner Jerrel: I have one question. Is this usually on a low bid basis?

Jayne Berry-Bland: Yes. There are several factors, but yes.

President Mourdock: I would look for a motion.

Commissioner Tuley: I would move then since we don't have a signed contract that either the President or all three or whomever needs to sign it would sign the contract.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Jayne Berry-Bland: Thank you.

**Any group or individual wishing to address the Commission**

President Mourdock: We are at the end of our action items which means any group or individual wishing to address the Commission on any issue that is not on here please come to the microphone.

Leroy Walther: Leroy Walther, 8417 Old State Road on the sewer project extension on Old State Road from...Mr. Tuley is smiling at me. It's been a long time.

Commissioner Tuley: Well, it is funny that you would bring it up. I don't think you had got here yet tonight when we were talking about your very project.

Leroy Walther: I'm sorry I was late. I thought the meeting started at 6:00.

Commissioner Tuley: No, no. That's fine. That's not a problem. That's the reason that I am smiling because we did talk about it.

Leroy Walther: Oh, okay. What I wanted to know is there

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

27

anything else we have to do as the group on Old State? We do have a preliminary plan in, we've got an estimate in to the--

Commissioner Tuley: Engineer's office.

Leroy Walther: --Engineer's office. Our preliminary plan has been approved by Jim Williams in the Sewer Department. We have 60% of the residents there. There are a total of 25 of us. There are 15 of us that want the sewer. Again, as I stated before, probably the majority of the septic systems in our area do not function properly.

Commissioner Tuley: If I might take the lead. What came out tonight is John Stoll did indicate to us that you guys did have preliminary approval. There were some minor modifications that have to be made to the plans as submitted, but overall the city accepts them. Where we're at right now, and Joe is trying to get us a definitive answer on this, we've tried to save money for everybody involved is to try to combine your Barrett Law project with the one on Oak Hill Road and one out on Westwood Hills. Yeah, Westwood Hills Subdivision for road projects. Joe is trying to get us a definitive answer on that because if we can minimize costs because your costs obviously isn't going to be just the cost of the sewer. There is going to be a bond issuance cost and all this kind of stuff.

Leroy Walther: Right.

Commissioner Tuley: Joe is trying to help us save some legal fees and some of these other fees if we can do it. I think once we nail down where we have to go from there, then I think at that time this Board will take whatever action or be ready to take whatever action or at least bring it to the table. Let me get this phrased right. Bring it to the table so that we can take whatever action deemed by this Board of what is legal that we need to do to make this project move on.

Leroy Walther: If I may say, if I remember correctly last year when a resolution was approved and presented by Keith Rounder that at that time there was X number of dollars that was available in some kind of bond money. I don't know and you thought there would be enough in that to cover that at that time.

Commissioner Tuley: I don't really remember any money that was set aside because this is all going to take new money.

Leroy Walther: Well, I don't know if it was set aside, but you said at that time you had a surplus that you would go into that was...I don't know what it was allotted for--

Joe Harrison, Jr.: Excuse me. Have you all done the petition process yet?

Leroy Walther: Yes.

Joe Harrison, Jr.: You have?

Leroy Walther: You mean in our community?

Joe Harrison, Jr.: Yes.

Leroy Walther: Yes.

Commissioner Tuley: I don't think this Board has ever adopted the resolution.

Joe Harrison, Jr.: I wouldn't think so. Okay.

Leroy Walther: No, this Board, it was approved last...I'm going to say in October.

Commissioner Tuley: I am going to try and speak from memory here. Hopefully, I'll get it right, but no guarantees. I think what this Board did was accept Keith Rounder's package and guidelines. I don't think we actually officially said, yes, we're going to do this.

Leroy Walther: No, what you said was that we would, since this was the first one with this Board, that you would take it step-by-step.

Commissioner Tuley: Right, believe it or not those steps, I think, they've got molasses on the bottom of our shoes, but we are getting there.

Leroy Walther: That's the reason I am here. I don't want it to die on the vine.

Commissioner Tuley: Anybody that I have conversations with on the phone I tell them, you know, don't hesitate if you pick up the phone every month or something or two months if you've not heard something from us or seen something going on because I don't think there is anybody on this Board that would be offended if you just call and remind us because as you see there is a lot of things that get brought to this Board that are being handled by two and three and four different people. I think where we're at really in all three cases right now is when Joe gets some more legal advice on what we can do I think we will be ready to bring everything to the table in terms of a resolution and get all of them. The intent would be, if at all possible, and this is something that I think Commissioner Jerrel brought up earlier, this year during the construction season is the time to get these projects going if at all possible.

Leroy Walther: Well, we was hoping that we could get it started by the first of May. Of course, our project engineer drug he feet and didn't get everything going.

Commissioner Tuley: John has been dealing...our engineer has been dealing with your...Andy Easley?

Leroy Walther: Yes.

Commissioner Tuley: Yeah, so John has been dealing with Mr. Easley, so they are communicating.

Leroy Walther: I don't know if Mr. Easley was premature in sending a letter to the County Commissioners on February 12th.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

29

Do you have that?

Joe Harrison, Jr.: I think we do, yes. I know John Stoll has a copy of that information, so we are well aware of the plans that you all have for each of the projects and your project is the one off of Old State.

Leroy Walther: Right.

Joe Harrison, Jr.: I've got my card for you, too, if you ever want to call me.

President Mourdock: I just went back to my records and this was back in October, you were right. I had that Mr. Kissinger made the comment that the bonding that will be required will count against our general indebtedness limits and that no General Funds would be available given the current budget requirements. Perhaps that's where the comment came up about the indebtedness.

Leroy Walther: Well, I'm old and I don't remember too well.

President Mourdock: As long as this is young, I'm young!

Leroy Walther: Okay, so you are taking action.

Commissioner Tuley: We're moving slowly, but we're moving.

Leroy Walther: Okay.

President Mourdock: Definitely get with County Attorney Harrison to be sure he knows everything that you have compiled at this point because we do want to keep your project moving along.

Leroy Walther: I do have a petition signed for the 60% and I assume that our project engineer has given that to John Stoll.

Joe Harrison, Jr.: There is going to have to be some...under the law you're probably going to have to go out and get that again, but you and I can talk about that. We'll talk about that. Once the resolution is signed, the preliminary resolution is approved...if it is approved by this body, then that starts the petition process and you already know who you have on your side and I think it would be easy to probably go out and get their signatures again, but we can talk about that.

Leroy Walther: Okay, thank you.

President Mourdock: Thank you.

Commissioner Tuley: Thank you.

President Mourdock: Yes, ma'am.

Jan Titzer: My name is Jan Titzer. I live at 6335 East Baseline Road. On the Soil Erosion Ordinance that you passed tonight, may I have a copy this evening?

President Mourdock: Sure.

Commissioner Tuley: Sure.

President Mourdock: Mike, do you have a copy with you? Tony, do you want to get a copy for Ms. Titzer.

Charlene Timmons: I've got one.

President Mourdock: Charlene has a copy at this end, Ms. Titzer.

Jan Titzer: Thank you.

President Mourdock: Uh-huh. Anyone else from the audience to address the Commission?

**John Stoll - County Engineer**

President Mourdock: Okay, department head reports. County Engineer, John Stoll.

John Stoll: The first item that I've got is the recommendation to award the Strawberry Hill bridge project to CLR, Incorporated. It is in the amount of \$57,087.

President Mourdock: Obviously, you're recommending approval on this. Is everything squared up with the bridge design and hydrology or hydrologic studies?

John Stoll: Yes.

President Mourdock: Okay.

John Stoll: The only thing that we've discussed in the office as of late was in regard to the pile driving. Since it is in a residential area, we were wondering if we might need to drill the holes rather than actually drive the piles into the ground. I talked to Mr. Reitmeyer with CLR and he said that would be an additional cost of about \$3,000, so that is something that we may want to consider in order to prevent all the noise and vibration from the pile driving in the residential area.

President Mourdock: Steel piling or wood piling?

John Stoll: Wood piling.

President Mourdock: Do we have any...I guess maybe this is to the County Attorney here. If we decide to go with the pile driving option I think your concern is very valid. We need to make sure that there is specific insurance coverage in case someone claims a picture is knocked off the wall or whatever as a result of pile driving.

Joe Harrison, Jr.: Can we get an indemnification agreement or something along those lines before this body adopts or approves this?

John Stoll: We have a certificate of insurance from the contractor.

Joe Harrison, Jr.: Okay.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

31

John Stoll: For the project.

Joe Harrison, Jr.: What...can I see that? You don't have it with you right now do you?

John Stoll: No, I don't.

Joe Harrison, Jr.: Okay. Have you reviewed it?

John Stoll: Yeah, it is just a standard certificate of insurance. I don't remember what the limits are right off the top of my head.

Joe Harrison, Jr.: You might want to wait until next week.

President Mourdock: Is that a big problem for you?

John Stoll: Actually they were wanting to start the bridge this week if possible.

President Mourdock: When will you know whether or not you are going to go with the dug or drilled piling or the normal driven piling?

John Stoll: There are two test piling sites where two test piles will have to be driven first. I guess we could see how that goes before we make the final decision. This is the first bridge that we've had in a residential area since I have been with the county, so that is why I am not familiar with what complaints we may run into with pile driving in this area. All in all I thought \$3,000 was fairly reasonable. If we run into any problems at all my recommendation would definitely be to just go ahead and drill rather than drive the piles.

President Mourdock: Okay. You're right, there is not a big cost difference given the nature of the project. I guess I would encourage you...it sounds like we may go ahead and act on it, but encourage you to talk specifically to the contractor about making sure his insurance is good in case there is any--

John Stoll: Okay. I'll get you a copy of the insurance certificate, too.

President Mourdock: Other questions for John regarding Strawberry Hill? I would then ask for a motion for acceptance of the proposal.

Commissioner Tuley: I'll move at this time then for the approval of the contract with CLR, Incorporated of Vincennes as discussed.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is in regard to the Gershman Brown shopping center traffic control request that was made a few weeks ago. The county attorney has been in contact with Gershman Brown's attorneys in regards to this issue. Gershman Brown through their attorney, Marco DeLucio, has

submitted a letter stating that they would cover the cost of off-duty police officers to direct traffic in and out of their site. If the Commissioners approve the officers being there...I'll show you the letter.

President Mourdock: Again, the question of liability is foremost in my mind.

Joe Harrison, Jr.: They're hiring two off-duty officers. The county would have to permit them to be able to stop traffic out there on Burkhardt Road. I think given the situation that is going to occur out there with the increased traffic, I think this is a wise move for the county to permit them to hire off-duty officers who are, again, at least they're not...well, I'll strike that. I think that would be the appropriate thing to do in this instance.

Commissioner Jerrel: Okay, I am going to make a motion to approve hiring off-duty--

Joe Harrison, Jr.: No. We're not going to hire them--

Commissioner Jerrel: I know, but the term off-duty police officers or sheriff's deputies. I grant permission to Gershman Brown to hire off-duty police officers or sheriffs to control traffic into the entrance. Is it the entrance way there at Virginia?

John Stoll: No, it's on Burkhardt--

Commissioner Jerrel: On Burkhardt.

John Stoll: --across from Kmart.

Commissioner Jerrel: Okay, across from Kmart.

Commissioner Tuley: Second.

President Mourdock: So ordered. Again, perhaps just for the record, Joe, if you would send them and draft a letter or something. My concern about liability remains one of if one of the off-duty officers or anyone else for that matter is working on this basis and they fail to alert someone of oncoming traffic we're probably all going to get sued anyway, but I just want to make sure that we have the best possible protection.

Joe Harrison, Jr.: Sure, sure.

John Stoll: One other item that they have proposed as of late is the possibility of a signal installation at that intersection. There are several issues that have to be resolved before that can be put in place, but what we would like to do is put as much in permanent signals in place if that is going to happen, but the main thing is we want to make sure the signal doesn't make things worse rather than better. They would have to hire a consultant to evaluate that possibility and that is something that you will probably hear about again in the future.

Commissioner Jerrel: I have a question and you may know the

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

33

answer or you may know the answer. Was a traffic light recommended in our plan?

John Stoll: Yes.

President Mourdock: Yes, there is a traffic light approximately 350 feet north of Lloyd.

John Stoll: I think it is about 600 or 700 feet.

Commissioner Jerrel: Okay, so there wasn't any concern about traffic backing up and being over into the Lloyd if there was a-

John Stoll: Yes, and I have a feeling that once that is in operation the best way, maybe about the only way you'll get in and out of that site, is going in off of Virginia Street because they will probably have to have a real long green time for north/south traffic on Burkhardt which would just let traffic line up on the two shopping center approaches, but we can't let traffic back up out onto Lloyd. So that will be the primary movement as far as allowing the green time for Burkhardt traffic which will result in long lines on the parking lots probably.

Commissioner Jerrel: It didn't make a lot of sense to me, that's the reason I asked.

John Stoll: The reason that it ended up there is because that was Kmart's primary entrance, so we wanted to try and make a four-leg intersection out of it. The developer had hired a traffic engineer out of New York to do all the studies saying that it would work, but I still think that the primary way you'll be able to get in and out of there will be off of Virginia Street because you won't have the stacking problems with traffic lining up out to the Lloyd Expressway.

President Mourdock: It is my recollection, and one of you guys will remember probably, that was EUTS' recommendation was it not?

Commissioner Tuley: I think based on information provided to them from this.

President Mourdock: Right, the guy that John just mentioned.

Commissioner Tuley: The New York consultant.

John Stoll: The signals are based on warrants established in the manual on uniform traffic control devices and the consultant estimated that the traffic volumes would meet those warrants, so that was where the justification came from. It will be a coordination problem to make sure it doesn't cause problems that back up out on the Lloyd Expressway.

President Mourdock: Anything else, John?

John Stoll: The only other thing is I just want to let you know that I've got a tentative meeting set up with Mikki Heck on Wednesday.

President Mourdock: Okay, that is on Radio Road?

John Stoll: Right.

President Mourdock: Okay.

Commissioner Jerrel: I'll call you tomorrow.

John Stoll: Okay.

**County Garage**

President Mourdock: The next item on our list is the County Garage report which we've already received, of course.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney. Joe.

Joe Harrison, Jr.: I guess I just have two matters. I think you all have a copy of the draft of an ordinance concerning the use of county funds for the payment of membership dues and other fees. I've got an extra copy if any of you all need that and Charlene has a disk regarding that ordinance. This can be one of two ways. We can publish it ahead of time and consider it or we can consider it on two occasions and publish it thereafter. It is up to you all whatever you want to do. If you want to consider it next week and then the following week and then she can publish it that is fine. It is up to you all.

President Mourdock: One question, I guess, for the Board on this one.

Joe Harrison, Jr.: Sure.

President Mourdock: I don't know if you've gotten my notes about that ordinance?

Joe Harrison, Jr.: No.

President Mourdock: I do have one question. The text in the ordinance is somewhat broad to officeholders, county employees, county officials, whatever that means. I'm not quite sure. I guess my feeling was that as far as allowing those memberships and dues during our discussions we were being specific to elected officeholders. Is that the Board's intention as opposed to just "county employees"?

Joe Harrison, Jr.: The County Council as to those particular...in the second, third and fourth paragraphs are basically things that can and can't be done with county funds. The first paragraph of the draft talks about the Commissioners may adopt certain ordinances...or to adopt ordinance establishing certain guidelines concerning the use of county funds for the payment of membership dues and other expenses that may be incurred by county officeholders, county employees, county boards and county bodies. The Council then may designate which specific professional organizations or associations county

funds may be appropriated to pay the membership dues on behalf of either officeholders or county employees, county boards or other county bodies. It is the County Council that has to make that call. However, most of these particular requests are going to come to this body anyway. But they are going to have to decide at budget time or during the year if they want to pay an additional appropriation concerning those particular membership dues. The ones that are listed up in two, three and four are really the ones where we've had the problems according to the Auditor's Office and according to the Indiana State Board of Accounts. That is where we have to stop paying for membership dues for the judges and other attorneys that are employed by the county whether they would be in the Prosecutor's Office or Legal Aid for their memberships to the Evansville Bar Association, State Bar Association, American Bar Association, etc., and also disciplinary fees for judges, magistrates, other attorneys, Legal Aid attorneys. However, the Prosecutors were able to get an exemption through that and their disciplinary fees may be paid, the County Prosecutor as well as full-time deputies. So what I wanted to do was set forth who can and can't be...can't have their memberships or disciplinary fees paid.

President Mourdock: Okay, all that notwithstanding, I guess is it the desire of this Board to fund or approve, obviously with the Council's acceptance, that entire list of potential people or was it just intended to be the elected officeholders? If we choose that can we make it that?

Joe Harrison, Jr.: Well, again, you can do whatever you want. That's why this is a draft. I wanted you all to look at it. I think it might be helpful if you have some questions on who has been getting memberships paid in the past. I know I've got a list somewhere, but Suzanne, in the Auditor's Office, has that list and I think for the most part it has been officeholders. But again, there are county employees, for instance, there are attorneys who work for Legal Aid and some others that have had things paid. The Auditor may know for sure.

**Tape change**

President Mourdock: Bettye Lou, go ahead.

Commissioner Jerrel: Are you ready? I would like to look at the draft and also speak to Council to see what would be most effective for them when it comes to the budgeting process.

Joe Harrison, Jr.: Yeah, I think that...again, this is just a starting point. You may want to wait three months, but I have been hounded to look into this. This even came up last year when I was counsel for County Council a number of times. It is just something that has to be done whether it is done this month or next month or whatever, but at least there is a starting point and you all can do whatever think. If you need some more advice on these things just yell at me. As far as the other one that we have here and I don't know if I have a copy of this in front of you. Pat, why don't you pass that down. The Drainage Board required or asked that I draft an ordinance concerning a filing fee in connection with the filing of a petition under that obstruction ordinance concerning the removal of

obstructions from a drain or natural watercourse. You've asked that a filing fee of \$100 be accompanied with the petition that is filed. Filing fees are permissible under the state statute and this ordinance relates to that particular request. I would ask that you ask the Auditor's Office to advertise this particular ordinance and have you all consider it at your Drainage Board meeting on the 24th. Is that correct? This would give us enough time.

President Mourdock: The question though, and this is the crazy thing, as the members of the Board of Commission can we act to advertise this on behalf of the Drainage Board since the Drainage Board is not in session?

Joe Harrison, Jr.: Sure. Bettye Lou is the President of the Drainage Board and can give her okay to put any...or any other member of the body, but certainly the President can go on and do that and plus you at the last Drainage Board meeting authorized me to prepare this to get it in the paper anyway.

Commissioner Jerrel: So you are saying that we don't need a motion then?

Joe Harrison, Jr.: No.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: I just want you to have it before it's in the paper in the next few days.

President Mourdock: We do need a motion to advertise though?

Joe Harrison, Jr.: Yes, that's fine. That's fine. What I would do is I would have Bettye Lou make the motion since she is President of the Board.

Commissioner Jerrel: At this time I will move that we do advertise for the Drainage Board the ordinance establishing the fee.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Tony Greubel: Actually, I have one question about that. Who do they pay the filing fee to? Would it be the Administrative Assistant, the Superintendent of County Buildings, or would it be someone in the Auditor's Office?

Joe Harrison, Jr.: Well, it is going to come in with a petition. Whoever is standing in the Commissioners' Office who takes the petition. Tony is going to be obtaining a stamp, a file stamp, that says received this date by the Vanderburgh County Drainage Board.

Commissioner Jerrel: And then quietused in.

Commissioner Tuley: Well, it is going to have to be quietused in anyway, yeah.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

37

Joe Harrison, Jr.: But it will be payable to the county. I'm sure there will be some procedures set up between the Commissioners and you as to who takes the money and that sort of thing.

Tony Greubel: There is nothing wrong with someone else taking the money? I was just wondering if...unless it would be the Auditor or the Treasurer I was just wondering if--

Joe Harrison, Jr.: It is going to come into the Commissioners' Office, so they will have to tell you how to handle that.

Commissioner Tuley: Yeah.

President Mourdock: On another drainage...were you finished with your legal report, Joe?

Charlene Timmons: I have a question about that real quick. The advertising. Twice?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Do I advertise it as a first and second reading? Are we going to do it in two separate months or just as a reading?

Joe Harrison, Jr.: Just as a reading.

Charlene Timmons: Okay.

President Mourdock: Also another drainage issue, I know Commissioner Tuley is going to be out of town the 24th, which is the next Drainage Board meeting. I don't know if it has been filed yet, but I understand from the Phoenix hearing that took place last time that was continued or there were revisions being made.

Commissioner Tuley: It received preliminary approval, so it could possibly be back.

President Mourdock: Okay. I have not voted on that in the past and I do not wish to do so in the future and I am wondering if we need to schedule or reschedule that Drainage Board meeting or do something different for that one particular issue.

Joe Harrison, Jr.: Yeah. It was my understanding in talking to Bill Jeffers that he was agreeable with having that particular matter set for the 31st after our meeting since we have five meetings this month and then on the 24th have whatever is scheduled for the 24th.

President Mourdock: Okay, have the regular drainage meeting the 24th, but if, in fact, Phoenix is ready to resubmit something--

Joe Harrison, Jr.: I think they are.

President Mourdock: They are?

Joe Harrison, Jr.: It is my understanding they are and they are

going to have to advertise for that--

President Mourdock: For that special meeting.

Joe Harrison, Jr.: Yes.

President Mourdock: But we would actually formally schedule the special Drainage Board meeting then on the 24th?

Joe Harrison, Jr.: Yes...a no. The special one would be the 31st.

President Mourdock: But we would schedule it on the 24th?

Joe Harrison, Jr.: You can put that in, again, just like the ordinance. You can get that in today if you want to get that notice in time.

President Mourdock: But we don't know for sure that they are going to present it until the 24th do we?

Tony Greubel: I'm certain they will. I've talked with Mr. Tubbs with Phoenix.

Commissioner Jerrel: Okay, so we do need to...do we need a motion on that?

Joe Harrison, Jr.: You can do that today...if you want to wait, but I would get it in as soon as possible.

Commissioner Jerrel: Okay, I would like to move that we hold a special Drainage Board meeting on the 31st.

President Mourdock: Specific to the Phoenix.

Commissioner Jerrel: Specifically for Phoenix approval or disapproval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else, Joe?

Joe Harrison, Jr.: That's all I have.

**Tony Greubel - County Commission Office**

President Mourdock: Okay, Tony?

Tony Greubel: Okay, getting back to our travel account 1300-3130. Our present balance is actually \$7,362.85 as of last Friday. On Friday I also took notes during the County Personnel meeting chaired by Commissioner Tuley. I have included those notes, but Commissioner Tuley will review them to you later. I did mention the Westwood Hills Subdivision, but since Mr. Ackerman was here you already know about that. I am also going to submit a travel request for Commissioner Tuley when he attended the County Government Day. That was already approved actually in one of our meetings in February, but we have to get the signatures. One other meeting, going back to the Personnel

meeting, I was wondering Commissioner Mourdock, I don't believe you'll be able to attend the one this Friday that you were originally scheduled for.

President Mourdock: That's right. Joe and I will be in Indianapolis, so, Bettye Lou, will you be able to cover that one?

Commissioner Jerrel: Yes.

President Mourdock: Then I will take the following week. Anything else?

Tony Greubel: That's it.

<b>Consent items</b>
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President Mourdock: We have in the packet our consent items.

Commissioner Jerrel: We have a couple of people here and I think that it is appropriate that we at least raise the issue and I did call Ms. Musgrave's home because we had some telephone calls regarding the testifying and the issue of travel for the purpose of attending legislative meetings. I was just getting ready to do a little math to see. We've spent, and we don't have any of the bills in yet from last week's travel, so we've spent close to one half of our budget in the first two months of the year. The issue is since there is a difference of opinion among officeholders on these issues and I don't want to make a decision so I have written the note and I don't know if either one of you have received any calls, but we just need to come to some kind of agreement on this.

Cheryl Musgrave: What's the question?

Commissioner Jerrel: The question is should we continue paying for trips to Indianapolis to testify on bills for two different opinions, two different offices or more than two different offices over the same bill? Did I make myself clear? Bill X is opposed by one group and bill X is supported by another.

Commissioner Tuley: Yet another.

Commissioner Jerrel: So that is the issue. Whose place is it to pay for this?

President Mourdock: In my mind the greater question is the one that was raised at the outset of your remarks. We've gone through half the budget in two months.

Commissioner Jerrel: Right.

President Mourdock: Regardless, for the moment, regardless of the intention of the trip I think that in itself is a major issue is how that travel budget is put together, how it's used and how it is funded and whether or not it should be done under the budget of the Commissioners versus someone else. I think that is one issue. I guess regarding the second issue on who is for something and who is against something I am open to any

comments that anybody has got on that one.

Cheryl Musgrave: Well, if we are speaking theoretically, theoretically we're all elected. Theoretically we all have a job to do and we should represent the people the way one sees fit. If you want to ask specific questions about specific trips I think I could better address those. Do you have a specific question?

Commissioner Jerrel: Well, no, I just wanted to know how you felt about it. I guess...we haven't discussed it as a body, but it has been raised, you know. These are taxpayer funds. The legislature is in session. They're making a decision. You both belong to opposing associations on this issue.

Cheryl Musgrave: I think that is a rather broad statement, that we both belong to opposing associations. That's not--

Commissioner Jerrel: Well, I mean they oppose this bill. One group is for it and the other is against it.

Cheryl Musgrave: Oh, I think that also is much too broad.

Commissioner Jerrel: Is that not true?

Cheryl Musgrave: Absolutely.

Commissioner Jerrel: Well, tell us what you think because I don't know enough about it. I have a copy of the one group and some of their statements and I just want us to come to grips with the issue.

Cheryl Musgrave: Okay. Under discussion right now among the County Assessors Association, the Township Assessors Association, the Auditor's Association, the Treasurers Association, the Association of Indiana Counties, the State Tax Board, oh, a group called CRIPTIC, which stands for something which I have forgotten it includes so many groups. It is House Bill 1783. It is a real short bill. Double sided. I have read it a couple of times now and don't pretend to understand every word. It's 264 pages. If the Governor campaigned on property tax reform this might be his bill. I don't know. I keep asking who wrote this bill? I don't have an answer to that. This bill has passed out of the House. This bill has been sent to the Senate. The Senate passed a bill and it has been sent to the House. They contain some of the same provisions. They contain provisions that the other's bill doesn't have. This bill contains a lot of things that I think all of us want. One of those would be to delay the reassessment. In fact, both bills contain this, to 1999. I think both bills contain the provision to change the ratio for taxable property from 33 1/3% to 100% of true tax value. I think most people who think about our assessing system realize that taking an assessment and dividing it by three simply serves to confuse. So this is taking that out. It eliminates certain requirements for exemptions. If you have a church and you have a sanctuary at that church you would no longer have to refile every four years on the sanctuary. Just one time. It contains so much stuff in here that the summary keeps going on to the next page. Lots and lots and lots

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

41

stuff it has in here. It also completely revolutionizes the way that property is assessed and who does what.

President Mourdock: Excuse me, Cheryl. I don't want to lose track of the point here and I know you were asked a specific question and you are trying to answer it, but let me come back to my comment from before. Your comment that said we are all elected to represent something, I think, is a very valid comment. Certainly there are three people on this Board and at any given time you may find at least four opinions among the three of us. Okay? Isn't the question before this Board not that specific piece of legislation--

Cheryl Musgrave: I'm not sure.

President Mourdock: Well, that's what I want to find out. It's not that specific piece of legislation or any specific piece of legislation. Is the question should the Commissioners' travel budget be used on lobbying trips? Period. One way or the other.

Cheryl Musgrave: Well, the question here is are the trips that I am taking lobbying trips? The trips that I am asking for approval to go to is the legislative committee meeting of the County Assessors Association.

Commissioner Tuley: Which you are a member?

Cheryl Musgrave: I'm a member, yeah. So this is the County Assessors Association, this is the legislative committee and we're getting together to discuss what is in this bill. There won't be a legislator in the room.

Commissioner Tuley: Okay.

Commissioner Tuley: Normally, and I'll say this, normally or my experience has been that normally the associations do pick the legislative committee members to be people who live in or around a reasonable distance to Indianapolis because of the required trips and it just eats the counties alive. That's not saying that you don't have a right to be a member, but we have a request almost once a week to go to Indianapolis which is eating our budget up.

Cheryl Musgrave: Well, I understand that, but then you get to the flip side. Do we want to have influence in Indianapolis or not? There is only one way to do that and that is to show up. I think I am getting to the point where they are actually listening to me. Between the first version of this bill and the bill that got passed out of the House I got a couple of small changes made. Well, it's not nearly enough to satisfy the folks who are calling you. That's all I could do.

Commissioner Jerrel: Well, I don't have...Sheriff Hamner has a favorite phrase right now in this fight, but I just would prefer that we come to some agreement. Are we going to go every week?

Cheryl Musgrave: Well, I sure hope not.

Commissioner Tuley: So do we!

Commissioner Jerrel: We can't afford it, so you need to think about it. You're not the only person that has some requests in here. We have Sherman Greer, I think, it's his 17th request. I was going to recommend that we talk to the Mayor and we come up to an agreement because it is very easy to say, yes, I'll do this or I'll go here or I'll go there and then you have an endless trail of requests.

President Mourdock: We do, but what Cheryl said a moment ago is absolutely right. I've heard you say it, Bettye Lou, and I don't know that I have heard you say it in this meeting, but outside of this meeting many times I have heard you make the comment about having some effect on people in Indianapolis. You've got to be there. I mean, I'm sure Pat's comment that they normally pick people for those committees from Marion County and Martin County...or not Martin, but Brown County and the several surrounding them. I'm sure that happens, but it begs the question is that in our best interest and I can't believe that it is.

Commissioner Jerrel: I guess I'm--

Commissioner Tuley: It doesn't necessarily have to be, but each association may have an Executive Director who is supposed to work on behalf, such as the Commissioners and I don't know if the Assessors have an Executive Director as a--

Commissioner Jerrel: They do. Isn't that Sandy Buickel?

Cheryl Musgrave: She is the lobbyist. She is not our Executive Director and that is a very big difference there. Very big.

Commissioner Jerrel: Right, but they have someone.

Commissioner Tuley: Someone channels the feelings and what have you of the Assessors, the Treasurers and the Auditors to these people. That's why we went up to County Government Day for one meeting to sit there as a group and then give our Executive Director our feelings and let them carry them forward. Yes, it would be nice if we could have the Auditor and the Treasurer and everybody else on these legislative committees to make a presence in Indianapolis, but some how we are going to have to do it by letter, by phone or something else or the doors open.

Cheryl Musgrave: Well, I would like to point out that this is my second year...no, it is going on my third. This is the first time that I have made more than a couple of trips outside of the State Tax Board meeting or something like that to Indianapolis. This is the biggest bill reforming property tax assessment in I'll venture to say in the last 25 years. This is going to change things in our county big time if it goes through and some of the changes that they're making are not good for Vanderburgh County. They're good for Warrick, but they are not good for Vanderburgh. I'm going to go with or without payment because some of the things that they are doing here are not good for us and I'll be there with my big mouth as always letting them know. Sandy Buickel, I know that you know her--

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

43

Commissioner Jerrel: Uh-huh.

Cheryl Musgrave: --and I know that you respect her, but the County Assessors Association almost fired her last week. There are reasons to go. I'm going to continue going.

Commissioner Jerrel: Well, just so you understand the situation that we're in. I don't have a problem making a motion to approve these, but I do want this body to send a letter to the Mayor about the one joint department. I think we've reached a point where we need to at least put that in writing.

President Mourdock: Okay.

Cheryl Musgrave: I will try to keep it to a minimum.

President Mourdock: Okay. Before we leave the issue on your points made, Cheryl, I am wondering...we are some distance away from budget time, but as budget time comes up this coming year I think, again, this point of if we are going to have impact in Indianapolis we've got to have people like Cheryl who are willing to go even if it is out of their own pocket to do it. Not that I am suggesting that's the method.

Cheryl Musgrave: Thank you.

President Mourdock: But people who want to go to do this who were elected to do it or for whatever reason, it seems to me that we are selling the county short if we don't find a way to do it. I realize that money doesn't grow on trees, but you can't have your cake and eat it too. Either we are going to be there and we are going to pay to be there or we're not going to be there and we are going to accept the fact that sometimes we feel like we're shortchanged.

Commissioner Tuley: Let me take it one step further then. We used to do this years ago and because a Council member screwed up, but each individual officeholder is duly elected to do their job and is given a budget every year that has thousands or millions of dollars in it yet we don't trust them to give them their own travel allowance. Put it back in there to their own individual budgets and let the Council sit back and question about the trips and let them justify their trips and get it out of our budget altogether. President Mourdock: I totally agree. I don't know why it is in there. I mean, I really don't.

Commissioner Tuley: Oh, I'll tell you. It's because a Councilmember screwed up several years ago and tried to take a lot of extra money on a trip, so they said they would put it all under ours and then we would have to approve it.

Commissioner Jerrel: Is that how?

Commissioner Tuley: Yeah, it was one of my Council members. I'll own up. You know who he is.

President Mourdock: He didn't go to New Orleans (inaudible).

Commissioner Tuley: Yes, he did. That's exactly where he went.

Cheryl Musgrave: Well, I won't go to New Orleans.

Commissioner Tuley: Anyway, I just would rather take this out of our budget--

Cheryl Musgrave: Been there.

Commissioner Tuley: --and I don't know why we have to give you permission to travel.

Commissioner Jerrel: It would be a good time to do this when we do the you're going to be able to pay dues for this and this is the only thing that dues are going to be paid and right below dues would be travel.

President Mourdock: You're suggesting in the budget process.

Commissioner Jerrel: Yes, in the budget process.

President Mourdock: Yeah, okay. Alright, thank you, Cheryl. Did I hear a formal motion here?

Commissioner Jerrel: Yeah, I did.

Commissioner Tuley: A motion in terms of the consent items? Is that what that was?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: Scheduled meetings. We have, I think, a calendar published with the final hearing...or with the final agenda. Yes, there is a calendar on there.

#### Old business

President Mourdock: Old business. Any old business before the Commission tonight?

Commissioner Tuley: I've got one item. Apparently, and I don't remember who brought it up, but I thought it might of been Commissioner Jerrel some weeks ago, but apparently in the Teamsters' Contract there were some incorrect figures for per hour wages. They've now...apparently Lewis has gotten with Sandy and got the correct figures. He has the new pages. I didn't get a chance to go get them today, but I'll give those--

Commissioner Jerrel: I gave...they're going around.

Commissioner Tuley: Apparently, those two got together...what do you got?

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

45

Suzanne Crouch: This was laying at my spot. I was kind of wondering if it was my copy or...?

Commissioner Jerrel: There are two different--

Commissioner Tuley: Is that the corrections?

Tony Greubel: Suzanne, I put that on your desk.

Suzanne Crouch: Oh, is that right?

Commissioner Tuley: Well, they called and maybe they did that because I didn't get a chance to get over and pick them up.

Tony Greubel: All three Commissioners have them. Those were brought in at about 4:30 today.

Commissioner Tuley: Okay, then that is what happened.

President Mourdock: I've not seen them.

Commissioner Tuley: Okay, well those are supposedly correct figures, okay? There was a 30 cent discrepancy in one classification. Apparently, we left out maybe two employees at Burdette altogether. I think that was the only old business that I had.

Joe Harrison, Jr.: That would be in the nature of an addendum to the agreement and this has been approved by the union?

President Mourdock: Yes.

Joe Harrison, Jr.: Those numbers?

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: Is this something that you want to act on? Do you want to take a look at it and act on it next week?

Commissioner Tuley: Why don't we act on it next week.

Commissioner Jerrel: Monday, but--

Joe Harrison, Jr.: Take a look at it.

President Mourdock: Yeah, let's just take it under advisement.

Joe Harrison, Jr.: That will be an addendum to the contract.

Commissioner Tuley: It is actually a correction is what it should be.

President Mourdock: Okay, we'll take that then under advisement. Any other old business?

Commissioner Jerrel: Okay, now I am going to 14th, okay and who is going the 21st?

President Mourdock: I think I am going on that one.

Commissioner Jerrel: You're going the 21st?

President Mourdock: Yes, because you are out of town.

Commissioner Tuley: I'm leaving the 21st.

Commissioner Jerrel: Okay, and then what about the 27th?

President Mourdock: Tony.

Commissioner Jerrel: Tony.

Commissioner Tuley: For some reason when this first came up for some reason I thought Tony was going to do that.

President Mourdock: The last one?

Commissioner Tuley: I was getting ready to say I don't know. Do you want Tony to do the last one?

President Mourdock: Yeah. Okay, other old business? I had three items and we've covered them already, so they are very old.

Commissioner Tuley: Is this considered then old or new? What Tony was talking about.

President Mourdock: Wait a minute.

Commissioner Tuley: Yeah, what Tony submitted. A couple of these questions are legal questions that Joe has and we will have to deal with.

President Mourdock: Joe, you got a copy of Tony's notes?

Joe Harrison, Jr.: Yes, I'll take a look at it. I just got it.

President Mourdock: Okay.

Commissioner Tuley: In general terms the meeting went quite well. Everybody was well behaved. They did ask some questions. A couple of them were legal questions. One thing that kept coming up was originally I think they started off by wanting a county personnel office. Then I think the more we talked about it the more they gravitated to maybe it was something that could be shared by the city personnel office and only to be used in terms of a central location to get applications, to put applications, for testing purposes and not to say a personnel manager will be hiring for elected officeholders or department heads. That is something that was explored a little bit in the past, but never really got off the ground so I don't know where we want to go with it. There was a question, again, about probable cause for drug use. Who is the one that makes that decision and where do we send these people and what have you. Like I said, some of them were more legal questions. Commissioner Jerrel was in the audience with the people as well to listen and hear so, Bettye, correct me if I have misstated anything that I picked up from what was going on there.

Commissioner Jerrel: The biggest issue was the hire date.

Commissioner Tuley: Hire date versus, yeah, calendar date. That is going to be a big discussion for you on the 14th because that is going to be the next section.

Commissioner Jerrel: Well, I am just going to act like a sponge and absorb information.

Commissioner Tuley: That's what I tried to do. I don't know how well I did. The one thing that they did say at the end and I tried to assure them that I was speaking specifically for myself, but my general feeling was this was not something that we were going to conduct these meetings and then just forget about what came out of it. I tried to identify with them that this personnel handbook that they kept referring to is as a Commissioners Handbook really should be looked at as our handbook. It's all of us and we all have to work within it and operate. Our job...all we were trying to do was go back clarify some of the things in there that were contradictory in nature to give them a guideline to make their job easier. I apologize to them that maybe we should have done that during this period. You two weren't involved in it, so I apologized for myself. It was a good meeting. Well attended. Nobody raised their voices and we didn't get a bunch of name calling and yelling and finger-pointing and stuff going, but the concern was, and I think they were satisfied with the answer, that yes we will take everything to heart and we'll go back and look at it and those areas that need to be cleared up we will clear them up.

President Mourdock: Okay, very good.

**New business**

Commissioner Tuley: I will have one other new issue if you guys don't want to do follow-up or more discussion on that one.

President Mourdock: Go ahead with your new issue.

Commissioner Tuley: I got a call last night. Someone asking...they asked me specifically and I told them that I would bring it up to you guys at tonight's meeting about the possibility of using the chalets for displaced people from the bottoms as a possible place for them to go to. They called Burdette and, of course, they were quoted the \$70 a night which is obviously prohibitive. They want to know if, in fact, there is some how that we could make accommodations for people who are being moved out who don't want to get a real long distance away from...I don't know what they can see from Burdette any closer than they could see from somewhere else, but I was real receptive to it if we could do it on a decent rate until I talked to Mark and he said let me get you some information tomorrow. Those chalets are rented a lot more, I think, than any of us believe that they are. We have a whole lot of people who are mad if they are displaced. When you look down this and see how many of them...I think there are four chalets...five chalets. We have like on the 14th we have three of them that are rented that have already been paid for. We have a legal

contract, I assume, on every one of these that is a lease arrangement. I don't know if we can do it or not.

President Mourdock: I don't see how we could.

Commissioner Tuley: The 28th there is four rented and three of them already paid for. I mean there is a lot of information here and I had no idea that this time of year that they would be used like that, but they are pretty well booked up through the end of March. I didn't have this information when I talked to the individual, but I did tell them I would bring it to the Board.

President Mourdock: Alright.

Commissioner Tuley: My feeling is because of the legal contracts we probably just better leave them alone.

President Mourdock: Okay. Any other new business items?

Commissioner Tuley: I'm done with the old and new business.

President Mourdock: A couple. You both held up the resolution that we talked about last week in support of I-69. Again, the intention is not only send that to the Governor and our legislators, but also to make sure the other County Commissioners along the route get a copy of that and hopefully they will sign it. I'm not going to read it word for word. I trust you have done that. I guess I would ask for a motion for approval of that.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered. The last thing is we also mentioned last week a letter and it is not in the packet and I don't know if Tony has printed that, but the letter to the Henderson group just wishing them well.

Tony Greubel: Actually, I do have that. It's in the signature file.

President Mourdock: Okay. No motion necessarily needed on that one. Any other business before the Commission this evening? Motion to adjourn?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:30 p.m.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

49

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Milton Hayden  
John Stoll  
Jerry Jones  
Tom Wolf  
Betty Whittinghill  
Jim Ackerman  
Jim Raben  
Russ Lloyd  
Mike Shoulders  
Jayne Berry-Bland  
Leroy Walther  
Jan Titzer  
Cheryl Musgrave  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
March 17, 1997**

The Vanderburgh County Board of Commissioners met in session this 17th day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Richard Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening and welcome. There are lots of familiar faces here tonight, so we're going to move through things, I think, fairly quickly. We'll call the March 17, 1997 meeting of the Vanderburgh County Commissioners to order. Starting at my far left we have Charlene Timmons, who is our acting secretary; our official secretary, the County Auditor is Suzanne Crouch; to my immediate left, Bettye Lou Jerrel; to my immediate right, Pat Tuley; to Pat's right, the County Attorney, Joe Harrison, Jr.; and in the seat for the first time tonight with all the pressure building on her, Lynn Ellis, our new Superintendent of County Buildings. Welcome, Lynn, and I look forward to working with you.

Lynn Ellis: Thank you.

President Mourdock: Would you please, as is our custom, join us as we open the meeting with the Pledge of Allegiance?

**Approval of minutes**

President Mourdock: Several business items here. If you did not get an agenda, they are posted or presented over here on the table next to the door. Because all of our notes are verbatim, when you come to the microphone please state your name and address for the record. First of all, I would ask for the approval of the minutes from the March 10, 1997 meeting.

Commissioner Jerrel: Move approval of the minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: We will also approve at this time, or certify actually, that there was prior to this meeting commencing at 4:15 today an Executive Session of the Vanderburgh County Commissioners. At that meeting we discussed the initiation or litigation or threatened or pending litigation and also discussed county personnel matters. That meeting concluded at 5:30 and there were no votes taken and no decision reached.

**Lynn Ellis - Approval of APA015-97**

President Mourdock: The first item then in our action list is Lynn Ellis to approve a bid from your past work with the County Purchasing group.

Lynn Ellis: Right, a previous hat. The recommendation is to award Bid Number APA015-97 for traffic signs and materials, to split it three ways: 3M for \$8,976.96; Rocal, Incorporated \$49,773.58; Hall Signs, Incorporated \$15,576.50. The recommendation is based on line items as it resulted a savings of nearly \$4,000. The bid is normally split to three vendors and these three vendors have been awarded these products in the past. They are low responsive and responsible and I would recommend the award as recommended.

Commissioner Jerrel: I would like to move approval of 3M in the amount of \$8,976.96; Rocal, Inc. in the amount of \$49,773.58 and Hall Signs, Inc. in the amount of \$15,576.50.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**County Assessor- Permission to advertise job opening**

President Mourdock: The next item on our list tonight, we have a job opening position to advertise for the County Assessor. Did I see Cheryl? Any comments on that?

Cheryl Musgrave: Cheryl Musgrave, County Assessor. Yes, I have a job opening and I would like permission to advertise it in the local papers and in the International Association of Assessing Officials Magazine.

President Mourdock: Any questions of Ms. Musgrave?

Commissioner Jerrel: How much is the magazine ad?

Cheryl Musgrave: I gave a copy of it to your Administrative Assistant, but I don't see him here. I think it was like \$50 for the first so many lines or something like that.

Commissioner Jerrel: Okay, I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Cheryl Musgrave: Thank you.

President Mourdock: Thank you, Cheryl.

**LEPC - Administrative Assistant Agreement**

President Mourdock: You have in your package a document which is an agreement on behalf of the Vanderburgh County Local Emergency Planning Committee for an administrative assistant. That has been signed by the Acting Chairman of the group, Dr. Richard Hagen. It regards the employment on a contract basis of one Mary Saxton.

Lynn Ellis: This was a previous agreement and I have a copy of an agreement that the county has entered into previously for

this service. The difference between the two contracts is that the hourly rate has gone from \$10.00 per hour to \$10.75 per hour and the number of hours has increased from 12 to 16, but those are the only two changes in the contract.

Commissioner Jerrel: Is this part of a joint committee or is this our sole responsibility? The Emergency Planning Department is a joint city/county, so is this joint?

Sherman Greer: No, it is the county's responsibility--

President Mourdock: Excuse me, yeah.

Sherman Greer: Sherman Greer with Emergency Management. The LEPC, Local Emergency Planning Committee, is the county's responsibility. It is not a joint venture.

Commissioner Jerrel: We've done this for how long?

Sherman Greer: Since 1986 when the Bhopal incident happened and President Reagan mandated as Sara Title 3.

Commissioner Jerrel: Okay, I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Sheriff Department - Contract with Dr. Harold E. Smith**

President Mourdock: You also have in your packet a copy of an employee contract agreement between Dr. Harold Smith and the Vanderburgh County Sheriff's Department. Dr. Smith provides...or would provide under this contract certain medical services to the Sheriff's Department and their facilities.

Commissioner Jerrel: I want to ask a question about that and I want to go back and say to Sherman, is this in your budget?

Sherman Greer: No, ma'am. It doesn't have anything to do with Emergency Management.

Commissioner Jerrel: Well, who...what I am trying to find out before we approve that, where is this money?

Sherman Greer: The money generated by each manufacturer or non-manufacturer of hazardous materials in the state of Indiana has to report and they pay a filing fee of \$50 to the state. Half of that money is sent back to the county and that fund is sent back to the county to be used as your Local Emergency Planning Committee.

Commissioner Jerrel: Okay, where is the money put?

Sherman Greer: They have an account and it is under a cash card account.

Commissioner Jerrel: Well, I just want to know when we approve these things that there is a line item or a cash card or

something somewhere to pay for it. Is this doctor taking the place of the doctor that we previously had?

Joe Harrison, Jr.: I don't know that.

Commissioner Jerrel: Well, I don't want to make approvals before we go to Council. We already have a contract with the physician from the Deaconess Emergency Group.

Joe Harrison, Jr.: I believe that person is no longer doing it, but apparently this individual started January 1, but I will find that out.

Commissioner Jerrel: I don't mind approving it, but I want to know...I'm not going to be \$3,500 more a month on top of the \$100,000 that we are already paying.

Joe Harrison, Jr.: Sure. Although it doesn't have...there are a number of problems with the agreement, but I think they want blessing by the Commissioners. They should have since the Sheriff can't enter into the contracts, but it should of had a date that the contract ended, but I am presuming it is for a year. I think they've had previous contracts that have been for one year. This should certainly be the same way, so I'll speak with the Sheriff's Department.

Commissioner Jerrel: Well, it comes out to \$1,166 a visit. I don't want to vote on this.

Commissioner Tuley: That's not cheap.

President Mourdock: Okay.

Joe Harrison, Jr.: I will speak with them and we can come back and revisit this.

President Mourdock: That's fine. We can defer that. As you said, the thing was initiated the 1st of January, 1997, so if we defer it another week I don't know that is going to be a problem. I'll make a note here.

**Mike Robling - Department of Metropolitan Development**

President Mourdock: Okay, Mike Robling, Daylight Sewer Project.

Mike Robling: Mike Robling, Department of Metropolitan Development. I have submitted a resolution and an amendment that would amend the agreement for engineering services with Three I Engineering for the Daylight Sewer project to redesign the Highway 57 portion of that project so it will accommodate the projected flows from the Phoenix Commerce Center project. This would increase the contract by \$26,700. The amendment has a blank in Section 2 and that blank should be filled in with the date of May 19th.

President Mourdock: So what we are looking at is purely a result of the Phoenix development? That's the additional engineering is going in here because of the potential that may be there for the Phoenix development?

Mike Robling: Right, they basically had this stretch of the project engineered and designed when the Phoenix project came up in October and this part was put on hold. A lot of the initial work they did, aerial photography and a lot of the surveying and so forth is still valid and will go in to finishing the redesign of the project.

Commissioner Jerrel: Okay, I would like to approve the resolution of the Board of Commissioners of Vanderburgh County authorizing an amendment to agreement for engineering services for the Daylight Sanitary Sewer Project.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Mike Robling: Thank you.

President Mourdock: Thank you.

**Any group or individual wishing to address the Commission**

President Mourdock: We're at the point here quickly any group or individual wishing to address the County Commission this evening. I think, Sherman, is that what you were hoping to do?

Sherman Greer: Sherman Greer, Emergency Management. I gave you a packet that was sent to us. A lot of the information that is in that packet was from last year and the flooding that we had in 1996. The same thing has occurred again and we are going to have to make some decisions. Those decision are above me to make those decisions. It is going to be up to you as County Commissioners to make that decision on exactly how we are going to handle the debris cleaning and the emergency protection measures. Those are the two categories that the Federal Emergency Management Agency and the President has given us under our declaration. A, is debris cleaning which can be contracted out or also it can be done by our local county departments. Emergency protective measures, which is search and rescue, fire rescue and different things of that order which is not really applicable to us here because we didn't use any of those type of services. C and G also will be looked at and after the preliminary damage assessments are done and that has to do with bridges and roads and parks. Some decisions are going to have to be made. Not right now, but what we would like for you to do is look this material over. The 20th of this month, March 20th, we will be having a meeting a the 4-H Center. The State Emergency Management Agency and the Federal Emergency Management Agency requests to have a decision maker there at that meeting, so that they can be briefed on the different categories and how the application forms are to be filled out.

President Mourdock: Where will that be? You said the 4-H Center?

Sherman Greer: The 4-H Center at 8:00 a.m.

President Mourdock: March 20th?

Sherman Greer: Yes.

Commissioner Jerrel: Who will be representing the county?

Suzanne Crouch: I'm going.

Commissioner Jerrel: Can you go?

Sherman Greer: That is up to one of you three.

Suzanne Crouch: I'm going and I think John said he was going. Are you going?

Commissioner Jerrel: John Stoll and the Auditor will attend.

President Mourdock: Okay.

Commissioner Jerrel: What did we receive the last time that we were declared an emergency area?

Sherman Greer: I didn't bring those figures with me. It was over two hundred and some thousand dollars.

Commissioner Tuley: I had a quarter of a million in my head for some reason or close to it.

Sherman Greer: Yeah.

Commissioner Jerrel: So if we perform this work in-house we need to have some sort of a--

Sherman Greer: You need to keep precise documentation of overtime. The only thing that they're going to pay is overtime.

Commissioner Jerrel: Uh-huh.

Sherman Greer: They're not going to pay for regular time. If it is done like it was done last year and in the past years, FEMA will pick up 75% of it and State Emergency Management Agency will pick up 12 ½% of it and we will be liable for our 12 ½%.

Commissioner Jerrel: Uh-huh.

Sherman Greer: Now, I don't know if we could do that under a soft match with working hours or something like that for our 12 ½%, but you should be able to find that out, and I'll be at the meeting also. We should be able to find that out on the meeting on the 20th.

Commissioner Jerrel: Okay.

Sherman Greer: Those are some considerations if you contract it out.

Commissioner Jerrel: We need to...when you are there, Suzanne, we need to keep, you know, a careful dialogue so that we can give it to the garage people so they'll know how.

Rick Dickinson: The County Garage (inaudible comments not made at mike).

Commissioner Jerrel: Okay, good.

Sherman Greer: Yes. We've notified all the city and county departments to be at the meeting. In the past, they've all kept pretty good records, but there are some things that did not...were not filed for last year that we will be filing for this year.

President Mourdock: Okay.

Sherman Greer: That's all I have. Are there any questions? As of right now, we have 152 families that have filed for assistance within the Vanderburgh County area. With the 252 families that we have down in Union Township, I expect for that number to grow a lot more the more they get back into their homes.

President Mourdock: Okay. Sherman, I have a letter that you've probably seen already, but from Congressman Hostettler dated March 7th. Let me read part of it real briefly:

"I am writing to inform you that federal assistance is available to Vanderburgh County individuals, families and businesses victimized by heavy flooding of the Ohio River. As you know, Vanderburgh County is one of the many counties along the river that has been declared a major disaster area by the President. Residents and businesses who sustain losses in the designated counties can begin the disaster application process..."

A couple of phone numbers are listed. Is there anything else that you would need from us?

Sherman Greer: No, sir. I've got about 15 Federal Emergency Management Agency people in town right now that I am working with from public awareness to community relations and the disaster recovery center that has opened out at the State Hospital grounds. I've got about five or six that are going around doing individual assessments to the facilities that have been filed on right now. It's well under way as far as...as soon as the water goes down and more people can get back into their areas. Also, one of the things that I was thinking about doing here was in 1990 when we had the flooding in the Union Township area, which was comparable to this, but, I mean, there was more flooding this year, was pulling those records and seeing what type of damages that we had from water erosion and water problems that we had back then to our roads and looking at those and then maybe asking the County Garage and other departments to look into those areas as maybe our main areas to look into and get some type of assessment on dollar assessment on that. What we have to do right now is just give a preliminary assessment.

President Mourdock: Right.

Sherman Greer: A ballpark figure.

President Mourdock: Okay. Alright, thank you very much. Any other group or individual wishing to address the Commission at this point before we move to our consent items...or, I'm sorry, our department heads?

**John Stoll - County Engineer**

President Mourdock: Department head requests, the first one up we've got listed as County Engineer.

Commissioner Tuley: Get ready, Sherman. You're about to be beat up. They're gone, John, say whatever you want to!

John Stoll: The first item that I've got is a request from the developer and the engineer of Heartland Ridge Subdivision regarding a sidewalk waiver that was approved in August of 1995. The sidewalk waiver that was approved called for sidewalks on one side of Charity Circle and...let's see. I forget the name of the other street. Charity and Faith, I believe it is, and sidewalks were called for on two sides of Hope, the short street there in the middle of the drawing. Now the developer is requesting that the sidewalk waiver be modified to just have sidewalks on the north side of Hope. The developer's engineer, Bill Nicholson, is here to discuss the need for the modification of the sidewalk waiver.

Bill Nicholson: The main problem with having it on both sides of Hope Crossing, on the south side the two lots that face Charity and Faith Way has a ten foot side building line. The three lots on the north side have a 25 foot setback. Having the sidewalk out in front of the ones on the north side wouldn't be too bad, but with the ten foot setback and putting the sidewalk it goes almost right up against the property line and that would leave approximately ten foot between the house and the sidewalk. That's the problem that we've got. We would like to eliminate that section of the sidewalk if possible.

President Mourdock: Are those the lots...the ones labeled basically 27 and 28?

Commissioner Tuley: He is only asking us it looks like a couple of lots.

John Stoll: Yes, these two will face Faith and Charity, so it's the side yard that is affected here rather than the front yard like on these three lots.

President Mourdock: Okay.

Commissioner Jerrel: So you're wanting to do the side yards, but not the--

John Stoll: No, do it in the front yards, but leave the sidewalk on the side yard.

Bill Nicholson: It shows it a little clearer here. The house that they've constructed here sits right on the ten foot

building line.

Commissioner Jerrel: Right.

Bill Nicholson: The sidewalk, when it is put in on Hope Crossing, will be almost right up against this property line leaving about ten foot between the building. Over here we've got the 25 foot building line.

John Stoll: It just makes for greater separation between the sidewalk and the--

Commissioner Tuley: Yeah, residence.

Commissioner Jerrel: There isn't any problem doing a waiver like that?

President Mourdock: No.

Commissioner Jerrel: I have not been involved in this, so it's not a problem?

President Mourdock: No.

Commissioner Tuley: It's a modification to something that we had already approved anyway.

President Mourdock: Right.

John Stoll: Right.

Commissioner Tuley: John, spell out the lots for me if you would, if you've got them by lot number, but I would move approval of the request.

John Stoll: It would be to eliminate the sidewalk on the north side of Lots 27 and 35 on Hope Crossing.

Commissioner Jerrel: I'll second your motion.

President Mourdock: So ordered.

John Stoll: The next item that I've got is the street plans for Section E of Willow Creek Subdivision. We've reviewed the street plans and they meet the county's requirements. They'll be asphalt streets with curb and gutter with a storm drainage system that will be either maintained by a homeowners' association...I believe it is the homeowners' association, but I don't have any documents that state that as of yet, but all in all the street plans have been reviewed and I would recommend that they be approved.

Commissioner Tuley: I'll so move based on your recommendation.

Commissioner Jerrel: Second.

President Mourdock: So ordered. John, do we need to sign each of these? These multiple copies?

John Stoll: No, just the cover sheet. The only other item that I've got is a question regarding the meeting at Westwood Hills Subdivision tomorrow evening. I just wondered if the Commissioners wanted me to attend that meeting to discuss the situation on the streets and what needed to be done to accept the streets?

Commissioner Tuley: I'm going to be there, John. I think Richard said he may. He's got a couple of meetings, but may try to be there. Joe has indicated that he is going to be there, so it would be nice if you could give them from an engineering standpoint.

John Stoll: It's no problem. I can be there.

Commissioner Jerrel: Dr. Schoffstall and I are going to Indianapolis tomorrow, so I can't be back.

John Stoll: Okay. Well, I can make the meeting. I just wanted to make sure that you wanted me to be there.

President Mourdock: Okay, we may need a sacrifice!

John Stoll: That's all I've got unless you have any questions.

President Mourdock: Any questions for John?

Commissioner Tuley: No.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

John Stoll: Okay, thanks.

President Mourdock: Alright, thank you.

**Rick Dickinson - County Garage**

President Mourdock: County Garage. Oh, he's still there.

Rick Dickinson: Do you want my name and all that?

President Mourdock: Sure.

Rick Dickinson: Rick Dickinson, County Garage.

President Mourdock: For the record, Rick submitted to us earlier the weekly progress report and also submitted to us a cost estimate. What all am I looking at here, Rick?

Rick Dickinson: On your back list there you will see all the roads that we are doing and the two long lists...two or three long papers there are the costs that it is going to cost to do them roads and parks.

President Mourdock: Okay.

Rick Dickinson: The list you have on back that is the order that

we are going to go in all but Hogue Road. Hogue Road will be done first.

President Mourdock: Okay, Hogue Road is listed as the first one.

Rick Dickinson: Is it listed first?

President Mourdock: On the paving list, the last one here? Yeah.

Rick Dickinson: Oh, okay. The one I had it wasn't listed first.

President Mourdock: These are basically then in response to our brief discussion last week of kind of putting them together just geographically?

Rick Dickinson: Yeah, but it is more or less west side, north side, south side, east side--

President Mourdock: Right.

Rick Dickinson: --because every time you move equipment you are going to lose a day or two of work.

President Mourdock: Sure.

Rick Dickinson: Unless somebody comes up with someone on the east side that their road is just totally destroyed, then we'll have to move stuff, but we are pretty much going to stick to that list.

President Mourdock: When you are picking up asphalt, I guess you will coordinate that based on your location as well, too?

Rick Dickinson: Yeah, but, well, we've only got one game in town now. Since Koester sold out to Rudolph, that is all the way on the east side out there at Green River Road and I-164. We still have Jerry David, but he can only keep up with about three or four trucks, so when we are on the west side we will send three or four trucks there and send everybody else out to where we can.

President Mourdock: Well, it's not just one game then. That's what I thought. There are still two suppliers, although the one supplier--

Rick Dickinson: Yeah, Jerry David is...he can't keep up. I mean, his plant just ain't big enough.

President Mourdock: Right, okay. Okay, any questions for Rick? Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: Alright, thank you. We made that easy for you. Commissioner Tuley: That was your first week. Look out!

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, Jr.

Joe Harrison, Jr.: The only thing, I think, that we ought to address. I guess we are not going to have a special Drainage Board meeting on March 31st. I don't believe that was advertised. Is that correct, Charlene, for the special Drainage Board meeting?

Charlene Timmons: No.

Joe Harrison, Jr.: So we don't need to un-advertise something. Also, I have drafted a proposed contract for Marilee Combs for review by Burdette Park officials and Ms. Combs concerning the Food and Beverage Service Manager for the park for 1997. I'll submit that to Mr. Tuley and Ms. Combs for their review and consideration and get back with us. You may want to, if you want, or I can talk. Richard and I went up to Indianapolis this week regarding the Welfare to Work proposal. Richard may want to add to this, but we met with five or six or seven representatives of Department of Family and Children's Services as well as a couple of local officials who happened to be up there in Indianapolis at the time and they indicated that they were going to be very helpful to us in connection with our program that we want to get underway down here. I am going to be communicating with the attorney for their department on some matters and it is my understanding that a number of those officials are going to be coming down to Vanderburgh County, I think, April 30th for a meeting down here with some others. I was very pleased with the meeting and I am sure Richard was as well. Hopefully, we will be moving along quickly within the next several weeks and have some more information to report back to you.

President Mourdock: I would just add to that, that we went up there hoping to find some encouragement for what we are doing at the state level and on a scale of one to ten for encouragement it was about a twelve and a half, I think. They were very complimentary as far as the work that has been done thus far and they say we were far and away ahead of other counties in the state and that they think the program that we've designed here is something that they can funnel some funds to, so I'm very encouraged.

Commissioner Tuley: Good.

President Mourdock: Coming back to one of the other issues.

Commissioner Jerrel: Oh, I was just going to make a comment that the Family and Children's Services, you know, began two years ago a different sort of funding mechanism and they did have an excess levee last year and they've got a very large cash balance in excess of \$3.6 million, so when they come down and talk to us--

Commissioner Tuley: Talk right!

Commissioner Jerrel: I just thought I would mention that.

President Mourdock: I think as you are well aware, Bettye Lou, there is at least one piece of legislation pending that talks about designating specific identified projects in a county as a

demonstration project for funding. Quite honestly, knowing the state of legislation that what it is today may not be what it is when it gets out, but one of the keys things that I wanted to find out was if at that meeting if, you know, there was a general feeling that if, in fact, that bill in its present state gets through would our program qualify? The summary of it was that even if that bill ends up being so radically changed that it is not going to designate this county that there are at least four other sources that Jim Hmurovich, who heads that agency, feels could be used with our program.

Commissioner Jerrel: Good.

President Mourdock: So I was very, very encouraged. It is, I think, going to keep us moving well along.

Commissioner Tuley: Good.

President Mourdock: One other item, going backwards for a moment. We did vote to have that special drainage meeting on October 30...I'm sorry, on March 31st, I believe?

Joe Harrison, Jr.: Yeah.

President Mourdock: I think we actually need to take a vote to cancel that meeting, so I would ask for a motion to that extent.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Do you have anything else, Joe?

Joe Harrison, Jr.: No, that's it.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings, Lynn Ellis.

Lynn Ellis: The only thing that I have is a request from the County Clerk for travel. This was...Tony left this Friday and said that there was a request for travel regarding the computer system.

President Mourdock: Yeah, we have that in our consent items for just a minute, so if you can defer that conversation we will get to that one in a minute.

Commissioner Jerrel: Lynn, see if your mike is on.

Lynn Ellis: Oh, no. Sorry.

President Mourdock: Any other items, Lynn, aside from that one?

Lynn Ellis: I gave you earlier the monthly report from Weights & Measures, so I would submit that and then there is also a copy of a memo from Randy regarding some vacation, so he'll be out of

the office for a few days from the Auditorium.

President Mourdock: Okay.

Lynn Ellis: That's it.

President Mourdock: Okay, thank you. Any questions of Lynn or comments?

<b>Consent items</b>
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President Mourdock: Okay, we'll move to consent items and at my recommendation, I had Tony include the County Clerk's request in as a consent item. However, it is more than appropriate if you deem we can pull that out and talk about it individually if you like. I know it is a large item and the County Clerk is here to discuss that and we can pursue that either way. Basically, the request is to use about \$10,000 for travel so that the County Clerk and her staff and some folks including the Sheriff's Office and certainly the Courts can go over and review in detail a number of different computer programs. Ironically, the year 2000 it would seem that Vanderburgh County is caught in the millennia dilemma as it is known where our software will not adjust over to the year 2000 and that could cost the county one million dollars in new programs.

Commissioner Jerrel: Part of that is because we no longer have a support system for much of that which was purchased three years ago, so it is a combination of things. If...the Clerk might want to come up because I do think for the record we need to recognize that SCT has...this will be the second trip and we hope this one has been planned to result in something and the Clerk and I both met with Joe Profazer about a week ago and Ms. Abell has been the one to spearhead working with the judges. Is this going to work?

Marsha Abell: I don't know, but I would like to say that this is not my request. This was dumped in my lap. This is just a request, actually, from the computer users and the court system. Is it going to work? I don't know. I gave you everything that I have read. It sounds good. I guess the only thing I could say is that the trip to Fort Wayne did not generate a program that we can use, but we probably wouldn't of known it if we hadn't seen it. If that's an indication, if nothing else, if we eliminate five...I can tell you that when they started out they only had three lined up and it was pretty much my decision and also Judge Knight's that we would not even entertain going there with less than five different vendors to look at, so we now have five vendors to look at.

Commissioner Jerrel: You have not ruled out the possibility in your office if possible that we could upgrade yours in some way if we could find some way?

Marsha Abell: If there is anyway at all we like the current system we have. We would be very happy to stay with the current system that we have. It meets all of our needs in my office except for the year 2000.

Commissioner Jerrel: There is, apparently, this same vendor did have a later program that did meet the 2000?

Marsha Abell: That's my understanding that many years after our program was put in.

President Mourdock: But is...what you just said I can interpret one of two ways. I want to be sure. Are you saying basically they had a house that they added air-conditioning to or that they built a totally different kind of structure that was really a barn later on?

Commissioner Jerrel: I'm not sure.

Marsha Abell: My understanding is that they built a whole new structure with air-conditioning in it.

Commissioner Jerrel: I don't have that information, but, you know, another thing and you need to be aware of this. If we move from dumb terminals to PC's and that is a possibility, you know, I went through about two years of this with the Township Assessors moving to the PC format. We need to be aware that this is going to be a major impact on the county's funds and I want SCT to come in here and be more accountable to us because I think they have \$25,000 in their budget for travel, but it is to go to vendor conferences and conventions. I apologize for that because I didn't start looking close enough at that budget until this last year and I am going to start looking at it a lot closer because we are paying them a lot of money to manage our operation and for that money we need to receive good information. Our officeholders and staff people do not have access to all of that information and we don't need to have somebody in here...a vendor in here hustling us, and I use that word because that is really what it is.

Marsha Abell: That's true.

Commissioner Jerrel: You can read...Wall Street Journal had an excellent article about obsolescence and Digital has a commercial running all the time now that says we need to protect government and other business entities so that obsolescence doesn't cause them to every year have to replace everything. I think we need to be a little tougher about what we accept from someone that comes up and talks to us and we don't...you may, but I don't understand all the language and we rely upon them. Our officeholders are really in that position and I don't like to spend \$10,000 on travel, but I do believe that this is important, but we are going to keep SCT's feet to the fire because they are going to have to produce for the contract that we've got with them.

Marsha Abell: I would just like to say that those of us who are going are only going as users. We just know what we do with it. We don't know anything about networking and running lines and all that stuff. We don't know anything about that stuff, you know? We just know what we do, so our only recommendation is going to be from the user standpoint as to what will actually do the job in the court system.

President Mourdock: In that sense, I guess there are two sides to what Bettye was saying. Obviously, we don't want to buy a new system that two years from now is obsolete, but at the same token we need the input of the people who are users--

Commissioner Jerrel: Right.

President Mourdock: --to know that we're getting what we need to have.

Marsha Abell: That's right and I think that is where you need to look to SCT to answer those questions about...you know, had this been two years ago and I was looking at a program I probably wouldn't have known to ask about the year 2000. There may be something else laying out there that I don't know to ask. I don't know to ask because I don't have a degree in Computer Science.

Commissioner Jerrel: She is absolutely right. We need to know...I mean, we've got several things in this whole Civic Center that is having problems. I believe that the people entered into these agreements in good faith. You're told everything by vendors that it is going to be wonderful and then you get your money and they disappear. So that is not going to happen any more. That is what we are paying SCT to do and it is going to start happening.

Marsha Abell: That's fine.

Commissioner Jerrel: That's the reason I can't go at 8:00 Thursday morning because Leslie and I are meeting with SCT.

Commissioner Tuley: No, Marsha called me Friday afternoon and talked to me in great detail on the different meetings that they've had and the trip to Fort Wayne and this trip. I'm like you, I hate to spend \$10,000 for travel, but I think in this case it is justified.

Marsha Abell: I can tell you that from the trip to Fort Wayne I have stripped my staff down by two that are going. I think everybody is only sending the people who they really feel like they have to send.

Commissioner Jerrel: It is our number one priority. It took about six months to get SCT to say what the top priority in this building ought to be and that is the top priority, so we are going to have to be saying no to some other things until we get this finished.

Marsha Abell: I think what...and I know you are aware, but just for people who may not be aware and for our good media over here the courts schedule two years in advance easily and in January of '98 we will be in their scheduling calendar and there is no way for us to schedule that without the computer system. There is no way that we are going to be using that system in January of '98 if we pick it out today.

President Mourdock: I'm glad you mentioned that because before you said for your system, your system works fine except for the

year 2000, but that is not three years away that is nine months away--

Marsha Abell: As far as we're concerned it is here today.

President Mourdock: --as far as your concerned. Yeah.

Commissioner Jerrel: Right. Well, I'll move approval of this trip.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered.

Marsha Abell: I will tell all the people who are going to get their babysitters.

President Mourdock: One question and I should have asked before, I'm sorry. You show for the trip four nights. Was that worked out because of the airfare deal?

Marsha Abell: The airfare went from seven...200...I can't remember. It is in the \$300 area up to over \$700 if we came home on Saturday and believe me all of us want to come home on Saturday. We have families, but the money was just astronomical in difference.

President Mourdock: Okay, I just wondered.

Marsha Abell: We did try a couple of different travel agents to see if anybody could beat that.

President Mourdock: Okay, good. Thank you. Okay, the remainder of the consent items then are still as presented to you.

Commissioner Tuley: I'll move approval of the consent items.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

### **Scheduled meetings**

President Mourdock: We have a list of scheduled meetings on the back of our agenda. John Stoll mentioned one very important one which is the meeting this Thursday night. Any other meetings? You mentioned, Bettye Lou, yours is 8:00 on Thursday.

Commissioner Tuley: Tuesday night is the...what important meeting is Thursday?

President Mourdock: I'm sorry, Tuesday night, the Westwood Hills.

Commissioner Jerrel: You know, Leslie...it took me a long time to learn that contract. Really, and she is very good to work with on some of these issues.

Commissioner Tuley: Oh, yeah. She would be real good to work

with on this ambulance one.

Commissioner Jerrel: Yeah, she likes the same things I do.

Commissioner Tuley: Holding their foot to the fire?

Commissioner Jerrel: Yeah.

President Mourdock: Okay.

**Old business**

President Mourdock: Beyond our scheduled meetings then any items of old business? I had two listed. One to cancel the special Drainage Board and the other was to give you an update on the Welfare to Work and we've done both of those already.

Commissioner Tuley: Bettye, when you talked about...was it last week? You talked about the Burkhardt Road project and stuff, were you going to...

Commissioner Jerrel: I'll tell you what I've done. I met with Keith Lochmueller yesterday. \*

\*Personal remarks removed at the request of Commissioner Jerrel.

Commissioner Jerrel: Anyway, I met to review the entire Burkhardt study that you received last July and I have set up two appointments with banks who are interested, by the way. I didn't have to call anybody. I told Joe to call somebody. Well, they just started calling and they want to talk to us.

President Mourdock: Good.

Commissioner Jerrel: I want John, he is working on the other end of it. We need to take a look at the contract that you entered into and Joe is doing the same thing, so I hope by the 7th we'll have kind of a picture.

Commissioner Tuley: Okay, along that same...Suzanne, could you provide, without too much trouble, kind of a year and a half or two year history of the General Fund? You know that report you give us monthly? Can you kind of compile that in to one? Like a two year history. I'm not complaining, but I was shocked to realize that we had that much surplus. I see these once a month, but if I could just kind of like have a history to show how we managed to build that up like that I would appreciate it. I'm glad we've got the extra money. I am not complaining by any stretch of the imagination.

Commissioner Jerrel: Some of it was budgeting, the way we budgeted, and some of it is the increased revenue which came in.

Commissioner Tuley: Okay, I would just like to see like a snapshot that January of...whatever, let's just say '96 we had this much money unappropriated and February and so on and so forth so that I can see that building up like that.

Commissioner Jerrel: Right.

Commissioner Tuley: Just to get a history of it because if we could continue that there may be some other projects that we can do without having to go to bonding.

Commissioner Jerrel: It will be so much cleaner and I guarantee you that it will be quicker.

Commissioner Tuley: Oh, absolutely, yeah.

Commissioner Jerrel: Now I'll tell you what I do need some help with. In order for this to get off the ground, even to get the money and put it in this line item to begin this work, we need to get approval from County Council.

Commissioner Tuley: I saw where you had a little bit of problem.

Commissioner Jerrel: So it would really help if both of you would help contact some of the County Councilmen. That would really help.

President Mourdock: I had a note here that I thought this was fait accompli, but maybe it isn't. The appropriation request?

Commissioner Jerrel: Yes, we have a \$3 million...yeah, but the first discussion will be on the...you'll be gone.

Commissioner Tuley: Yeah, but I can call before I leave.

Commissioner Jerrel: Okay, if you could make a couple of contacts.

Commissioner Tuley: Yeah.

Commissioner Jerrel: And, you know, if you could help out.

President Mourdock: Sure.

Commissioner Jerrel: Then I think we need to be there on the first meeting in April and I think it would be great if all three of us could go to that meeting.

Commissioner Tuley: Okay.

President Mourdock: Okay.

Joe Harrison, Jr.: That's April 2nd.

Commissioner Jerrel: April 2nd.

President Mourdock: Okay.

Lynn Ellis: Isn't that one of the dates that you asked me to schedule the Welfare to Work?

President Mourdock: Yes, but that is late in the afternoon. That's at 5:30. When is the Council? What time is it?

Commissioner Jerrel: It's 3:30.

President Mourdock: Oh, 3:30. Okay, yeah, that's fine. That works. Thank you though for reminding me. So then the Burkhardt Road funding issue is resolved, great!

Alan Julian: What?!

Commissioner Jerrel: Well, it isn't resolved, but it is coming.

President Mourdock: That was for Alan's benefit. Sorry, I couldn't resist.

Commissioner Tuley: He told me the other day that he misses things when he here, so that (inaudible)

President Mourdock: He was listening! Any other bits of old business then?

Commissioner Tuley: No.

**New business**

President Mourdock: New business? I have a couple of items. First of all I would ask your approval to send a letter to the...well, let me set that one aside for a second. First, both of these issues are related to Burdette Park. I received today a letter dated today from Mark Tuley. I'll read this letter into the record:

"Dear Commissioners,

This is to inform you that I will be resigning my position as Burdette Park Manager. My last day of employment will be April 4, 1997.

According to the Vanderburgh County policy he is entitled to certain benefits which he has verified through the Auditor's Office.

"I had intended to stay until July 1st, but my need to seek new employment has resulted with my new employer needing me to start earlier. I want to thank you for the opportunity to serve the citizens of Vanderburgh County."

So we have that, I guess, to officially accept. I would ask for a motion to accept that.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. The second new business item also related is simply to make sure that the Burdette Park Advisory Board is meeting on a regular basis.

Commissioner Jerrel: Lynn? I have kind of prepared an outline that I talked to you about on the phone. I can't remember the fifth appointee that you can get from Sandy. I've made some

suggestions and that would be good to get this Board on board quickly. You know, we might want to do a search and it would be helpful if they could meet.

President Mourdock: So we'll have a letter drafted then, if you would, Lynn, and put that together and then I can sign it and send it out. Just if we go ahead and institute that group and get them meeting on a monthly basis. Any other new business items? Bettye Lou, any other new business?

Commissioner Jerrel: No.

President Mourdock: Okay. How did we schedule rezonings? Following or at 7:00?

Commissioner Tuley: They're always at 7:00.

President Mourdock: Shall we recess?

Commissioner Tuley: Actually--

Joe Harrison, Jr.: Adjourn.

Commissioner Tuley: --we adjourn this and then we start over.

President Mourdock: That's right. I'll ask for a motion for adjournment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:30 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene M. Timmons  
Cheryl Musgrave  
Sherman Greer  
Mike Robling  
John Stoll  
Bill Nicholson  
Rick Dickinson  
Marsha Abell  
Alan Julian  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 24, 1997**

The Vanderburgh County Board of Commissioners met in session this 24th day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Richard Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Welcome to the March 24, 1997 meeting of the Vanderburgh County Commissioners. We, by way of our custom, will make our introductions here first. At my far left is our Recording Secretary, Ms. Charlene Timmons; next to Charlene is Mr. Bill Fluty, who is the Deputy Auditor. By Indiana law the County Auditor serves as the official secretary for the County Commission. To my immediate left is Commissioner Bettye Lou Jerrel; my name is Richard Mourdock; Commissioner Pat Tuley could not be with us this evening. He is out of town. To my far right then is our County Attorney, Joe Harrison, Jr.; and to Joe's right is our Superintendent of County Buildings, Ms. Lynn Ellis. Would you join us, please, for the Pledge of Allegiance? Several things by way of housekeeping. If you did not pick up an agenda of our meeting these agenda are laying on the table over here. We try to follow that fairly closely although there is usually a last minute amendment or two to that. Secondly, because all of our minutes are kept verbatim, everything is tape recorded, so when you speak to address the Commission we would appreciate it, in fact, it is a requirement if you will, that you come to the microphone and state your name and address for the record so that it can go into our official minutes.

**Approval of minutes**

President Mourdock: Beginning through our list of agenda items then the first thing that we have is the approval of the minutes from the Board meeting of March 17th.

Commissioner Jerrel: I would like to move approval of the minutes.

President Mourdock: I will say second and also so order.

**Certification of Executive Session**

President Mourdock: Next on our list we have the notification of the occurrence of an Executive Session that took place this afternoon. It began at 4:30 p.m. and discussed the initiation litigation or pending threatened litigation against the county and also certain county personnel matters. That meeting was adjourned at 5:30 and I would ask for approval of those minutes.

Commissioner Jerrel: I would move approval.

President Mourdock: Second and so ordered.

**Beverly Preske - Handicapped & elderly transportation concerns**

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

President Mourdock: Next on our list is Ms. Beverly Preske regarding the issue of H & E transportation contract and concerns.

Beverly Preske: Thank you. My name is Beverly Preske and I live at 6700 Upper Mount Vernon Road and that is in Vanderburgh County. Last week I forwarded a letter to Tony Greubel, the Administrative Assistant for the County Commissioners, with a copy to Ms. Lynn Ellis. The topic is the handicapped and elderly services that we are now receiving in Vanderburgh County. If you could bear with me for a little trip back through history, I will share with you how we first came about having transportation provided and subsidized through the funding from the County Commissioners. I live in the county now and I have lived in the county all but two years of my life by choice. By choice I did not give birth to a child with special needs, but I did. As I looked around in the townships that I lived in, mostly which was Scott and Armstrong Township, running to the store and whatever I would see parents with adult children that have special needs that were with them and it bothered me thinking that for one thing they didn't have any place for those people to go, but what really bothered me was most of those adult children with special needs were my age and I had never seen these children in public school. Well, I think we can be very thankful that public school today, you know, has services for children with disabilities, but they didn't, you know, 25 or 30 years ago they didn't have to. Let me go back and say 40 years ago, I think I started school over 40 years ago. Sixty for her! So that bothered me that they hadn't been seen out in the community, but what also bothered me was most of these mothers are my age today and the children had no place to go during the day. So in questioning them, you know, I would say, well, you know, why aren't you in that program that EARC has because Jack was in the young program, the youngster's program. I had to drive him back and forth back in those days. That was in '77 or '78. They would say, well, mom doesn't drive maybe and he had to be driven in or mom is too old or mom can't drive anymore. So that got me to thinking about county transportation and trying to project myself 20 years down the road and where was I going to be. I talked to Commissioner Wilner and he came to the County Commission and the County Commission about 10 years or so ago...and probably Lynn would have a date there for that event. I don't remember exactly how long ago, but he brought before the Commission the idea of subsidizing the transportation into the county for the county residents. At that time, I know you've all seen the letter and I brought some extra copies with me if anyone is interested in the letter, but at that time we were provided services through Smile Transportation. I served on the advisory board for several years in the capacity of the chairperson for the advisory board. We did have services delivered from 6:00 a.m. to 6:00 p.m. Smile attempted to provide services on Saturday and even on Sunday, but the issue there was that it was too costly because they didn't have drivers on duty for their other programs that they were providing services for. So that was something that, you know, regretfully we had to even not think any more about. Then the METS contract was awarded to the city to the EUTS program and METS actually has it now, but they didn't at that very early time. They didn't have...at that time there was only transportation with the city through METS, so

this was like a parallel service for county residents that Smile provided because METS could not do that. The contract was then awarded to Williams Transportation and we found our first reduction in services through them because they didn't provide the services from 6:00 a.m. to 6:00 p.m. any longer. Then the contract was awarded to Bassemiers' which is not SLR/Bassemiers'. With that we were provided services from 8:00 a.m. to 4:00 p.m. In addition to that a service that was provided by Smile that's been reduced at least through the contract with SLR is that county residents who live within the city limits are not able to access the county transportation program because SLR/Bassemiers' in their contract, and I am sure that it is written in there that they won't do it, but, you know, they fail to recognize the fact that some individuals like my friend, Ms. Phillips, lives in Independence Square and she likes to come visit people that live in the county, specifically myself, but she has other places that she could go. She does pay...she probably doesn't because she lives in senior citizen housing, but other people in her situation do pay the same county tax rate that other people who live in and within a township as Ms. Jerrel and Mr. Mourdock have informed me. She should be entitled because she is a county resident and other seniors and people with disabilities to access outside the city limits beyond the limits that METS provides transportation to which is three quarters of mile along their fixed route because she is a county resident. That's my first recommendation is that we have that returned back to the county transportation contract. I understand from talking with Ms. Ellis that the contract is up for bid and it actually expired December 31st last year and you are running it on a month-to-month basis. I didn't ask her why. Maybe that is something you could address after I get finished speaking here. The Saturday service issue that I think would be another thing and also the Sunday service issue is something that I think we need to explore. If we are going to award the contract to an agency, a private provider such as SLR, Comaier or whoever is going to be providing the service, even if we are back with Williams Transportation, those vehicles that they operate they have dispatchers 24 hours a day. The vehicles are out on the road 24 hours a day seven days a week. I think that service should be parallel with the service they're already providing which says to me that people who ride Bassemiers' who live in the county at this time SLR/Bassemiers' should be entitled to a 24 hour seven day a week on-call service which is what they have now. You call ahead the day before. On Saturday...Ryan Rupp is here with me today and some of you may have met Ryan, but he is a young man that is accessing the community on his own by using transit transportation. What he is getting right now is he is getting some limited service through METS, but he lives in the county and he really should be riding county transportation, but the services that he is getting through METS are not adequate. For instance, last Saturday, a week ago on the 15th of March, METS abandoned him at Willow Bowling Center because they couldn't pick him up past 4:30. Is that right, Ryan? Or 5:00?

Ryan Rupp: It was 5:00.

Beverly Preske: It was 5:00 p.m., excuse me. Luckily enough he had some other way that he could get home. I drove him home to

the county. I think that Saturday service should be provided through the county transportation program and that would of resolved some of that problem. However, it wouldn't have resolved all of it because he is not finished bowling until 5:00 p.m. That is not just a bowling issue, it is an employment issue and all of that. I had hoped that someone would be here from some of the agencies that serve people with special needs in the community, but I don't think they are. If they are, hopefully, they will identify themselves. I may not recognize them. Those are two of the issues, Saturday 24 hour, Sunday service and the transportation for the residents that live within the city limits. I posed the question to you in my letter that I am very concerned, I mean, the fact that I never leave my home and go from point A to point B and back to point A. I go from point A to B to C and God only knows I can get to Z some days before I go back to A because I try to save things up to get them all done and conserve my time. Under the current contract with SLR/Bassemiers', and this was not the case before, I am informed by their owners that they only provide one round trip per day on the H & E program. Ms. Ellis has informed me by phone that the contract does not allow for limiting the service to be delivered in that fashion. I question that. Where is the monitoring of that contract? That service should be provided, you know, it should be provided. My son goes to EARC. They have a special contract set up with ARC. They pay ARC...ARC pays them \$1 each way to take him to work every day. On Wednesday when he needs to go to the rehab center for his speech therapy he ends up having to use a Medicaid run for that because I usually am working when he gets off from school...off from work, excuse me, and I am not able to drive him there. I only have money to own one vehicle and I have to drive that back and forth to work. It is not available for his home health aides to even drive to take him. That is at least \$25 each way. At least to bill Medicaid. Our living in the county it may even be more. I think it is ludicrous for us to think that Medicaid has to pay \$30 round trip for Jack Preske to go to speech when in the contract it says with the county that they're to provide the service and there is no limits put on the ride, so where SLR is coming up with this I do not know. Maybe they don't understand what they have in their contract. They have provided very good service to Jack. I mean, he has a circle of friends that includes his drivers. They are all very courteous and caring about him and that is important for a person with his limitations cognitively. They understand his seizures and things like that. This is an issue that he should still be riding and you should be able to go from home to shop at the mall and maybe go out and eat lunch and be picked up and dropped all these places. There is no reason for that not to happen that way. Just one second. Like I said in my letter, how many of us get into our cars and just drive one place? I want you to think about that. One of the important things that I want you to think about is what if you as a senior citizen and if you lived in the county, what if you had to access public transportation? Think about the frustration that you yourself would have or that you might have for a loved one that can only go one place and come back in one day. Today, as we near the 21st Century we have great programs. We have ADA. This may even be something that ADA might be able to address, but we also have great vocational programs, education programs. People with

disabilities today are not ending up with low cognitive abilities when they leave school. They have things if they have no speech. They have liberators, they have lots of benefits and they are very productive in their life and they are paying taxes. They are paying county taxes because they have jobs. Unfortunately, with the service that we are getting right now their jobs can only be from 8:00 a.m. to 4:00 p.m. and that is a very big issue. I think with all the support employment and real work in the real world we owe the citizens of Vanderburgh County that have disabilities and the elderly the opportunity to be able to benefit from the same things that we have as non-disabled citizens. I think the advertising for the METS program needs to be enhanced which is not an issue here, but I also think that the county transportation needs to be enhanced as far as publicity. Coming from USI where I am a student, a few weeks ago there was a lady that was walking and she had been dropped off by the METS fixed route system. She had rode the city bus and had gotten off and was walking back north from Indiana 62 there at the overpass. It was windy. I wouldn't have wanted to be out walking and I am pretty able-bodied, but she was an elderly lady and the wind was just...she was walking against the wind. Real reluctantly she took a ride from me and it got me to thinking about all this again. She didn't know anything about SLR/Bassemiers' could pick her up and in addition to that she lives less than three quarters of a mile from a fixed route METS route, so she could of even accessed METS Mobility and she was not able to do that. I would like to recommend that we publicize the service that we have, that we give consideration in the new contract and I don't know if it is going to require another RFP to be prepared to go out, but give consideration to establishing an advisory board and setting in place some monitoring to make sure that whoever is awarded that contract which now is currently \$52,000 and I believe originally it was around \$40,000. I think we need an advisory board to oversee the services. METS, under the federal requirement, has an advisory board that supposedly meets. They do meet, but I am not sure how much...it has always been an issue how much really comes out of those meetings, but I think we need a working advisory board. Williams was supposed to have one. Smile did have one. Williams did not have a networking advisory board and I think that whoever has that contract should be forced to have an advisory board and have a representative from the County Commissioners' office to attend those meetings and hear the concerns of the people that are riding the service. I think that we have to look at the taxes and we have to decide where we could get the money from. I think we need to increase the contract and I think if we are going to award the contract to a private carrier that has 24 hour a day seven day a week service that ought be made available on a call a day ahead basis to people with disabilities and the elderly in Vanderburgh County. Just as a side comment, we came in the front door and the ramp is wonderful, but where is the automatic opener for the front door of the City/County Administration Building? I will entertain any kind of questions that you have. I'm sorry if I took too much time.

President Mourdock: You didn't. Bettye Lou?

Commissioner Jerrel: Oh, I just had a couple of things. Have

you spoken to METS or their advisory board?

Beverly Preske: I have attended some of their meetings.

Commissioner Jerrel: But did you raise any of these issues with them about their program?

Beverly Preske: Yes, we have on numerous occasions.

Commissioner Jerrel: When does the workday end at the Kotter plant at EARC?

Beverly Preske: Ryan, when does your workday end at the Kotter plant? Actually, Ryan is now in a workgroup that is being taken to, and my term for it is the conclave, but to Ameriquail.

Commissioner Jerrel: Yes, we have a new contract with them. I serve on that board and that's a very good new contract that we have.

Beverly Preske: Yes, but Ryan has to ride METS in the morning because SLR doesn't pick up early enough to get him there and then he rides SLR home. He is a county resident.

Commissioner Jerrel: My question is what is his workday?

Beverly Preske: What is your workday, Ryan?

Ryan Rupp: My workday is 7:30 to 4:00.

Commissioner Jerrel: Okay.

Beverly Preske: Now, along that issue Jack does not work at Kotter anymore. He did go for a short while there, but it is too hot and his cognitive and physical limitations and health limitations prevented him from being there. He is in the sheltered work and the day program on Virginia Street now.

Commissioner Jerrel: Okay.

Beverly Preske: His workday, because of transportation, begins at 8:00 a.m. That's when the van picks him up and he goes in at 8:30 is when he actually gets there. We opted three days a week to have him have shorter days because of his stamina, but the actual time that the EARC program closes is 4:30 to the best of my knowledge. We've never been able to use that because of transportation.

Commissioner Jerrel: Uh-huh.

Beverly Preske: EARC is not the bigger issue. The bigger issue is the young person with a disability that wants to work at Schnucks or wants to work at McDonalds and they only can work between the hours of 8:00 and 4:00. That's leaving your house at 8:00 and getting back at 4:00. As far as I'm concerned, I figure that's not even a full workday is it because you have to have a half an hour to get there and a half an hour back? So, they are limited in the amount of time that they can produce employment for themselves.

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

7

President Mourdock: Anything else, Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: First of all, your letter was very well written and I commend you for it. The comments that you've made and I was making questions as you went along. First of all, you asked how is the current contract monitored? Basically, and this is in most things of government, the squeaky wheel gets the grease. This is the first that this subject has been brought to my attention, so that is maybe not the best philosophy, but that is the working rules. Your second point which was how can better service, meaning better working hours, be provided through the contract or revisions to bidding? That also comes back to one of the later points which is what is the status of the current RFP and does one exist? I'll look to Lynn. Perhaps you can give us--

Lynn Ellis: Ms. Preske and I discussed it. It is one of the contracts that through the changes with Bassemiers' to SLR in the purchase and that kind of thing has gone back and forth to the Commissioners several times for approval to extend on an annual basis and then there was a month-to-month basis because of other issues related to that with his potential conflict of interest and other things like that. The Commissioners voted to extend it on a month-to-month basis. It has not been addressed since then except that I became aware through her contact that it did come back to the Commissioners unbeknownst to me to change the name from Bassemiers' to SLR. I didn't even know that Bassemiers' had been purchased. So there has been some communication problems there.

Commissioner Jerrel: Are the fees outlined, Lynn, in the contract?

Lynn Ellis: Yes. Yes, they are. She is correct and I don't know...I told Ms. Preske that I am not sure how we got from point A to point B and wherever we are now or how we got from the Smile contract to the SLR contract because the documentation that I was presented with from the Commission Office had the hours of 8:00 to 4:00. The bid that was redone was strictly based on that same level of service. So I don't know where along the way it has changed.

Commissioner Jerrel: But the \$1 per trip one way--

Lynn Ellis: Yeah, \$1 each way.

Commissioner Jerrel: Right.

Lynn Ellis: Two dollars total and then the county pays a \$52,000.08 per year to SLR for those services.

Joe Harrison, Jr.: Or now it's on a monthly basis where it is \$4,333.34.

Commissioner Jerrel: Okay. You're suggesting that you want a 24 day service for \$1 each way with any number of stops in-between?

Beverly Preske: I think \$1 each way is a little bit ridiculous. If you take the amount...I mean, if you look at what it would cost if you had your own vehicle and drove in town. I don't drive my vehicle in town for \$1 each way I'm sure. You know, I think that is too low of a fee, but I didn't set that fee. The METS fee is \$1.50, is that right, Dottie, each way?

Commissioner Jerrel: I might suggest at this point...I'm new, so I don't really have any background in this, but I would prefer to be able to interact with the city because this is...it is very difficult to draw lines and say this is this part of the community and this is another one and most people don't think that way. I would like the opportunity to, and Lynn and I can do that, to meet with them and discuss that issue before we begin developing an RFP.

President Mourdock: Yeah, the question that I had typed in here as number four says, how can the city/county boundary war be addressed? So we are thinking the same way.

Beverly Preske: Well it is addressed through the METS fixed route system in which John--

Commissioner Jerrel: Connell.

Beverly Preske: --Connell is...he keeps saying he is going to look at it because we've got buses going on fixed routes where there is no riders. Now I don't ride the city bus. I was honest when I told Lynn I have never rode the city bus. I may have when I was small, but I have not rode the city bus as an adult. I've rode METS just for fun, you know, up and down the walkway to see what the little Trolley...that's the only thing I have done. I am not a city person and I know that. So, I can't speak real intelligently about what's going on except that I don't see that those routes have been changed, but they are very clearly defined and they have a huge map that will show you. You can go in there and say, well, do I live three quarters of a mile from that fixed route? The way the crow flies I do not. I have been in and looked at the maps, so it is clearly defined. The fixed routes are defined and it is three quarters of a mile on either side. Now, they have been known...there is a young man whose parents were not able to come tonight that lives on Bob Court which is outside the city limits, but the end of Bob Court which is on Stringtown Road, or Old State Road, excuse me, isn't it? Old State Road--

President Mourdock: Old State, yeah.

Beverly Preske: --is three quarters of a mile from the city limits. They have made an exception and they do go in. METS has gone in and picks up that young man, you know, to take him places on Saturday because SLR is not providing that service. I said this in the beginning and in my letter I think I mentioned it twice. I am not being critical of SLR/Bassemiers'. I'm not being critical of the Commission. I wish I had come here a couple of years ago, but I just haven't done it. I don't think that the operation of the county should be dependent on the squeaky wheel. I think, you know, as Commissioners and other people interested in the residents of Vanderburgh County I think that we should have some foresight into what the needs

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

9

are and transportation is the only way that people with disabilities are going to be able to really go to work and really be able to become viable pieces of this community and for the elderly it is the only way that they're going to be able to get around. Let's face it, we are all living into our 80's now and elderly people are more like disabled people every day. I work at Deaconess Hospital. I see lots of people in their 60's riding in there with their spouses in the hospital and they're in wheelchairs, but they are not disabled. They just have arthritis or something that is keeping them from being mobile.

President Mourdock: Okay.

Beverly Preske: I don't have to tell you guys that. I know I see it on your face.

President Mourdock: My last comment here was simply how can publicity and such items be better addressed in the contract, so we hear you on all those things and I guess I act a little bit or perhaps sound a little bit defensively when I say the squeaky wheel theory works, but I guess--

Beverly Preske: Oh, I know that.

President Mourdock: --I appreciate the input here. This is the first that I've heard it. I was aware and do recall the SLR/Bassemiers' changeover in that contract, but that was presented to us as basically being a change in name and the same services were being provided. So, let us review the information--

Beverly Preske: Okay.

President Mourdock: --and see where the RFP process leads.

Beverly Preske: The other issue that you didn't ask me about was...didn't comment back to me about was the increase in the funding from the Commission.

President Mourdock: Right.

Beverly Preske: I mean, if we posed it to Aztar...I know everybody is in here asking for Aztar. I did this myself about a year ago when they came to town for our resource center, but if Aztar knew that they could hire people that worked out in the...that lived out in the county to work on their boat and they give big revenue back to the county and the city...I mean, they probably would be real excited about having 24 hour a day seven day a week services because they are running seven days a week and almost 24 hours a day now.

President Mourdock: Yeah, that subject of public transportation, aside from the handicapped and the elderly issue, is that part of transportation issues outside the county and beyond normal 6:00 to 6:00 is getting a lot of discussion in several different arenas right now.

Beverly Preske: I know that we are very fortunate in Vanderburgh County. I know that Knox County does not have the public

transportation that we. Spencer County does not. Dubois County does not, but I think if we take a look they also don't have the same tax base that we do either.

President Mourdock: Sure. Well, we try not to operate by simply the theory that we're a little better than the rest.

Beverly Preske: I know.

President Mourdock: We want to be better than that.

Beverly Preske: Thank you very much.

President Mourdock: Alright, thank you Ms. Preske.

Commissioner Jerrel: Thank you.

<b>Lynn Ellis - Approval of bids</b>
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President Mourdock: The next item on our agenda, Lynn Ellis, approval of some bids.

Lynn Ellis: The first request would be to approve the opening of bids for Bid Number VC97-03. That is for shirts and hats for Burdette Park's Summer Camp Program. That would be taken under advisement until the next scheduled meeting.

Commissioner Jerrel: I would move that we take Bid Number VC97-03 under advisement at this time.

President Mourdock: I will second and so order.

Lynn Ellis: The next item is to approve bidding some weapons. Bid Number VC97-02-A for the Sheriff's Department. This is being brought back to you. You approved bidding it a few months ago and then the Sheriff contacted me and asked me to issue a letter to withdraw that request for bids and they are now ready for this. The Sheriff Department's staff has reviewed them and is prepared for them to go out. The request would be to open bids April 14th.

Commissioner Jerrel: I would move approval of opening the bids for VC97-02-A, which was rebid, on April 14th.

President Mourdock: Second and so ordered.

Lynn Ellis: Okay, and then the next item is advertising for bids for Bid Number VC97-04 and that would be for the excavator and that would be for the Bridge Crew. Advertise bids on March 27th and April 3th and open bids April 14th.

Commissioner Jerrel: I would move approval of advertising for Bid Number VC97-04 for the excavator from the Cum Bridge Fund to be advertised March 27/April 3 and opened on April 14th.

President Mourdock: Second and so ordered. That's all you had, Lynn? Correct?

Lynn Ellis: Yes.

**Rick Dickinson - Agreement with BFI for flood relief**

President Mourdock: Okay, Rick Dickinson with the Garage.

Rick Dickinson: Rick Dickinson, Vanderburgh County Garage. I see where it says agreement with BFI. I hope I didn't go into an agreement with BFI. I was asking for help on how we could take care of this. I mean, I wasn't hiring them by no means, I didn't think, but I was basically asking for help on how we can take care of the situation.

Lynn Ellis: I don't believe that they had that impression either. Their representative is here tonight and they said they were just contacted and actually the gentleman from BFI is not in town, so they have not actually communicated about this and he is just here to answer questions and see what we need to do to get this going.

Rick Dickinson: That's what I was wanting.

Lynn Ellis: Right. So we could contact BFI and Waste Management and whoever else to provide the service.

President Mourdock: Okay.

Commissioner Jerrel: The issue is that it needs to begin right away. Particularly one street of the flooded area.

Rick Dickinson: Yeah, if we don't get approval...I mean, if we don't start anything tomorrow we'll start Lynn Road because most of them people down there have got their stuff laying out front...I mean, laying out back.

President Mourdock: I'm sorry, Rick, did I hear you correctly? We won't be starting anything tomorrow?

Rick Dickinson: We will. Somehow we're going to start on Lynn Road tomorrow if we have to take our trucks down there or whatever. Lynn Road, most of them people...a lot of them live down there and they're elderly. The problem down there is, and I need to find out from you all if we can do this or what, but a lot of people have taken their trash and thrown it out the backdoor which is off our right-of-way. What we need to do is that we don't have the manpower and they don't either to take this trash from the backyard to the front yard to put on the curb. We do have front-end loaders and dump trucks where we can go in there on their property and move this stuff, but we can't take 20 people down there and physically move it.

President Mourdock: Right.

Rick Dickinson: I know in the past it has always been do not get off of right-of-way. I don't know what to tell these people because they're in bad shape.

Commissioner Jerrel: Have we put out any kind of flyer? Is that something that...they all know? Everybody knows?

Rick Dickinson: Everybody on Lynn Road knows what is going on.

We're trying to get a hold of everybody on Old Henderson just by word of mouth as we're driving through there. A lot of people on Old Henderson, I mean, they're just strictly camps and, of course, there are a lot of people that live down there, but there are a lot more camps on Old Henderson than there is on Lynn Road and they mark them as camps down there, but people live down there. A lot of people down on Old Henderson haven't even gone down there and see what is going on yet because they don't think they can get down there.

President Mourdock: Well, let's real quickly just work through it step-by-step. I think our basic premise is, excuse me, the folks down there who have been flooded out and have got this problem the last thing we want to do is be an hindrance to them. Okay?

Rick Dickinson: Yeah.

President Mourdock: That's rule number one, find a way to make it work. Rule number two is to meet the obligations of the law. We want to make sure if we are dealing with a specific contractor that we do this in some fashion maybe short of a bid, and maybe I am saying it wrong, Joe or Lynn? We need to bid it?

Commissioner Jerrel: Well, is this a service though that is going to be needed? You're talking about several weeks for bids.

President Mourdock: Yeah, right.

Commissioner Jerrel: This is now.

Rick Dickinson: This needs to be done now.

Lynn Ellis: We could do an emergency bid because of the circumstances. The Commissioners could declare an emergency and we could get quotes tomorrow.

Commissioner Jerrel: Yeah, that's what we need to do.

Lynn Ellis: And then issue a notice to proceed to whoever is successful with the quote process.

President Mourdock: Would we have to wait until next Monday to deal with those?

Lynn Ellis: No.

President Mourdock: Okay.

Commissioner Jerrel: That's the best way.

Rick Dickinson: That's going to be the problem. If we don't start doing something now we are going to end up picking trash off these side roads in the bottoms for a year.

President Mourdock: That's right. The county is going to pay for it one way or the other.

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

13

Rick Dickinson: We're either going to pick it up out their yard-

President Mourdock: Or we're going to pay to pull it out of a ditch. Yep, okay.

Commissioner Jerrel: We are, I know, I see Sherman in the audience, but there is a process and I don't know if we're going to be eligible for any reimbursement for this effort? Do you know?

Sherman Greer: Sherman Greer with Emergency Management. I have a notification of interest here. This was the paperwork that we were supposed to fill out at the meeting that we had last Thursday when the Federal Emergency Management people were here. We need one of the County Commissioners or someone from the Auditor's Office to fill this out. Then it needs to be faxed up to Indianapolis tomorrow. We're eligible for 75% from federal, 12½% from the state and that leaves us 12½% that we'll be liable for.

President Mourdock: Okay. I want to use the correct language, Sherman. One of...and I think it's...is it Section B on there that defines specifically the item that Rick was just talking about where it says flood debris pickup?

Sherman Greer: That's Item A--

President Mourdock: Item A?

Sherman Greer: --debris clearance.

President Mourdock: Okay, then Bettye Lou work with me on this one. I think to be in strict adherence with what we need to do procedurally, I think, officially we need to declare an emergency for solely the issue of debris clearance as a result of FEMA Number Event 1165. I will make that as a motion.

Commissioner Jerrel: Right, and I will make that as a motion for Section A, the clearance of FEMA reimbursement to declare that as the pickup of the debris in the area that has been flooded.

President Mourdock: Right, which is defined by FEMA 1165.

Commissioner Jerrel: Right.

President Mourdock: So I will say second and so ordered. With that, Rick, that allows you to call Lynn first thing in the morning or even before we get done this evening and find out what you need to do to contact people who may be capable of handling the debris, get some quick numbers back from them and then work with Lynn to go ahead and issue what you need to so that you can start tomorrow.

Rick Dickinson: Okay.

Sherman Greer: Also, Waste Management, Solid Waste, is going to be contracting...IDEM is going to contract with a local solid waste organization to pick up those items that maybe have

hazardous materials in them or the tanks that have floated down the river and different things like that.

Commissioner Jerrel: We've worked that one through, so that one is taken care of.

Sherman Greer: Okay.

President Mourdock: Well, that one is under FEMA for hazardous materials.

Commissioner Jerrel: Yes, yes.

President Mourdock: That is somewhat beyond our jurisdiction. Okay, alright. While we are doing this then I would also, Bettye Lou, ask for the motion to approve that so that we can begin the FEMA processing.

Commissioner Jerrel: I would move approval of the Commissioners preparing the request for the disaster assistance for 1165.

President Mourdock: I will second and so order. Rick, are you clear then as far as what we need to do? Very good, okay.

<b>County Treasurer - Debit Option with Citizen's National Bank</b>
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President Mourdock: The next that we have on our list is the County Treasurer. Is Jayne here or a representative for Jayne Berry-Bland?

Commissioner Jerrel: No, I am going to represent Jayne. The issue is an opportunity to enter into an agreement with our fiscal agent, in this case Citizen's Bank, to permit us to issue a debit. That is a...well, I'm going to give you my explanation of it. If you want to pay your insurance payment or you want to pay your taxes or whatever you want to pay you simply fill out a form with your bank and it's debited from your check. That is the service that is being requested and it will not cost the county any additional money because if they...we pay 12 cents if the check is written. If it is debited then there is a 12 cent charge, so I would like to make a motion to approve this arrangement contingent upon the attorney's approval after he reads it.

President Mourdock: Okay, and I realize you're not the official proxy, but I presume this is coming to us with the recommendation of the County Treasurer.

Commissioner Jerrel: Yes, I spoke to the County Treasurer and she requested that I make the presentation.

President Mourdock: Okay.

Commissioner Jerrel: It is becoming more and more common and it is probably going to be requested by more and more regular debts that are owed.

President Mourdock: Okay. I heard a motion there, I believe?

Commissioner Jerrel: Yes, that was a motion contingent upon the attorney's approval.

President Mourdock: I will second and so order. The original for this is in the signature pack, so let me give that back to you.

**County Clerk - Request to pay travel expenses in advance**

President Mourdock: Next item, we have the County Clerk who is requesting to pay travel expenses in advance. I don't see the County Clerk here.

Commissioner Jerrel: Yes.

President Mourdock: Do you know anything about that? Oh, David is here.

Commissioner Jerrel: This item, perhaps, could have been left off the agenda, but we decided to include it, but Mr. Byrne and I spoke a couple of times today. The issue was, and you correct me if I am not...unless you want to describe it?

David Byrne: Well, it is my understanding as it was explained to me by the State Board of Accounts and Bettye Lou Jerrel, Commissioner Jerrel, that prepayment is not permitted under State Board rules and regs. Unfortunately, the situation presents itself that some people that will be going on this from the different divisions, it is not just the Clerk's Office, I want to make that clear again for everyone including the media. It involves other judges and the Sheriff's Department, etc. It would be an inconvenience to them to have to prepay out of their own pocket either because it is not within their cash flow resources or they don't have credit cards. So I believe that with the Commissioners' approval we would entrust the Clerk of the Courts, Marsha Abell, with the county credit card to take care of out-of-pocket expenses that would occur while they are attending this national laboratory on computer software for the court system here in Vanderburgh County.

Commissioner Jerrel: You understand that it is \$24 a day?

David Byrne: Right.

Commissioner Jerrel: The hotel arrangements and I think we've got an invoice coming.

Lynn Ellis: Yes, we were faxed an invoice today. The fee would be \$74.55 per night per room.

Commissioner Jerrel: I would like to move approval to permit them to use our credit card.

President Mourdock: So ordered.

David Byrne: Thank you.

**Acordia of Evansville - Refund agreement**

President Mourdock: The next item that we have is simply a business item which is the acceptance of a refund agreement from Acordia of Evansville which I believe is in the packet.

Commissioner Jerrel: I would like to move approval that we request the refund and that it go into the account recommended by our insurance agents.

President Mourdock: That's in the amount, by the way, of \$45,420.01. I will second and so order.

Commissioner Jerrel: The accounts possible are 3000 and 3001 in the Commissioners' budget.

President Mourdock: Okay.

**County Assessor - IAAO Course One contract**

President Mourdock: County Assessor with some information on a Course One contract. I don't see anyone here on the Assessor's behalf.

Commissioner Jerrel: Well, this is...the money has already been appropriated for this and I don't...there must be an original contract course agreement.

President Mourdock: Right, there is. It's in the packet.

Commissioner Jerrel: Do we need a motion to approve?

President Mourdock: Yes.

Commissioner Jerrel: I would so move that we approve this Course One that is being offered to Vanderburgh County and Township Assessors.

President Mourdock: Second and so ordered.

**Mike Buente - Veazey Parrott & Shoulders**

President Mourdock: Not on the agenda, but next we have the information from Veazey Parrott & Shoulders regarding the update on the Vanderburgh Auditorium contract. So, Mr. Mike Buente.

Mike Buente: Thank you, Commissioner Mourdock. My name is Mike Buente with Veazey Parrott & Shoulders. I'm here to give you an updated status report on the convention center and auditorium. A great deal of time from our design development submittal until Mr. Shoulders' last report to you has been spent on evaluating costs, methods and materials. We are now in the actively pursuing preparation of our construction documents. In two weeks we are going to bring a set of drawings that represent approximately 50% of the completion of these drawings. Some team members are more intensely involved than others at this time. Briefly, some activity is happening right now, structural

systems are being sized. Architectural consultants are working on technical aspects of the plans and compositions of the building sections. Mechanical and electrical equipment is being sized. Plumbing systems are being designed. Duct work is being laid out and coordinated with the physical constraints that the building imposes on them. Furnishings and furniture systems are being laid out and specified so that we can determine or verify that we have adequate storage in the storage areas. Also, we're doing that at this time so that we can coordinate electrical and technology system layout. Great emphasis is being placed on designing and detailing the auditorium. In the past, we've been dealing with the entire project, and that is still happening, but the auditorium project is really the most complex portion of this project. A lot of our specialized consultants are now all accumulating and coordinating. Some of the work that is being done on that is we're detailing the acoustical clouds and reflectors. We're working on lighting and sound components. Both acoustical sound as well as reinforced sound. We're working on curtains and rigging. Rigging both in the stage area and also rigging that takes place with the equipment out in the audience chamber. Lastly, our acoustician has been working for the last two weeks on designing the duct work that actually hangs in the audience chamber. That is a very specific fine art that he is working on with our mechanical engineers. That in a nutshell is where we are at right now. If there is any questions I would be happy to answer them. If not, Mr. Rick Reising is here to give you an update on the environmental report.

President Mourdock: Before we go to Rick, do you, Bettye Lou?

Commissioner Jerrel: No. I just...you're on schedule?

Mike Buente: Yes.

Commissioner Jerrel: Okay.

President Mourdock: That was my key question as well. We'll see you in two weeks with 50% drawings.

Mike Buente: Okay, thank you.

Rick Reising: My name is Rick Reising. I'm with Environmental Management Consultants located at 427 Main on the Walkway. Our firm was engaged to perform a Phase I Environmental Site Assessment on the existing auditorium and the property. What you have in front of you are a series of...the first map there is an overlaid map showing the existing parking lot and the existing auditorium with some historical land uses involved in it. We found two areas of environmental concern associated with the phase one project. Number one was the historical land use associated with...as you can see on that map, gas stations...there's two gas stations that are located on the site itself, or was located on the site itself and three filling stations that were directly adjacent to the site. Two dry cleaners were on the site which indicates that we probably need to do a limited subsurface investigation to make a determination if we have contaminants to deal with during the construction demolition of the project so that they can be handled in an

appropriate manner at that time. Also, there is an existing underground storage tank on site that was used for heating oil and we would also be taking a sample in that area to determine if that has leaked. So this would be soil samples and two ground water monitoring wells with associated chemical analysis to determine if we have a problem with underground contaminants in the soils and water. In your packet it shows a little bit of that history. The second document in there is a 1910 Sandborn Map that shows that part of the facility on-site was actually a railyard there which traditionally has a lot of problems with that. We've laid out a series of samples and analysis to make that determination. The other issue was the asbestos issue in the building. As part of a renovation and demolition that goes on with a building, the federal government and the state require an asbestos inspection so that one can determine if asbestos is present in the facility and then provide that information to the architect and the Commission so that you can make a determination if abatement is required or if it can be worked around. I have provided the Commission with two proposals. One for the limited subsurface investigation and the other for the asbestos inspection.

Commissioner Jerrel: Where are those two proposals?

President Mourdock: Yeah, that's just what I was going to say.

Commissioner Jerrel: Where are the two proposals?

Rick Reising: I was informed...I faxed last week one to Mr. Mourdock and to the Commissioners individually at this--

Commissioner Jerrel: I received a report from you. A letter, a two or three page letter describing this, but there was no description about, you know, the length of time this would take, approximate costs, you know, proposals. Nothing like that.

Rick Reising: Mike Shoulders asked me last week to fax copies to the Commissioners and to Mr. Mourdock. Did you receive yours?

President Mourdock: I got the copies of the drawings, I remember. Or this page and a couple of the other pages. I'm like Bettye Lou, I don't recall seeing any text.

Commissioner Jerrel: I got a letter from...a letter, but the letter only described the potentials that you've just described.

Rick Reising: Okay.

Commissioner Jerrel: That's all that was in it.

Rick Reising: Okay, what you were supposed to get are these which are written over right now.

Commissioner Jerrel: Okay, I didn't get those. I got the description that you have just given us about the filling stations and the potential contaminants and the asbestos.

President Mourdock: Right, yeah.

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

19

Rick Reising: Okay, so where do we go from here? Do you need to know the costs and things or do you need a copy?

President Mourdock: Sure.

Rick Reising: The inspection for the asbestos inspection is estimated to be between \$2,850 to a maximum of \$3,000 and that is without sample analysis. We have a per unit cost of \$15 per sample on the asbestos analysis that is in addition to that price. We're estimating somewhere around 50 samples to be collected.

Commissioner Jerrel: Where are these samples located? I mean, where will you be sampling specifically in the building?

Rick Reising: We will specifically be sampling all of the suspect asbestos containing material in the entire building.

Commissioner Jerrel: I guess, let me...I didn't ask that correctly. Where is this located?

Rick Reising: The suspect material?

Commissioner Jerrel: Is it on the stage? Is it in the lower level? It is around pipes? Where is it?

Rick Reising: We have three different types of material that we've known and not sampled at this point. One is the thermal system installation around the piping and boilers. The others are the plaster surfacing material throughout the facility and then there is the acoustical tile, ceiling tile, asbestos floor tile and things of that nature. There is also some copies in that packet I just gave you of some photographs of suspect asbestos containing material. It is all within the building itself.

President Mourdock: Rick, did I understand you? You said \$15 per sample for the asbestos and I presume that is taking the sample, but that did not include the actual analytical cost?

Rick Reising: The \$15 is the analytical cost.

President Mourdock: Okay.

Commissioner Jerrel: So what you're saying is no more than \$3,000 on the overview plus the additional \$450 if you use 50?

President Mourdock: It's \$750.

Commissioner Jerrel: Oh, 15 samples?

President Mourdock: No.

Commissioner Jerrel: Oh, \$15 for 50, I put 30.

Rick Reising: No, \$15 each.

Commissioner Jerrel: For 50 rather than...I don't know where I got 30.

Rick Reising: Ms. Jarboe, we've estimated, just walked through and estimated that it will probably take at least 50 samples. Each sample will cost \$15 each.

Commissioner Jerrel: Is there likely to be...I have to ask this, I mean, those of you in construction. If you examine the covering of the pipes and there is no asbestos in point A, then you want to go to B, C, D, E, F, G, H, I and make sure there is no more even though it is not present in the typical covering and the same thing is true with the acoustical tile? You'll take one tile out and if it's not in there then you'll still need to take--

Rick Reising: There is a certain methodology that is prescribed by the federal government of how to take the samples and the numbers of samples to be collected.

Commissioner Jerrel: I had to ask that.

Rick Reising: It's a good question.

Commissioner Jerrel: I mean, it's a common sense question.

Rick Reising: Right. We want to make sure that we've got everything, but we don't overkill it.

Commissioner Jerrel: I know. I just had to.

Rick Reising: I understand.

President Mourdock: You think you had one there, wait until this subject comes up. On the testing for the limited subsurface investigation you said you needed to do, Rick. What are you looking at there?

Rick Reising: Uh, could you repeat that?

President Mourdock: Sure. You said given the location of the old gas stations and the UST that you were going to do some subsurface sampling?

Rick Reising: Yes, sir.

President Mourdock: Yes, sir. Okay, talking about costs there?

Rick Reising: Okay, the estimated for...of course you don't have this document. We have estimated to take a total of six total petroleum hydrocarbon samples.

Commissioner Jerrel: Six what? Tell me what?

Rick Reising: Six soil samples for total petroleum hydrocarbons.

Commissioner Jerrel: Uh-huh.

Rick Reising: One sample for soil for total halogenated hydrocarbons, that's for the potential dry cleaner problems. We are taking one ground water sample for what we call BTEX, B-T-E-X, /MTBE which these are derivatives of gasoline and petroleum

products. Then one what they call priority pollutants which is a myriad of volatile organic compounds and semi-volatiles, PCB's and metals and that nature, and developing two ground water monitoring wells in order to take those samples correctly.

Commissioner Jerrel: So that is nine things?

Rick Reising: Like for instance when I am talking about the volatile organics, that's 42 things in that one situation.

Commissioner Jerrel: Okay.

Rick Reising: That suite of chemical analysis is 175 plus particular individual tests.

Commissioner Jerrel: But there were nine major areas that you were going to cover with a variety of test within that?

Rick Reising: Right.

Commissioner Jerrel: Do we have a cost for each one of those then?

Rick Reising: We have a cost to range between \$8,500 and \$9,500 based upon our estimate right now of what we are going to find out there. There is a range in there because we can say take a sample and let's say a hypothetical if we find a contaminate at three foot deep, then we would probably take another sample at four or five foot deep to make sure that we have defined the level of contamination within the soil at that point.

President Mourdock: It is important here to agree and understand that you're not remedying anything. All you are doing is looking for contamination?

Rick Reising: That is correct. This is no remediation, but to determine if there is an underground storage tank in place out there, so a couple of soil sample would be taken adjacent to that tank to determine if that tank is leaking and then we'll come back with a report to the Commissioners and say we're looking good or we have a problem here and we would recommend and then remediation would be the next phase up to the Commissioners.

Commissioner Jerrel: Are you comfortable voting on something without seeing what it is that we are supposed to be seeing?

President Mourdock: You ask the question in that way and you know what the answer is going to be.

Commissioner Jerrel: Well?

President Mourdock: I'm not uncomfortable with the prices that are quoted here.

Commissioner Jerrel: Right.

President Mourdock: I think those reflect pretty much what my understanding of the industry is. There is nothing real out of line there. I would be very concerned if the Phase III, which

is the remediation phase, if that was included in here, then I would be very, very concerned.

Commissioner Jerrel: There is no...so we know that.

Rick Reising: No, we're still trying to determine if there is.

Commissioner Jerrel: You don't have anything with you?

Rick Reising: I just gave her the two the copies--

President Mourdock: Yeah, he gave them to Charlene.

Rick Reising: --that I've got my handwritten notes on.

Commissioner Jerrel: Okay. She is getting copies.

Rick Reising: I faxed them over here to the Commissioners' Office last Friday.

President Mourdock: We apologize. They are probably in the building, but...Mike Shoulders had called me and we spoke basically about what it is that you were going to do and I at that point, again, I remember see a drawing and from then he was going to fax something else and I don't recall seeing at my office. Do you want to take this under advisement at this point?

Commissioner Jerrel: Well, if we can see them I'm willing to act if you are.

President Mourdock: You do not have an original with you, Rick? A clean copy?

Rick Reising: No, I had one and I wrote my notes over it. I can provide you one first thing in the morning.

President Mourdock: Okay.

Commissioner Jerrel: We have two choices. I can make a motion to approve based upon the attorney's final approval or we can defer this until next Monday.

President Mourdock: I am comfortable with the former. The key words that I see is the enclosed quotation is applicable for noncontaminated soil and water only. It does not address additional costs involved in additional soil sampling, boring activities or ground water monitoring and well installations. Basically, these are fixed costs based on the data that you gave us as far as the number of samples. This is work that is going to need to be done. I'm certainly willing to do this contingent upon any fatal flaws in the contract which our attorney might find if you're comfortable with that.

Rick Reising: Certainly.

Commissioner Jerrel: Well, let me make the motion that we approve because we can't proceed any further with plans until we get this information. I would like to move approval of the

contract with Environmental Management Consultants to provide a scope of work for us that has previously been entered into the minutes. The fixed costs have been described and I would like to put the caveat that it must meet with our attorney's approval for the final signing.

President Mourdock: I will second and so order and plan on...I come in every Wednesday evening. If you will have the finished copy here or a clean copy I will sign it at that point based on this.

Commissioner Jerrel: And Mr. Harrison can look at it and tell us between now and Wednesday.

Rick Reising: I'll have it here Wednesday evening, right. Thank you very much.

Commissioner Jerrel: Okay.

**Any group or individual wishing to address the Commission**

President Mourdock: Any individual wishing to address the Commission on any matter not on the agenda and for those I know there was a few who have come in for the Drainage Board and we're not to the Drainage Board meeting yet.

Ryan Rupp: My name is Ryan Rupp. I live at 6946 Tonia Court. That is here in Evansville. This afternoon I had a problem with Bassemiers'. They picked me up from work and brought me down here. I was instructed to call them and they was telling me that I could not come down here on the H & E program, but they let it slide today and I just don't know. I used to work at Kotter that Bev was talking about, the Kotter Avenue plant, and I was being...the way they were doing it they were paying by piece rate and stuff. Like paying, like, 74 cents an hour and I am also working at this new place now and it's called Ameriqua. I'm getting paid like \$4.75 an hour and my last paycheck was \$333.79 and it is being paid by taxes.

Beverly Preske: (Inaudible comments not made from mike).

Ryan Rupp: I pay county taxes.

Commissioner Jerrel: That's wonderful.

Ryan Rupp: Thanks.

President Mourdock: Okay, very good. Did they give you a reason, Mr. Rupp, why they...you said SLR gave you the problem?

Ryan Rupp: Yes, they said since this is not going back to the county that is why I couldn't.

President Mourdock: Okay, they were going from the county into the city and it was--

Beverly Preske: They were going from Ameriqua in the city, a location in the city--

President Mourdock: Right.

Beverly Preske: --to this address in the city, but Ryan is a county resident.

President Mourdock: Right, okay. I gotcha.

Commissioner Jerrel: Thank you.

President Mourdock: Thank you very much.

Dottie Phillips: I'll be very brief. My name is Dottie Phillips and I am saying this just to reinforce some of the statements that Beverly Preske made. I live in Independence Square. There is about 122 or 123 other people, men and women, mostly women my age or thereabouts and there is quite a few of those people that will use if we can get this system implemented to include what Bev mentioned earlier. There will be quite a few of the people in my building that would be very, very happy to see this and I think would utilize it. I would of had some with me tonight from there, but it happens to be pre-Easter, so many of them are working preparing for church things that are going to happen tomorrow night so they couldn't be here. That's why I am down here to speak for them to reinforce what has been previously stated, so there is a great need for it. Thank you.

President Mourdock: Thank you. Anyone else wishing to address the Commission? Mr. Moser.

Ed Moser: Good evening. Ed Moser is my name. I am representing the Coterie Club of Evansville, Indiana. Just a few minutes of your time please. I was with Mr. Shoulders earlier last week and we made a visit over to the Green Convention Center to take the exact measurements of that floor. So when I got back and we had...anyway, I have a letter here dated March 20, 1997 and I delivered this copy to Mr. Mike Shoulders Friday. I didn't see him I just left it with his secretary.

"Dear Mike,

I thank you for the opportunity to meet with you yesterday afternoon first to take the exact measurements of the permanent dance floor at the Green Convention Center and then to return to your office for further discussions and to view the latest floor plan for the entire project and more importantly the ballroom."

With B, C and D, now I don't know if this means anything to you or not, but these are the temporary rooms that are designated Ballroom B, Ballroom C and Ballroom D that can be taken down, put up so they are not a permanent situation. With B, C and D positioned at the north end, this north end of the complex, and north end it positions A, A is the great big portion of the ballroom which would be permanent, with a more balanced and functional posture and at least two ideal stage positions. Meaning the little stages that they would set up for dance bands, for other speaker positions and etc. At least two of these stage positions and with the centerpiece being a permanent

dance floor with measurements of 120 feet in length and 72 feet in width. Now how we arrived at this, some of this is mine and some of this is actual over at the Green Convention Center. The Green floor which is permanent and Mr. Mike Shoulders recognized that immediately because it is permanent. It is 90 feet in length and 48 feet in width. Now how did that get up to 120 in length and 72 feet in width? I sent you all a letter and in that letter I put these measurements in there to extend the length five yards in each direction, the length, which is 15 feet and that's a total of 30. So 90 and 30 is 120, that's the length. I said plan for 4 feet on each side and that is 12 feet on each side, 24 and 48 is 72, that's how I arrived at the 120 foot length and 72 width. Of course, I know this is a point here. Of course, the floor would be covered over when not in use with an attractive cover to match the decor of the ballroom interior while still being available for other functions in the ballroom. Now what kind of a cover? Well, it just occurred to me that maybe Anchor Supply could come up with something very attractive. It's got to be serviceable because there will be traffic on this, but it won't be on the floor it will be on the cover. Or, it could be a very fancy carpet depends upon how much money you want to put into it, but it would be covered. It would be a permanent floor. I close by saying:

"On behalf of the Coterie we wish you and Mr. Mourdock, Ms. Jerrel and Mr. Tuley sincere best wishes for a most successful conclusion to this enormous adventure. Please call me if I can be of further assistance.

Sincerely,

Ed Moser"

So this is the latest position and Mike has a copy of this. I delivered it to his office and I will see that you folks are provided with a copy also tomorrow.

Commissioner Jerrel: Thank you.

Ed Moser: Thank you very much for your time.

President Mourdock: Okay, thank you.

Ed Moser: Incidentally, I got by without saying wood, didn't I?

President Mourdock: Almost!

Commissioner Jerrel: You did, but I went dancing last night and I didn't see you out there. You were there last week at the Eagle's and their wooden dance floor. The Coterie had their program somewhere else.

Ed Moser: The Coterie was at the Gold Room.

Commissioner Jerrel: I asked about you.

Ed Moser: We had an ideal band. We had a band from Lincoln, Nebraska, Bobby Lane's Band, and we had a big crowd.

Commissioner Jerrel: Well, I told several people about you as we were dancing on that wooden floor.

Ed Moser: Okay, thank you very much.

President Mourdock: Thank you. Anyone else wishing to address the Commission on any issue other than the drainage issues which we will get to shortly?

**Tim Spurling - County Engineer's Office**

President Mourdock: Okay, we have our department head reports. County Engineer, Tim Spurling, pinch-hitting tonight.

Tim Spurling: Good evening. I have a lot for you today.

Commissioner Jerrel: Yeah, I am assuming that you sent this over?

Tim Spurling: Um...

Commissioner Jerrel: I don't know whether you did or you did? Well anyway, thank you whoever did it. I appreciate it. I used that information and I did fax a letter to Mr. Faulkenberg. You did, it's from the Vanderburgh County Engineer.

President Mourdock: Okay, go ahead, Tim.

Tim Spurling: Tim Spurling from the County Engineer's office. John Stoll is on vacation this week. All I have for you this evening is the acceptance of 255 linear feet of Riverside Drive in Carneal's Commercial Subdivision. I recommend that it be accepted.

Commissioner Jerrel: Help me out and tell me where this subdivision is.

Tim Spurling: It is on South Green River Road. I've got some drawings here.

President Mourdock: Is it C-o-r or C-a-r? It's spelled two different ways here.

Commissioner Jerrel: I think it is C-a. Mr. Carneal, unless it's a different person.

Tim Spurling: C-a-r.

President Mourdock: Okay, it's correct on the official form then.

Tim Spurling: Pollack is up here and Green River Road.

Commissioner Jerrel: Okay, and then I-64 is up even further?

Tim Spurling: It's just this small stub.

Commissioner Jerrel: Okay.

President Mourdock: Obviously, you've made field inspection to make sure it was done to county standard?

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

27

Tim Spurling: Yes, we have.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move approval if that is needed.

President Mourdock: It is needed and I will second and so order the county's acceptance of 255 lineal feet of Carneal's Commercial Subdivision on...well, off Riverside Drive.

Tim Spurling: That's all I have unless you have some questions.

President Mourdock: Okay, I have one thing and I'll just pass this on to you. I have a letter from Paul and Nancy Ubelhor, I don't know if you got a copy of this, but--

Commissioner Jerrel: No, I didn't.

President Mourdock: --I just need to have some response next week from either you or John on that as far as the area that is marked there. They're requesting some information. Just check it and get back to us if you would. Any other questions for Tim? Okay, thank you Tim.

Tim Spurling: Thanks a lot.

**Rick Dickinson - County Garage**

President Mourdock: Rick, anything to add to our...oh, sure, go ahead.

Rick Dickinson: I don't have anything to add. Now that the news media is all gone I wanted to tell them the reason that we are doing Lynn Road first is because we can get to Lynn Road. Old Henderson Road we're patching and it is not even feasible for trucks to even travel that road yet. Just in case they start calling your office and say why is Lynn Road more important than Old Henderson. It's not, it's just that we can get to Lynn Road.

Commissioner Jerrel: Makes sense.

Rick Dickinson: I know when they start writing that what is going to happen. So when they start calling your office that is the reason why. Nobody is more important than the next it's we just can't get down Old Henderson Road hardly.

President Mourdock: When it makes sense say it. That's as simple as it gets.

Commissioner Jerrel: Thank you.

President Mourdock: For the record, also previously a County Highway Report was turned into us covering the dates of March 14 through March 20. Thanks, Rick.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney.

Joe Harrison, Jr.: Just a couple of items. First of which from last week there was an agreement submitted by the Sheriff's office for consideration by the County Commissioners regarding the jail doctor. I have had a chance to review that document and have added a second page to the document. It will be a month-to-month contract and there are signature lines for the Commissioners. This agreement replaces the agreement with the previous doctor that performed such services up until the end of 1996, so this is a new agreement. Basically, it is exactly the same as the previous agreement, the same monetary amount and provisions and, again, the agreement is with Dr. Harold Smith to provide medical services for the prisoners up in the jail.

Commissioner Jerrel: Do we have that contract in our signature file? I would like to move approval of the acceptance of the jail contract with Dr. Smith.

President Mourdock: Second and so ordered. Joe, is the original for this in our signature package?

Joe Harrison, Jr.: All I had was a copy, but there is an original second sheet to one of them.

Commissioner Jerrel: Is it yours?

Joe Harrison, Jr.: It should feel a little different.

President Mourdock: Yeah, this is the original. I'll hand that to Lynn to include in the signature packet when we get done.

Joe Harrison, Jr.: The other thing I guess I need to do is announce the bids regarding the bids that I opened with respect to VC97-03. There were three bids that were submitted. They are as follows:

- |    |  |            |
|----|--|------------|
| 1. | Gus Doerner Sports<br>408 Carpenter Street<br>Evansville, Indiana              | \$6,392.76 |
| 2. | Soccer Selections<br>4710 Vogel Road<br>Evansville, Indiana                    | \$5,459.88 |
| 3. | Southwest Grafix & Apparel<br>2229 West Franklin Street<br>Evansville, Indiana | \$5,677.20 |

I believe Ms. Ellis will review those to make sure that they comply with the bid requirements and report back to us next week. That's all I have.

**Lynn Ellis - Superintendent of Buildings**

President Mourdock: The Superintendent of Buildings, Lynn Ellis.

Lynn Ellis: I submitted quite a lengthy packet for your review. There is a report from Joe Ballard and a copy of the form to be

used in the collection of some of the material and debris. I also drafted a memo to the County Highway to go along with this and forwarded this to them. In the signature packet if you approve that memo is the original just forwarding that information from Mr. Ballard to them stating that they should be careful in the handling of the hazardous materials if they do, in fact, run into any when they are cleaning the debris. I have received a copy of House Bill 1158 which I will pass a copy on to the County Attorney for his review. This bill addresses changes in the purchasing procedures and the statutes concerning procurement. This specifically addresses the time accrual system that we have been working on and whether we can purchase a portion of that system now and the remainder of it later or if the remainder of the purchase would have to follow in calendar year 1998. I will remain in contact with the state regarding the status of the bill. Kind of as a follow-up to the report being made by Veazey Parrott & Shoulders, Mr. Shoulders contacted me regarding the bidding of the furnishings and asked if the county wanted to purchase that directly from the manufacturer or if they would want to purchase from the local dealer. There are several issues that will need to be worked out before a decision is made on the county's side. One would be personnel handling the receipt of those furnishings. The building would actually be constructed or a portion of the building would be ready to house them, but as far as actual receipt of them or rejection of them and whether we want that liability placed with county personnel or we want to work through a dealer. Of course, working through a dealer as opposed to going straight to the manufacturer would be more costly for the county, but I don't know that we have the crew or will have the crew which is another issue regarding the personnel, so we need to address that.

Commissioner Jerrel: I have a question. You said the furnishings would be expected in the summer of '98? You're a year early. It would be '99.

Lynn Ellis: Well, he indicated '98, but that would be right. That would be '99.

Commissioner Jerrel: So we're not under...you know, we've got a little bit of time to get...but the inventorying of what is there now.

President Mourdock: It may well be likely that the furnishings would need to be ordered though during the summer of '98.

Commissioner Jerrel: Right. You're right.

Lynn Ellis: Well, the intent from them was to get all the bids in together and then within that bid would be a clause that we're bidding at this point, but delivery would not be until such and such time and so there would be a delay, a significant delay, for the actual delivery of those items, but it would provide the manufacturer enough time to manufacture the quantity that would be needed. Then they would be responsible for handling them until we actually wanted receipt of those items. The concern was getting the total cost and without the costs coming in from that bid for furnishings then the Commissioners

won't have an actual figure to work with because it would exclude a large section of the total package being the furnishings. They kind of wanted to get the bids going at the same time so we could have a cost for that as well.

Commissioner Jerrel: I guess I'm trying to visualize. They're not talking about auditorium seats because that is permanent. That's in their fixed costs. What...?

Lynn Ellis: The tables and chairs for like the ballroom or other--

Commissioner Jerrel: Chairs that would be sitting out in the lobby.

Lynn Ellis: The lobby and other meeting rooms that will be located in there. I don't know that you all would want to take action tonight, but just for consideration so I told him that we would get back with him as soon as possible. He is out of town this week.

President Mourdock: Yeah, I don't know that there is anything that we can do this evening, but we're advised.

Lynn Ellis: Also for your consideration is a memo drafted to Mr. Robling from the Department of Metropolitan Development regarding some of the items that have come up lately and asking maybe for more detail for the Commissioners and attendance at the meetings.

Commissioner Jerrel: Do we have a fax number at the garage?

Lynn Ellis: Yes.

Commissioner Jerrel: If there is one we ought to fax this tonight, right now, so that it's there in the morning if they are out there working.

President Mourdock: The one regarding the handling of hazardous materials?

Commissioner Jerrel: Yeah, right. It just occurred to me as I was going through these that would be a good idea to fax because they would be gone when you got in in the morning.

Lynn Ellis: Right. That is the material on one of those items regarding Mr. Robling. SCT conducts weekly meetings regarding the data services and acquisitions of PC's and that kind of thing. They have a meeting on Tuesday morning and I will begin attending those meetings so that I can keep the Commissioners apprised of what is going on as far as the data services goes. The personnel meeting on Friday, April 21st, was a couple of the persons in attendance there had questions regarding a few of the sections of that or subsections of Section 4 of the policy. I have passed along the information also to the County Attorney to take a look at a couple of those sections to see if there would be a potential problem. The welfare to work I am also working with the County Attorney. I'll be receiving a disk with that on it so we can get that downloaded into the Commissioners' system and we can begin making changes to that.

Commissioner Jerrel: I have a question. On the first item, the hire date versus the calendar date and you may not know this now, but think about it. I would be more interest than the ten attendees what offices...I mean, who were the elected officeholders that support that?

Lynn Ellis: Okay. Bill was in attendance. I don't...um.

Commissioner Jerrel: I mean, I don't want a wide array of, you know...

Lynn Ellis: I'll see if we can come up between those that were there. B.J. Farrell and Bill Fluty and between the two of them and myself we ought to be able to come up with a list.

Commissioner Jerrel: This Friday is the last meeting. Are you going to get this one or not?

President Mourdock: I'm hoping to.

Commissioner Jerrel: Okay, well...Thursday, excuse me.

Lynn Ellis: Right, Friday is a holiday.

President Mourdock: Some places!

Commissioner Jerrel: I think I am going to recommend something and then you use your own judgement. I think that we need to sift through the information and answer those questions that are necessary for the broadest base of employees and then do whatever we can to make the policy as workable as possible, but I would not suggest that we go through every line item and make changes because this was done at considerable expense to the county and I think it works well. It is just a couple of things.

President Mourdock: We're not going please everyone all the time anyway. Okay.

Lynn Ellis: Right. The only concern would be if there were a legal problem with any of the...or a conflict within the policy. Those would be the items to pass on to Joe to look at.

President Mourdock: Okay. Alright. You raised the issue of the welfare to work group. The meeting...or that group will get together on Wednesday, so I will need at least about eight copies of the RFP.

Lynn Ellis: Okay.

<b>Consent items</b>
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President Mourdock: Okay, we'll move to the consent items. We have a package that includes some employment changes, travel requests and also the County Treasurer is submitting a report that is in our consent item package.

Commissioner Jerrel: Do you--

President Mourdock: Time out.

**Tape change**

President Mourdock: Yes, Lynn.

Lynn Ellis: Mr. Mourdock, I wanted to let you know one thing. I did follow up with the letter received from the Teamster regarding the errors in Addendum A. There were additional errors in this correction. I have not been able to get in touch with them, so he is supposed to return to the office tomorrow, so I will be attempting again tomorrow, but there are errors.

President Mourdock: There are errors in what they turned back in as the addendum?

Lynn Ellis: Yes.

President Mourdock: Okay, we'll keep that issue alive and deal with it next week.

Commissioner Jerrel: I would move approval on the consent items with this one exception. I would like to have the opportunity to speak to the Burdette Board because we are asking them for considerable input and they haven't had a meeting yet. If these employees are part-time and are coming in when called, then that is fine to go ahead and approve it, but if they're part-time to be there every day from now on I would really like the Board to have input because I hope we can move away from that and let them take over the responsibility.

President Mourdock: Sure and that's a management question.

Commissioner Jerrel: Yes.

President Mourdock: The employment item is as included and you're saying you're going with, but I guess you are saying you want better control over the actual hours that those folks work?

Commissioner Jerrel: Yes, and I would like for the Board to have input on that.

President Mourdock: Sure, okay. There was a motion there for approval of the consent items?

Commissioner Jerrel: Yes, for approval.

President Mourdock: Okay, I'll second and so order.

<b>Scheduled meetings</b>
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President Mourdock: There is a packet...or in the packet scheduled meetings.

<b>Old business</b>
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President Mourdock: Any old business?

**New business**

President Mourdock: Any new business before the Board this evening? In that case so we can get on with Drainage, I would move for adjournment of the Commission meeting.

Commissioner Jerrel: So moved.

President Mourdock: Second and so ordered.

The meeting was adjourned at 7:10 p.m.

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Joe Harrison, Jr.  
Lynn Ellis  
Bill Fluty  
Charlene Timmons  
Beverly Preske  
Ryan Rupp  
Dottie Phillips  
Rick Dickinson  
Sherman Greer  
David Byrne  
Mike Buente  
Rick Reising  
Ed Moser  
Tim Spurling  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

**Vanderburgh County  
Board of Commissioners Meeting  
March 31, 1997**

**Table of Contents**

Introduction and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Larry Neale - Good Dad Association .....	1
Requesting waiver of fee for Shelter House 18 at Burdette Park	
Lynn Ellis - Approval of VC97-03 .....	2
Shirts - Burdette Park Summer Day Camp Program	
Bob Working - Manager, Evansville Regional Airport .....	4
Letter of support for Foreign Trade Zone funding	
C.J. Johnson - Burdette Park Youth Baseball .....	6
FEMA funding request for baseball diamonds	
Letter to Ameritech .....	7
Requesting removal of T1 leased line at Sheriff's Substation	
David Austill - Pool maintenance agreement .....	7
Any group or individual wishing to address the Commission ....	7
John Stoll - County Engineer .....	8
Blue Claim for Lynch Road project (to be paid from USI bond surplus and Lynch Road account)	
Travel request - Dave Franklin	
Discussion of the following items:	
Ward Road/Anthony Drive	
Vanness Avenue	
Rail crossing at Hillsdale and 41	
Hillsdale/Radio Road	
Azteca frontage road	
Rick Dickinson - County Garage .....	12
Progress report for the Highway Department and Bridge Crew for March 21 through March 27, 1997	
Discussion regarding flood debris cleanup	
Motion to buy cherry picker from Industrial Contractors	
Joe Harrison, Jr. - County Attorney .....	17
Agreement with BFI regarding flood debris cleanup	
Recommendation to have Old Jail Complex appraised	

Lynn Ellis - Superintendent of County Buildings .....	18
Discussion regarding Vanderburgh County Step Ahead Addendum from Local Union #215 Letter from Rose Zigenfus concerning road funding	
Consent items .....	19
Employment changes	
Travel requests:	
Weights & Measures	(3)
County Assessor	(1)
Health Department	(5)
Perry Township Assessor	(2)
County Clerk	(1)
County Clerk - Submitting amended January and February, 1997 Clerk Report	
Scheduled meetings .....	20
Old business .....	20
Westwood Hills Subdivision meeting report Addendum A - Teamster Local Union #215 Update from Personnel meetings Recap of goals from January meeting	
New business .....	26
Marsha Abell - Report on some of the things she has been researching before trip to Virginia	
Adjournment .....	29
Attendance and signature page .....	30

**Vanderburgh County  
Board of Commissioners Meeting  
March 31, 1997**

The Vanderburgh County Board of Commissioners met in session this 31st day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting of the Vanderburgh County Commissioners to order. By way of normal procedures, if you would like a copy of our agenda there should one sitting over here on the table. Because we do this as a public meeting and record all of our notes verbatim, if you would be making comments this evening you must do it at the microphone and when you come to the microphone I ask you to please state your name and address for the record. By way of introductions, the empty chair at my far, far right will be filled in a moment by Lynn Ellis, who is the Superintendent of County Buildings; Joe Harrison, Jr. is our County Attorney; to my immediate right, Pat Tuley is County Commissioner; my name is Richard Mourdock; to my immediate left is Bettye Lou Jerrel; to her left is Bill Fluty, who is the Chief Deputy Auditor; to Bill's left is Ms. Charlene Timmons, who is our Recording Secretary from the Auditor's Office. As is our custom, would you please join us for the Pledge of Allegiance?

**Approval of minutes**

President Mourdock: As we begin this evening we have some minutes in our packet from our previous meeting.

Commissioner Jerrel: I would like to move approval of the minutes of the March 24th meeting.

President Mourdock: Since Commissioner Tuley was not available for that meeting I will second and so order.

**Certification of Executive Session**

President Mourdock: Also, as a certification we had just immediately prior to this meeting an Executive Session of the Vanderburgh County Commission in which during that session we discussed some pending or threatened litigation and also some personnel matters. No decisions were made and no votes were taken during that meeting.

**Larry Neale - Good Dad Association**

President Mourdock: Next on our agenda we have a topic on the Good Dad Association. Is there a representative here on their behalf? Please, sir, come to the microphone and tell us what this is all about. We have your letter if you're Mr. Neale?

Larry Neale: Yeah.

President Mourdock: Okay, we have your letter in the packet, so please go ahead.

Larry Neale: Yeah, my name is Larry Neale, President of the Good Dad Association. Do you need the address? The address is 810 B. Lincoln Avenue, Evansville, 47715. We are requesting that the fee

be waived if possible for us to have a fund-raising event there to raise membership and raise money for our organization. I submitted some information about our organization to Tony. I don't know if you have copies of that or not.

President Mourdock: We have about a five page document. Is that it?

Larry Neale: Do you have any questions about our organization? Do you want me to explain a little bit about what we're all about?

President Mourdock: Please do.

Larry Neale: Our goal is to provide an educational forum and initiatives to our community to basically promote fatherhood. We want to provide a support group for fathers who have been disconnected from their children. We are, I guess...we're not a hate group, we're not a group that is out protesting, but what we want to do is educate the community and the general public on the importance of fatherhood and what we want to do is to try to connect fathers with their children regardless of the marital status. We've received a lot of nothing but favorable response from our community through the news media and through our membership which is growing continually. We meet every month at Deaconess Hospital. They have given us a place to...a home where we can have monthly meetings at the Health/Science Building. We do have some fund-raising, other fund-raising events plans. We are going to be participating at the Charity Bazaar, the upcoming Charity Bazaar, at the Eastland Mall. We do need membership. Our membership includes just about everybody in the community. It is not limited to just men. There are women that participate because everybody seems to be effected. It is a societal concern. We network with national organizations also to try to promote fatherhood. We've applied for a grant from Indianapolis from Family and Social Services, or we're applying for it. We've haven't done it yet, but it is on the agenda for us to do this within the next week or two. We have a Board. We're an organized group. We're still struggling with the birth of our group, but we have David Callis who sits on our Board. He is the President of the Social Services Department out at USI. We have a legal representative on our Board and we have a professional treasurer, so we're a very new group which means we don't have a lot of funds. We hope the community supports our efforts in doing this and we really want to be visible in our community. Our thoughts are that fathers...this would be a perfect opportunity to kind of launch this thing through the news media. We intend to have...we're still organizing the event as far as the agenda and what we are going to do, but we would like to work in the best interest of Burdette Park and our community to work together to help promote these important issues.

President Mourdock: Okay, any questions from the Board?

Commissioner Jerrel: I'm going to defer to Pat. I don't know...and to you, Richard. I don't know what the practice has been in the past and, you know, what the shelter...what do they want? Shelter House 18. I don't know what that has been.

Commissioner Tuley: Basically, everything has been kind of determined on an individual basis. The type of organization it is, if they are, you know, if they have funding resources a lot of times we denied the request and in a lot of cases it has really just been done on an individual basis. There are some we've denied

and some we've granted.

President Mourdock: It's, I think, more often than not as they have been funded...I'm sorry, granted or denied the question has been just the nature of the organization.

Commissioner Tuley: Right.

President Mourdock: Just because something was a 5013C didn't necessarily mean that it was going to be approved. It kind of fell back to what is the fit in the entire community, I think.

Commissioner Jerrel: Who is your treasurer, Mr. Neale?

Larry Neale: Mike Finn.

Commissioner Jerrel: F-I-n-n?

Larry Neale: Yeah, F-I-n-n. He works for Prudential Life Insurance Company.

President Mourdock: What is the pleasure of the Board?

Commissioner Tuley: I think for the first year. This is something he is trying to do on an annual basis and I would move for approval on this first year with him understanding that it wouldn't be automatic every year. If you get this going off the ground and everything, but I think for the first year to maybe help you get going, I don't think it would hurt the county to grant the request and I will so move.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

Larry Neale: Thank you, I really appreciate it.

President Mourdock: Could you just as a courtesy report back to us after the event and let us know how many attended and how it went?

Larry Neale: Yeah, sure. You'll probably hear about it in the news media, hopefully, but we'll be glad to stay in touch with you.

President Mourdock: Okay, thank you.

Larry Neale: Thanks, again.

**Lynn Ellis - Approval of bid VC97-03**

President Mourdock: Lynn Ellis, who still doubles--

Lynn Ellis: Right, double-duty.

President Mourdock: Just one?

Commissioner Tuley: They're different.

Lynn Ellis: Yes, just one. I apologize. Double duty, the purchasing function has taken a backseat to the Commissioners function, so--

President Mourdock: You don't need to apologize to us for that!

Lynn Ellis: This is a request to approve the award of Bid Number VC97-03. This is for the shirts and hats for Burdette Park Summer Day Camp Program. The recommendation is to split the award and to award Soccer Selections in the amount of \$4,395.96 and SouthWest Grafix and Apparel at \$760.80. These are to the low responsive and responsible bidders for each line item not groups. The savings is \$264.80 by doing this. The hats are not being recommended at this time because none of three bidders bid the type that they wanted.

President Mourdock: Okay. Questions for Lynn?

Commissioner Jerrel: I would like to move approval of these recommendations and is that correct? Soccer Selection \$4,395.96 and SouthWest Grafix and Apparel in the amount of \$760.80.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Bob Working - Airport Foreign Trade Zone funding assistance letter**

President Mourdock: The next item on our action list is regarding the letter for the Airport Foreign Trade Zone. I see Mr. Working is in the audience here. Would you like to talk to us about this, Bob?

Bob Working: Good afternoon, Commissioners. I'm Bob Working, the airport manager at Evansville Regional. We had approached the county to request a letter of support to the State House and Senate in support of obtaining state funds for the development of the Foreign Trade Zone at Evansville Regional. As I am sure you are aware, the airport has made application with the Economic Development Administration at a federal level and a pre-application. We have been fortunate enough to receive approval to submit an application. We are doing so in the amount of \$1 million and we will have that application submitted to Washington on April 8th. We are looking for state funds. Your support to show bipartisan support in Evansville and Vanderburgh County for the development of this zone would be greatly appreciated and I am just here to try to answer any questions that you may have as it pertains to the development.

Commissioner Jerrel: I have one question. What is the...this is in the form of a bill now or are you trying to get it into the budget bill?

Bob Working: No, it is going into the budget bill.

Commissioner Jerrel: Could you by any chance give us that kind of information? Where it is, who is carrying it, I mean, that sort of thing?

Bob Working: I really and truly am not aware at this time. I did not get a chance to talk to Charlie Hiltunen who is following that for us. I know that it just going into the overall budget bill. We are trying to get \$1.5 million through the Department of Commerce with the State and are just looking for other's support on it.

Commissioner Jerrel: The reason I ask, Bob, is we need to know, you know, should it go to the Finance Committee of the Senate and the Ways and Means Committee of the House?

President Mourdock: Do you mean the letter itself?

Commissioner Jerrel: Yes.

President Mourdock: They're recommending, and I don't know if you've seen the letter or not, Bob, but it is recommending that it goes to Morris Mills, Chairman of the Senate Budget Committee.

Bob Working: Yes.

Commissioner Jerrel: Okay, I didn't see that.

President Mourdock: Oh, I'm sorry. I thought you had it in your packet.

Commissioner Jerrel: Okay.

President Mourdock: Did you get it in your packet?

Commissioner Tuley: Yes.

Commissioner Jerrel: I don't have it in mine.

President Mourdock: Pat, do you have any questions?

Commissioner Tuley: No, I talked to a couple of Bob's Board members about this, so I am satisfied with it.

President Mourdock: As I understand it, and correct me if I am wrong, but the Foreign Trade Zone concept basically allows a company to move either raw or finished materials into this facility and they do not pay any import tariff on those until they actually withdraw them. So it is basically a function to help the cash flow.

Bob Working: From a legal standpoint it is viewed as remaining in the country of origin.

President Mourdock: Okay.

Bob Working: You can bring items into the zone, you can manufacture, you can alter, you can include it into another unit and so forth and taxes are deferred until such time as it leaves the zone. Some times you can bring it into the zone and have it manufactured or reworked and leave the zone without ever having duty paid on it or the duty may be on a different item than what it was when it came in that gives you a financial benefit. We do have 75 acres at the airport that is already designated as Foreign Trade Zone and a small portion of the terminal building. This is money to put into the infrastructure and see that the zone is activated.

President Mourdock: I was asked a question the other day and I think I know the answer, but I just want to be sure. For a local company that wants to export finished products, in other words, they are not bringing in anything they just want to make something here and export it, is there any application of this facility for that group?

Bob Working: I don't believe that it is. It is primarily for bringing goods in and receiving that benefit. There are some times that an export can be if you are bringing in an import item that would have a duty on it but then through the manufacturing process you export it as something that carries a lessor duty going out,

then there would be a benefit for a company in manufacturing on the export side of it, but primarily the greatest benefits are recognized on the import side.

Commissioner Jerrel: At this point is that within the confines of the airport or does it extend outside the airport?

Bob Working: No, the 75 acres is on airport property.

President Mourdock: It is essentially behind Oak Hill School.

Bob Working: That's correct.

Commissioner Jerrel: Do you want a motion?

President Mourdock: Yes.

Commissioner Jerrel: I would move in favor of sending the letter.

Commissioner Tuley: I would gladly second.

President Mourdock: I will so order.

Bob Working: Thank you.

President Mourdock: Thank you, Bob.

**C.J. Johnson - Burdette Park Youth Baseball FEMA funding**

President Mourdock: You have a letter in your packet regarding...or from River City Baseball regarding a list of flood damages to the baseball fields at Burdette Park. Is there anyone here to address that issue?

Lynn Ellis: I am passing down the original which has the color photos. You all were given xerox copies which don't always turn out real well. The packet that Commissioner Tuley has includes the original copies. I was not contacted regarding their lack of attendance.

Commissioner Jerrel: So this is in...what we're authorizing would be to submit these for the repair of the baseball fields and the park baseball complex from the damage in the amount of \$11,886.64?

Lynn Ellis: Right and the FEMA representatives were here today and they were to go out to Burdette and survey the damage. I don't know if they made it out today or if they were going to try for tomorrow, but they did mention that today.

Commissioner Jerrel: You just need a letter or approval?

President Mourdock: Yes. One other point that needs to be made though, at least as I read this letter, FEMA indicated that federal public assistance funds are available to the county for repair of these damages. It would be FEMA money.

Commissioner Jerrel: Right, or at least most of it.

President Mourdock: Yeah, the "at least" is the question that I have in my mind. I'm not sure. I look at some of these items and I don't know with certainty if all of these were, in fact, flood

damage. Replace cabinet and counter top in concession. Was that clear under water out there?

Commissioner Tuley: Five foot under water it says in one of the pictures here.

President Mourdock: Okay, I haven't seen the photos. I was out there the other day.

Commissioner Jerrel: Well, they're going to decide whether they are going to give it to us or not anyway.

Commissioner Tuley: We'll only do what money we get.

Commissioner Jerrel: I would move approval that we submit for those damages.

Commissioner Tuley: I will second.

President Mourdock: So ordered. The original stay with me Lynn or do want this back?

Lynn Ellis: They probably need back in the signature file.

President Mourdock: Okay.

**Letter to Ameritech - Request to terminate T1 leased line**

President Mourdock: We have a letter in your packet also from Computer Services regarding the termination of a T1 line for the Sheriff's Substation. I would look with that issue simply for a motion for approval.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**David Austill - Pool maintenance agreement**

President Mourdock: We also have an agreement for maintenance of the pool at Burdette Park. A contract basically for that maintenance with an individual, David Austill. There is attached to this, unlike past years...I know the issue has come up several times consequently about the insurance, so there is an insurance certificate attached. It is in the sum of \$8,600 for the year.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Now we are at the point where we have used up all of our line items here. Any individual or group who is not on the agenda who wishes to address the Commission. Obviously, we have a Civics class or some group out there tonight. Where are you

all from?

Unidentified: North High School.

President Mourdock: North High School. Welcome. You're here for a very slow night.

Commissioner Jerrel: Is that Mr. Beadles or Mr.--

Unidentified: Mr. Beadles.

President Mourdock: Is that Dennis?

Commissioner Jerrel: Dennis.

President Mourdock: Ah, okay!

Joe Harrison, Jr.: Maybe they can go from here to City Council and watch two in the same evening.

President Mourdock: There you go. You can get double duty tonight. Lucky you. We've had meetings where we've been here as long as 10:00 p.m. and not too distant in the past that was the case, but tonight we're going to get done early. You're getting an easy roll.

Commissioner Jerrel: Short meeting.

**John Stoll - County Engineer**

President Mourdock: Okay, we'll move to our department head reports. The first one up we've got John Stoll, our County Engineer.

John Stoll: First of all I've got a claim for the local match for the Lynch Road project. The invoice showed up today, so that is why it wasn't on the consent agenda, but it is in the amount of \$786,518.98. That is our 20% estimated share for that project. Of that amount \$747,048.32 will be coming out of the bond surplus which will zero out that account before the April 17th deadline, so we will be taking that amount out of the bond surplus and then \$39,470.66 out of the Lynch Road account.

Commissioner Jerrel: I would like to move approval of the payment of that invoice.

Commissioner Tuley: Second.

President Mourdock: So ordered, again, to the tune of \$786,518.98. I'm glad to get that one done.

John Stoll: The second item that I've got is a travel request for David Franklin to travel to Vincennes to the INDOT District Office on either Thursday or Friday depending on what is going on in his projects. That will dictate when he goes, but he is needing to go up there for some checks on the calibrations on our nuclear density gauge. INDOT is testing people and said that they would be willing to help us out, so he just wanted to head up there and meet with them.

President Mourdock: Is he being certified?

John Stoll: No, he is already certified. He's had a problem with

the batteries not holding a charge properly and just to check the calibration of it and since they've got numerous density gauges he just wanted to compare it against their equipment.

President Mourdock: Okay. I need a motion for the approval of that travel request.

Commissioner Jerrel: I'll move approval of travel by Dave Franklin to go to Vincennes to correct some calibration problems.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

John Stoll: That's all I have.

Commissioner Jerrel: I talked to Tim Spurling today.

John Stoll: Yes.

Commissioner Jerrel: A little bit about the Ward Road/Anthony Road issue last week, so it isn't really anything that we need to talk about now, but I wanted you to be aware of it when you do talk to him.

John Stoll: The ditches and pipes have all been sized. It's really just a question of how to proceed as far as trying to get people who don't want a ditch in their front yard to cooperate with purchasing pipe and acknowledging the fact that they'll have a ditch out there.

Commissioner Jerrel: Have you all looked at it recently though?

John Stoll: Looked at which?

Commissioner Jerrel: I mean, you know, they raised several issues and I'll send you the copy. You know they made a lot of remarks. You might want to read our minutes.

John Stoll: From last week?

Commissioner Jerrel: Of the Drainage Board, yeah. I think that would help...really help Valerie and you to see it if you read the minutes.

John Stoll: Okay, was it Mr. Bell and Mr. Tabor again?

Commissioner Jerrel: Yes, and Mr. Jeffers made a lot of comments, too, so it would really help to make it have more meaning and for us to finally be able to say to them that everybody knows what everybody else is saying and then we can sift through that as to what is the real issue.

John Stoll: Okay.

Commissioner Jerrel: I think it would help.

John Stoll: I'll get a copy of the minutes then and we'll look at them.

President Mourdock: Yeah, definitely do because it was an informative meeting. I was talking with Pat here and in a sense it is the same song, 32nd verse, but there were some more discussions

or new things that came out last time that hadn't previously. Pat, do you have any questions for John?

Commissioner Tuley: No. Well--

President Mourdock: Go ahead.

Commissioner Tuley: Actually, I don't know if it is to John or Rick. I got a call today and apparently we've started doing some paving out there on Hogue?

Rick Dickinson: Yeah.

Commissioner Tuley: The person indicated there needs to be some ditch work done on the south side of the road. Are you aware of it, John?

John Stoll: I've not had any complaints about that. I don't know if Rick has or not.

Commissioner Tuley: Can you take a look at it?

Rick Dickinson: What we are actually doing is taking about 50 feet of the city's and we're doing the city's where the guy had complained about drainage there. They had a drain there and the only reason it won't drain is because he won't keep it cleaned out.

Commissioner Tuley: Bill.

Commissioner Jerrel: Bill?

Commissioner Tuley: Bill.

Commissioner Jerrel: Oh, our Bill?

Commissioner Tuley: Harty.

Commissioner Jerrel: Oh, yeah, right.

Commissioner Tuley: He said he talked to you.

Commissioner Jerrel: Yeah, right. Let us get you the exact address and that way you'll know where it is.

Commissioner Tuley: The only other question, too, was when we first had our discussion about this was the intersection with Vanness.

John Stoll: Yeah, I talked to Bill Harty about that.

Commissioner Tuley: Yeah, are we still having trouble with the pole? Don't we have a pole there in the way, a SIGECO pole?

John Stoll: I really still don't see what benefit we have. I mean, I know there is a slight offset in the intersection and that could be straightened up somewhat, but overall as far as substantial widening that would be needed or anything like that out there on Vanness I just really don't see what--

Commissioner Tuley: What the benefit is?

John Stoll: Right, because the road itself...I don't remember the exact width right off the top of my head, but as far as county roads go it is not a narrow road and I know it does have a slight

jog to the east as Vanness ties into Hogue, but that's only a few feet at best.

Commissioner Jerrel: I need to look at it.

Commissioner Tuley: Yeah, I'm not familiar with it.

Commissioner Jerrel: Yeah, I need to...

John Stoll: I went out there after that Westwood Hills meeting last week just to see what it was like at night and I don't live on the west side, so I wasn't at all familiar with the intersection in the dark, but it still didn't seem like anything totally unreasonable.

Commissioner Tuley: Okay.

President Mourdock: John, I have three real quick items. First of all, you'll be getting, if you haven't received it already, a letter that I received from Katie Storms regarding her comments and possible need to do something with the rail crossing at Hillsdale Road and 41. I also sent a copy of the letter that I responded to her and told her that you would be looking at the situation and you would get something back to her as well, so you'll get both of those pieces of correspondence.

John Stoll: Okay.

Commissioner Jerrel: Is that the one that I think I wrote a letter to Betty Englebrecht? Is that where CSX abandoned and--

President Mourdock: No, no.

Commissioner Jerrel: Oh, it's a different one, okay.

John Stoll: The one you're thinking of is probably on St. Joe and on Mill.

Commissioner Jerrel: Yeah, down by...right, right.

President Mourdock: Oh, right.

John Stoll: The ownership has changed hands a couple of times and another one is pending right now, so that's what is making that difficult on seeing who is responsible for those repairs.

President Mourdock: Well, when you get that if you would please respond.

John Stoll: Sure.

President Mourdock: The second issue is Hillsdale/Radio Road. You had commented to me that there is some question on the width of the ditch and what the hydraulic capacity is of that ditch.

John Stoll: Right.

President Mourdock: Perhaps you and I can get together with...her name just escaped me.

John Stoll: Mikki Heck?

President Mourdock: Mikki Heck, and go over that situation because obviously we need to take a good look at what we are going to do

there and need to apprise them of the options. The third issue, the frontage road just north of PPG.

John Stoll: Yes.

President Mourdock: At this point does not connect with the new frontage road that is in front of Azteca?

John Stoll: Right.

President Mourdock: There is that gap in there of something like 1,500 feet. Could you take a look at two things. Number one, get us a rough cost estimate as to what that frontage road would be if it were completed as part of our overall review of the different plans that we have to budget for just so that we have a budget number. Secondly, also determine if the south part of that road, the one that is already constructed, if that meets current county standards.

John Stoll: There are a few problems with that because there was no right-of-way dedicated and it's not county accepted. It is still a private road. If the right-of-way was dedicated to butt up right next to the 41 right-of-way like the Azteca frontage road is then I believe we would end up having to have that billboard removed and relocated. There's a big billboard there at the south end of that existing--

President Mourdock: Okay, those are very good points. Would you put those in writing so I can get them and mull them over?

John Stoll: Sure.

President Mourdock: Okay. That's it for me. Anyone else for John? Okay, thanks, John.

John Stoll: Thanks.

**Rick Dickinson - County Garage**

President Mourdock: County Garage, Rick Dickinson. We received a moment ago the report...the progress report for the garage for March 21st through March 27th. Anything you want to add to it, Rick?

Rick Dickinson: I was going to tell you that we started paving, but Pat already pointed that out. The stuff with the cleanup on Old Henderson Road and Lynn is going real well. We already hit all of Lynn and River Road. Of course, there is some more trash out there. We've been telling them people that we're going to come back in two weeks and do it again because there are going to be stragglers come in that haven't even been to their places yet to see what they've got.

President Mourdock: This may be a dumb question, but are you differentiating among...when you say the trash do you mean household goods that are there?

Rick Dickinson: Yeah, that is basically what we are doing now is just the stuff out of their houses.

President Mourdock: Okay. As far as the debris that has floated up along the right-of-way--

Rick Dickinson: As far as logs and stuff like that?

President Mourdock: Yeah, right.

Rick Dickinson: Actually, we got real lucky on that. There is not as much this year as there has been, but we are working on that too along with that. We've got two crews down there, actually three. One crew is taking the trash out of the houses, another one is picking up the logs and the other one is cleaning off the pavement that has washed away. We've got to square that off and repave the section that was washed off.

President Mourdock: Okay. Questions for Rick?

Commissioner Tuley: I've been gone, Rick, so do we have any roads still closed?

Rick Dickinson: South Weinbach is still closed.

Commissioner Tuley: South Weinbach is still closed?

Rick Dickinson: It will be closed for a couple of weeks probably.

Commissioner Tuley: Okay.

Commissioner Jerrel: I'm going to add something and I could do it now rather than under new business because I think maybe Rick could help me out a little bit. The County Garage has had a truck from Industrial Contractors that they wanted to purchase. It's a cherry picker and it's been out there for about six weeks and Industrial wanted an answer either you want it or you don't want it. Mr. Wortman knew the driver of the truck during its usage by Industrial and he got the work history on it and the repair history and he said it's a good buy for us. They would like \$12,000 for it and it would give us the capacity to trim limbs and things that we can't currently reach. If that is agreeable, that is what...am I correct, Rick? That's what the Garage was requesting?

Rick Dickinson: Yeah.

President Mourdock: Was it budgeted?

Commissioner Tuley: Yeah, that was going to be my question.

Commissioner Jerrel: Well, it would--

Commissioner Tuley: Reverse the tables on you, is that in the budget?

Commissioner Jerrel: Well, as you see...well, you might notice that I have three accounts down here, Roads and Streets, Cum Bridge or Garage. It would have to come out of one of those three accounts and I would make a motion that we authorize purchase based upon adequate funding in one of those three accounts.

Commissioner Tuley: I'll second.

President Mourdock: I'll so order and before I do that let me add that I looked at that truck and the one question that I had Jack Crawford did get back to me on. OSHA has changed some of their regulations on how the outriggers work on those, but apparently that does fit under the older standards.

Rick Dickinson: We will have to do a few things to it. We'll have to put a cage over where the people ride.

President Mourdock: Right.

Rick Dickinson: Some stuff like that, but most of that can be done in-house.

President Mourdock: A cage around where they ride or actually over the cab?

Rick Dickinson: Just actually over the cab so tree limbs won't fall through the cab on it.

President Mourdock: Okay.

Commissioner Jerrel: I was just going to say, did you concur with Curt's judgement on it?

President Mourdock: Yeah, I mean I didn't take an oil sample or anything.

Commissioner Jerrel: Well, obviously, I didn't either.

President Mourdock: Going back to the trash pickup on Old Henderson, the only concern that I have Rick and let me say on the one hand the people who have been out there have suffered through something that I don't know anyone who would want to do that and certainly I don't have a problem trying to help them do something. On the other hand, when does the county's role stop and all that become a commercial venture? I know we had BFI out there on Friday. They were out there Saturday as busy as they could be--

Rick Dickinson: They're going to be out there probably the rest of the week.

President Mourdock: Okay, how are they doing it the rest of the week? Are they just staying at Dogtown Tavern?

Rick Dickinson: Yeah, we've got trucks down there and we're bringing stuff to them and the homeowners around there are bringing stuff to them.

President Mourdock: Okay.

Rick Dickinson: As far as I am concerned a couple two or three weeks...after a couple of weeks it should be their responsibility because we've been down there. We're telling everybody. It's been on radio and TV and I'm like you I don't know if it should go on for two weeks or--

President Mourdock: Clearly it shouldn't and that's the point. We need to say here is the date and that is the date and by 12:00 noon on that day the county's role ceases.

Rick Dickinson: Yeah, I agree. I'm like you, I feel sorry for the people down there, but we can't stay down there all year for people who keep dumping trash.

President Mourdock: Yeah. It would be nice instead of hauling trash out of there we were hauling pavement in because Old Henderson Road has got some rough spots in there right now.

Lynn Ellis: Commissioner Mourdock, I spoke with BFI today and just told them that the intent at this point is to ensure a truck, a compaction truck, out there Tuesday and Wednesday of this week and possibly Thursday and Friday. Mr. Harrison is going to bring up in a moment a contract to execute with BFI, but the service at this point would just be for the rest of the week at the most. Then after that it would be based on an inspection to see how much is still remaining and the debris and how much success they've had to that point. The crews have done a fantastic job so far and have just cleaned up a tremendous amount besides the fact that a lot of the citizens have taken care of their own. You know they have disposed of it themselves.

President Mourdock: I was very pleased to see the way the work was being done out there Saturday. If...with what you just said though Lynn, that comes back to my question. If we are going to say, yeah, there will be trucks out there on an as needed basis after the end of this week, are we not also saying with that that we're committing BFI to be out there after the end of this week because if we're just picking up stuff and bringing it to them--

Rick Dickinson: Hopefully, by the end of this week...like I said, I'll know more Thursday or Friday and we'll have something at the next meeting for you, but right now we are still just running around trying to get everything set up. Hopefully, after Thursday or Friday 95% of it will be gone.

Lynn Ellis: It would require a phone call from the Commission Office and that is the way that I've left it with BFI.

President Mourdock: What requires a phone call? Putting BFI back there?

Lynn Ellis: To continue their service beyond. I will contact them Wednesday after Rick notifies me of the status and if they continue to need the truck on Thursday and Friday to confirm that the truck is still needed those two days and then if after Friday it is needed again then that will follow an evaluation. You know, an actual visual inspection.

President Mourdock: Okay, that's fine, but let me bring it back to what I think I heard Rick say at the outset. You said you thought another couple of weeks?

Rick Dickinson: Well, not with BFI, with us.

President Mourdock: How--

Rick Dickinson: What we will do after a couple of weeks we've been telling people on Lynn Road since we got that one done first we was telling them after a couple of weeks we're going to come back again and it will just be with our dump trucks and we'll bring a front-end loader up there and get what else is left. There won't be a whole bunch.

President Mourdock: Haul it direct to the landfill?

Rick Dickinson: Yeah, just haul it direct to the landfill. BFI won't be involved at that point.

President Mourdock: Okay.

Commissioner Tuley: Will they honor that same tipping fee that's in

this contract at that time?

Rick Dickinson: We told FEMA today that it would be a month and he wanted us to...the way he was hinting it sounded like he wanted us to say a week, but we wouldn't do it and it is going to take more than a week.

President Mourdock: Yeah.

Rick Dickinson: We worked on Lynn Road and that isn't a quarter of what is down there in the bottoms and we were there for three days.

President Mourdock: You started to say something about the tipping fee, I think?

Commissioner Tuley: Well, the question was, I mean, if we're not going to use BFI I saw in the contract...yeah, let's address that tipping fee if we are going to just pick it up and haul it direct.

Joe Harrison, Jr.: The one thing in this agreement is that the county would contact them for services to be provided or for the landfill tipping fee to be utilized. This agreement says that their services can be utilized under this agreement for 60 days or until terminated by either party prior to such time.

Commissioner Tuley: Oh, okay.

Joe Harrison, Jr.: The tipping fee would stay in for 60 days or until such time that we say--

Commissioner Tuley: We're done?

Joe Harrison, Jr.: --we're done.

Commissioner Tuley: Okay, that's fine.

Lynn Ellis: That could be separated and that was the agreement with them is that...and we even did that like on Thursday we began taking things to BFI as opposed to Waste Management and that was done under the terms in this contract. You know, with the disposal fee provided by BFI, so we could contract with them for the \$21.85 per ton.

President Mourdock: Okay, well with the remainder of this week and all of next week...a week from this Friday would be the 11th. Do you think you'll pretty well have everything done at that point?

Rick Dickinson: I think 95% of it will be done.

President Mourdock: Okay, let's do this if the two of you are agreeable. Let's say that the county will terminate our services out there for the hauling of stuff as of 5:00 or the end of business on the 11th subject to a report that you would give then on the following 14th as to whether we need to go back to do anything more.

Rick Dickinson: Yeah, that's more than fair.

President Mourdock: Yeah, I think we just need to let people know that this isn't going to go on forever.

Rick Dickinson: Yeah, and as we're talking to people we are telling them that.

President Mourdock: I think it's important that you give them a date because if they think you're going to be there and then we quit and they didn't know about it, "Well, you hauled my neighbor's how come you didn't haul mine?" becomes a question.

Commissioner Tuley: What time do you guys normally get off?

Rick Dickinson: Three.

Commissioner Tuley: So do you want to make it in the form of a motion that we continue the service until 3:00 p.m. on Friday the 11th?

Commissioner Jerrel: I'll second that motion.

President Mourdock: So ordered.

Rick Dickinson: Milton told me to ask about a mechanic. He said you guys had one...a guy named Scott or...I'm not sure what his name is. He was trying to--

President Mourdock: We'll take that under consideration. Thank you. Okay, thank you, Rick. Good job.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report. The first thing would be the agreement with BFI that was basically entered into this week after the declaration of emergency that was approved by this Board at the Commissioners' meeting last Monday. The agreement is for 60 days, but can be terminated prior to such time by either party. It relates to the loading compaction truck to be provided by Browning Ferris at the times and locations agreed upon by the parties for the disposal of debris and then hauling to the landfill. In addition, it provides for a landfill fee at Laubscher Meadows Landfill. I've got that agreement here. That agreement took effect Friday.

President Mourdock: Okay.

Joe Harrison, Jr.: The 28th of March.

President Mourdock: Since we agreed to this last week do we actually need a motion at this point, Joe?

Joe Harrison, Jr.: What I would do is just ratify what was done or make a motion to approve this agreement. Either one would suffice.

Commissioner Tuley: I'll so move approval of the contract.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Also, the county insurance agent has recommended that the county obtain an appraisal of the Old Jail Complex. It is estimated that an appraisal on that facility would be anywhere from \$1,000 to \$2,000. This is necessary in connection with proper insurance coverage to be maintained on the facility. They have asked the Commissioners to consider this request and to permit them to hire someone for this appraisal which would then come before the Commissioners thereafter they select someone. They would like to

go out and see if they can find some people who would be willing to do this for the county.

President Mourdock: The Commission is...the appraisal is solely for the point of valuation for insurance coverage?

Joe Harrison, Jr.: Yes, solely.

Commissioner Jerrel: We are to pay for it?

Joe Harrison, Jr.: Yes, we will pay for the appraisal, but the insurance coverage thereafter would be, if there is any increased insurance coverage to be paid, it would be paid by the lessee at that facility.

Commissioner Jerrel: That so states in the proposed contract?

Joe Harrison, Jr.: Well, no. The lease with the lessee states that they are to provide adequate insurance coverage based upon replacement value of the facility, so whatever the appraisal would show we would then pass that along to them for their consideration and they would have to comply with the terms of the lease which would provide them to have necessary insurance coverage on the facility.

President Mourdock: The contract I would imagine also states that if there is an appraisal done for the purpose of valuation the lessor pays?

Joe Harrison, Jr.: Yes. No, no. The lessee pays. The lessee will pay for the insurance, but the lessor will have to provide them with some documentation and we ought to have our own documentation.

President Mourdock: Yeah, the lessor pays the appraisal.

Joe Harrison, Jr.: Yeah, sure.

Commissioner Jerrel: Okay, that requires a motion?

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: I'll move approval of that. I would like to put a maximum \$2,000 not to exceed that amount.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else, Joe?

Joe Harrison, Jr.: I think that's it.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: The Superintendent of Buildings putting on her other hat!

Lynn Ellis: Switch them right now. There is a report coming much like the one I submitted last week. A couple of things I need to bring to your attention. The others you can just review later. The one is item number two only because I believe the next meeting is tomorrow morning. You all may be aware of this, but today was my introduction to this organization. I had never heard of them before. The Vanderburgh County Step Ahead Council. They have been

meeting for some time and Gary Heck as of midnight tonight, with Lieberman & Associates, is the chair for this council. They meet at the United Way Building in a screening room and they meet the first Tuesday of every month from 10:00 until noon. As tomorrow is April 1st, that would be tomorrow. I just question whether we should have someone go?

Commissioner Jerrel: Step Ahead has a pretty formal structure to it on who is on it and from what organizations. I can get that for you. There are a couple of members in the building where I work and I can get you a list of the representatives and we really are not...I mean, the Commissioners are not designated to have a committee member.

Lynn Ellis: Okay.

Commissioner Jerrel: That's not a function of Step Ahead. It's an organization that has a number of functions that we're interested in but not governmental in the sense that we don't have a member. I'll get you the list of their membership.

Lynn Ellis: Okay. The other or the next item is item number nine which is in your packet to sign this evening. Local Union 215 agreed to the Addendum that I faxed to them with the correct figures in them. You know they submitted an Addendum that was still incorrect and I faxed them correct figures. That is in your packet to initial this evening as well. The last item included in your packet is a letter from Rose Zigenfus from EUTS forwarding this letter to the Governor and various legislative members. This is regarding the state's County Commission Association and their support of road funding. She wanted to make you all aware of the meeting. I believe it is in Indianapolis tomorrow, April 1st. She said she just found out about it this afternoon at 4:00 and drafted this letter quickly to them in support of their efforts, but wanted to make you aware of it and didn't know if anyone was planning on attending or even if you knew anything about it. The recommended projects are attached to that letter. The listing that Commissioner Mourdock requested for the County Highway is in there as well. That's all.

President Mourdock: I don't know about each of you, but whenever I've needed someone at the Garage it has always been very other than normal business hours and I didn't have a full list of who was in charge at a given time with their phone numbers. Anything else, Lynn?

Lynn Ellis: No.

<b>Consent items</b>
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President Mourdock: In our packets we have the consent items which include some employment status changes, travel requests of county employees and there is also the County Clerk an amended report which I suspect she is waiting to address.

Marsha Abell: No, (inaudible comments not made from mike).

President Mourdock: Just informational? Okay.

Commissioner Tuley: I'll move approval of the consent items.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: In the packet is a list of scheduled meetings which, again, I am not going to read into the record, but I will add one that is not on there which is the Welfare to Work Task Force will be meeting again this Wednesday night. Again, we have...yeah, at 5:00. The County Council meeting is at 3:30 on Wednesday and certainly, I know I plan on being there and Bettye Lou is planning to be there. I think Commissioner Tuley is as well.

Commissioner Tuley: Yes.

President Mourdock: I think that covers the other meetings that otherwise are listed.

**Old business**

President Mourdock: Old business items.

Commissioner Tuley: Yeah.

President Mourdock: Pat, any old business items?

Commissioner Tuley: Just basically what you've got listed on here as item A. A week ago...two weeks ago tomorrow night John Stoll, Joe Harrison and myself attended the Westwood Hills Subdivision meeting. It was quite well attended by the residents out there. Jim Flynn, a local attorney, lives out there now so he is doing their legal work for them which has been a big, big help for them as well as for us. With that large of a group I would of anticipated more animosity and descendance amongst them, but they were well behaved and I think we only had a couple of people that exercised or expressed some concern about the ability to pay for it. I honestly believe that if this thing comes to them in terms of a petition there will be more than adequate support for it. They have encouraged us to move as quickly as we can. They recognize that we are trying to save them money and Joe is still working with attorneys in Indianapolis to try and see if we can group these things together to save them some money and they appreciate that. I guess the only concern that I really got of them was on one hand we are trying to save them money that way, but if we go through another season and don't get it done the cost may be more than what we are saving this way. That was the only real concern that I picked up that they had about it was us getting it done.

Joe Harrison, Jr.: I may know something more by our next meeting. I am meeting with counsel that may help us in connection with this on Friday. I've had some discussions since our meeting with them and it appears that we will be able to go the route we wanted to go with the Barrett Law, but we're not going to be able to group the projects in one bond issuance but they have indicated that maybe they can spread their costs over the three projects which essentially would be the same thing. That's what we're going to have to...I need to get some more information from them, but that was nice that they were able to suggest that they would be willing to do that. They also indicated the individual who typically buys these bonds from the contractor...the contractor will initially get

the bond and then an individual then buys them from the contractor. Apparently there is one individual who buys all these things all around the state. They've indicated that this guy would initially come down to this area and check out the projects to determine whether or not it would be a good investment for him. Hopefully, we can get this person to come down soon before we really get the ball going so we will know then that there will be someone to buy the bonds.

President Mourdock: Is the ball essentially in our court because of the bonding issue or are we waiting on the Westwood Hills people--

Joe Harrison, Jr.: Yes.

President Mourdock: --for anything right now?

Joe Harrison, Jr.: No, no. Well, John Stoll is still obtaining some information, but essentially we are 80% there on most of the projects and 100% on, I think, one of them with the Oak Hill Road one. We are...what I am going to do is give this information to counsel when I meet with them on Monday...all the information that I have when I meet with them on Friday so they can then determine if there is more information that they need before they contact this individual in Chicago or northern Indiana who wants to come down and take a look at these projects. Once that happens then I think we'll know for sure if we can proceed in this fashion. Someone has got to buy the bonds.

President Mourdock: Right. What do you think would be a likely date that we'll know if that can come together?

Joe Harrison, Jr.: I think it will probably...I would be surprised if we know within a month. It's possible that we could know in May. If that happens we can just start the ball rolling and maybe these projects can get under way this summer or this fall or whatever. I think those out at Westwood Hills were told by us that it would probably be a miracle if anything started this year, so they are not anticipating anything to get started this year, but they would sure be glad if it did happen this year and maybe we can get it started this year.

Commissioner Tuley: It was a good meeting and I appreciate Joe and John coming out there to join me to answer some of the questions because they got into things that were legal questions and technical questions for John. It was a big help to me to have them sitting there to help me out.

President Mourdock: I know they had sent a letter disappointed that neither Bettye Lou nor I were there. I know I had another meeting that night--

Commissioner Tuley: It was explained to them and they seemed to understand that Bettye Lou was out of town on her way back into town and that you had several meetings that night. That was all explained to them and they seemed to be fine with that.

President Mourdock: I just made a note, Joe, to check back with you on the first of May to see where we are at with the combining of those issues because this has been...I mean, they've got a very legitimate concern. If we can make the Barrett Law work for them then let's find a way to do it.

Joe Harrison, Jr.: I feel a lot better now than I did a couple of

weeks ago.

President Mourdock: Okay. Other old business?

Commissioner Tuley: I don't have anything that is not listed on there.

President Mourdock: Okay. Well, let's deal with one of them listed on there then. We have in our packets what's labeled as Addendum A to the Teamster Agreement that was passed several weeks ago. You may recall that there were some questions about some wage rates that were in there. It is my understanding that the Teamsters B.A., Lewis Smith, and Sandie Deig have both reviewed this data and these are now accurate. I would look for a move to approve this addendum.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. The next item that I have on my list is just a quick update on the county personnel meetings. I am really going to look to Lynn here for this. If you would, Lynn, you sat through most of those meetings. I know Pat was at one of the earlier ones. I'm not sure that you were at that, but you put some notes together on that meeting did you not?

Commissioner Tuley: Tony did.

President Mourdock: Tony did. Okay, would you compile all the notes from that meeting and come back to us next week and report what the two or three main issues were so that we can discuss whether or not those need to be prioritized and how we wish to address them from that point on?

Lynn Ellis: Yes.

President Mourdock: In fact, if you would why don't you do that formally in a letter and then make sure all the department heads who sat in those meetings very patiently get a copy of that letter so that they know that things were forwarded to all of us.

Lynn Ellis: Right, I asked them for a listing if they had specific comments that they wanted to be addressed because I advised them at the last meeting that I would be putting notes together for the Commissioners' review and asked them specifically to send me notes. Legal Aid has, in fact, done that. There are a couple of items that I would recommend be looked at by legal counsel for review and then some others that most definitely needed to be addressed.

President Mourdock: Okay, if you get those back to us next week, then perhaps next week we can prioritize them, put some dates on them and start to deal with them. One other item of old business that I have, old but continuing, is our bulletin board over here in the corner. The items that are put up there are what were discussed in the first meeting of this Board January 1st. I thought it would be timely to put them back up there since today marks then end of the first quarter of the year. For those who say we never accomplish anything I suppose they could argue that there may be evidence on that board, but there are also those of us who are going to say that we are accomplishing some things and we are staying somewhat focused. In no particular order other than it is at the far left, Commissioner Jerrel listed at the first meeting

having a plan for the east side, finding some traffic alternatives and finding some financial ways of doing things. At the meeting this Wednesday at the Council we are going to be talking about the financial plan that she has presented to do that. I think we can put a check mark by one. Commissioner Tuley raised the issue the first meeting about Burdette Park and defining whether or not it will be a full year facility or how we might better utilize it. I guess the dramatic thing that has happened there, of course, is Mark's resignation. As of this past week we've met with the Burdette Park Advisory Board and gave them marching orders which they seem to move on pretty willingly, so while we are a long way from completing that one we are at least headed that way. I failed to mention on the east side planning that you mentioned that also in your comments the first night, so that one isn't necessarily all under Bettye Lou. I have under mine the Welfare to Work initiative. We met last week with the task force on the request for proposal. We're meeting again this Wednesday and the RFP will be issued April 10th. Once that is done under Joe's advice we've decided to do the ordinance after the fact, after we get the RFP back. The ozone ordinance, I've had some discussions ongoing with Acorn, with EPA Board, with Christine Terry and with the Mayor's Office. We're close to something there, but not quite there yet. Fault me on that one. Under what all of us listed we had the Auditorium and Convention Center construction schedule and budget. We got a report last week, Pat, in your absence that they are on schedule. Next week they will be coming in with the 50% drawings. I guess two areas that I am not pleased with as far as we haven't moved that far along. One is the drainage items, schedule of maintenance for our ditches and the other is infrastructure development plan, what geographic areas and how financed. I don't know that either of those last two areas we've paid any attention to at all and I guess that raises two issues. Are they, in fact, priorities? You know, we said they were, but maybe if we haven't paid attention to them maybe they're really not. Secondly, if they are still priorities then how can we move them up to get more done? I say those last two things somewhat rhetorically, but as I said in the first meeting I think it is important that we stay focused on what we think is important and this is a good way to do it. Any comments regarding that one or anything new that has come up since the first of the year that you feel needs to be on there? Bettye Lou?

Commissioner Jerrel: I am making some initial steps toward contacting Valerie, Bill Jeffers and the Garage to begin to get a sense of how that can be a cooperative effort and hopefully others can help me do that soon.

President Mourdock: Are you speaking of the drainage?

Commissioner Jerrel: Yes.

President Mourdock: Okay.

Commissioner Jerrel: To begin thinking of it as a group effect so that the success of whatever is decided by one member of that triumvirate is followed through by the other two. I don't know any other way to say that, but--

President Mourdock: Gang of three?

Commissioner Jerrel: Yeah. I'm staying on it.

President Mourdock: Pat?

Commissioner Tuley: The comment on the infrastructure development plan. I mean, quasi we are working that. I mean, Bettye's idea on Burkhardt Road that is working in that direction.

Commissioner Jerrel: That's infrastructure.

Commissioner Tuley: That's part of that plan, so I would say there has been some movement and we've had some informal discussions about North 41 and some potential future development there and how we are going to address that. I think that is going to be something that although it won't be foremost in our minds like some of these others it is still there and it still should be considered a priority.

President Mourdock: Okay, knowing that this is a pretty dynamic office and that things change in here day-to-day, are there other things that need to be on that board that aren't up there? Lynn or Joe or Bill, Charlene? You guys are in here week after week with us. Are there any issues that we hear about constantly that ought to be there that for some reason are overlooked?

Commissioner Tuley: I was going to say you're working on something now in terms of the computer situation.

Commissioner Jerrel: I think the issue is one of the role of the Commissioners and the role of the Council in terms of the overall county budget. One of the reasons that I am here is because I was over there and I saw that this group impacted a great deal on that. So if we can come to grips with a lot of the big issues so that we'll be able to look at a budget and say this year our assessed value to maintain our tax rate will generate this much new money. Then what do we feel is the most important thing to do with this new money? We might...and I think Council would welcome some input. Though they set in salaries we still can make recommendations, but in terms of the dollars that are available...and I am just assuming that you're not interested in raising taxes. If, in fact, that is the assumption then we will have additional funding through increased revenues and that is precisely one of the main reason we have money available to do Burkhardt. While increased revenues are there, and additionally we are in a position where our assessed value will be going up, that we can have these additional funds and if we wish to maintain a basic level on the tax rate that is an opportunity for us to decide that these dollars will be prioritized in this way. It gets away from you if you don't keep the whole umbrella pictured as what we do influences all parts of that \$33 or \$34 million budget.

President Mourdock: I made a note to have Tony add that as an issue. I am going to suggest two more as I've sat hearing that it reminded me of two things. First of all the idea of an economic development plan it occurs to me that one that we talked about that first night that I don't see up there right now was that question of determining our destiny. Are we going to be the suitcase--

Commissioner Tuley: Suitcase community, sure.

President Mourdock: --or are we going to be the industrial manufacturing. I don't know how that got omitted off that board actually.

Commissioner Tuley: Especially since it was your idea.

President Mourdock: Yeah, right and I am surprised I didn't notice

it before now. That thought with what Bettye Lou just said about an overall plan, I think, comes back to cause us to focus on how we might better work with the Council as far as--

Commissioner Jerrel: Absolutely.

President Mourdock: --economic development plan be it on things from tax abatements to infrastructure or whatever. I don't know if either of you noticed, but this week in the Kiplinger Newsletter Vanderburgh County was cited as one of the hottest areas in the United States.

Commissioner Jerrel: That's right. Yeah, I saw that on the Internet.

President Mourdock: Yeah, Vanderburgh County and the surrounding counties. We were the only ones cited, so that was kind of an interesting development. I think it is important that we work and help in our leadership role with the Council to define how we're going to give...or actually how they, hopefully, will give some form of tax abatement or whatever you want to do. Obviously, I can say it all day long, we can say it all day long, but they're the ones who need to make that decision and we need to coordinate what we do so I am going to add that one. The second one is going back to Lynn's assignment in getting this letter to us next week on the personnel policy meetings. I think we need to put one up there as far as updating that Personnel Policy Handbook in line with the feedback that we got back from the various department heads.

Commissioner Tuley: That's a good one to add because that was one of the concerns that they had the first meeting was are we going through this for nothing.

President Mourdock: Right.

Commissioner Tuley: Are you actually going to respond and do something?

President Mourdock: Right, yeah. I fear if we don't give it that priority it may slip by us. Any other items or comments?

Lynn Ellis: The Purchasing Manual might also be added to the Personnel Manual.

Commissioner Jerrel: I agree.

President Mourdock: How do you mean that, Lynn? Adding it?

Lynn Ellis: Get a procedure manual regarding purchasing for the county. The city adopted one, but the county has not. I have copies for each of the Commissioners of the Purchasing Manual.

Commissioner Jerrel: I reviewed that today and I feel very strongly we need that because it would make...it would bring some uniformity in an area, but I think we need to wait until the legislature is over because they're considering some bills that could make part of the existing one not applicable to the county, but I think it is a good goal to move ahead on.

President Mourdock: Okay.

Lynn Ellis: That bill is 1158 and if it wasn't approved today it's very close.

President Mourdock: Okay, any other comments? Any other old business?

**New business**

President Mourdock: Any new business?

Marsha Abell: Commissioner Mourdock?

President Mourdock: Sure. I expected you to rush to your feet at that point anyone else not on the agenda.

Marsha Abell: I'm Marsha Abell, the County Clerk. I wanted to tell you that since making our arrangements to go to the National Center for Courts, I've gotten two brochures from two of the companies that were going to be represented and I feel a little more confident about going. A lot better about going actually. These are both from their marketing departments so obviously this is their glossy that is supposed to make us just fall in love with their program. Actually, if that is what I was judging on I fell in love with one of their programs, so they did a good job of it. One of the things I wanted to tell you that I have done is I met with the State Board of Accounts and asked them to give me a check-off list of everything that they would require from us in a financial package so that we don't get tied into a system that doesn't have what we are going to have to have to meet State Board of Account requirements. In reading these two brochures that have been placed to us some of these things that I am going to be addressing probably should be addressed by SCT, but I am taking it upon myself to do it in the event that they don't do it. Training and data conversion to make sure they intend to come here and train us on these and not look to SCT to do that. SCT says they are already overloaded so I don't know how they could possibly train us on a new program. Data conversion, if it is not going to convert automatically we're not interested. We don't have the personnel to sit down and actually input all this stuff. After purchase support, what they are going to provide for us? Interaction with other county software such as the word processing packages. I don't want to end up with having to have two computers sitting on each desk to do everything. A financial package that is not labor intensive that automatically does all the balancing and all the checks and balances for us and also that provides us the required reports for the State Board of Accounts. I'm going to check into their upgrades. The state, as the county attorney can tell you, is coming up with new court packages that they are going to insist on that conform statewide. I want to make sure that the company that we go with will provide those upgrades for us that will conform with those rules. While we are going to a new program jury selection, I think, is something that we should be looking at. Right now we have the old-fashioned system that we run off an entire list of our registered voters on peel off labels as if you were going to mail them something. Someone sits down and cuts 134,000 of those things into pieces, throws them in a box and then somebody sits there and pulls out the jury. That's ridiculous. I want to look at a jury selection program by computer so that we cut down on that labor. I want to get a list of current users as to who is using their system and how happy they are with it or unhappy with it. I want to make sure that any program we get is going to be applicable for public access. That is going to be coming to us in the form of requirement, not something that we'll be able to decide whether or not we want to do it. Security has been a big problem with Art Gann. I want to make sure that we cover that for

him. Ability to modify for our specific needs. We don't want a program that is so canned that we can't adjust to it for our specific needs and then last to find out the cost of the program, needed hardware and supplies needed to run that program to make sure we don't get ourselves in to some type of a system that we're going to have to then buy specific paper or supplies from a company to run. Those are things that I think are very important. I have been studying those. I wanted you to feel a little bit better about sending those of us that are going over there and let you know that we're not, you know, just sitting back. I have been doing a lot of studying on this and I think we'll be ready to come back with a good report for you when we get back from there.

Commissioner Jerrel: Just one comment occurred to me when you were explaining that.

Marsha Abell: Yes.

Commissioner Jerrel: The State Board of Tax Commissioners when it came to reassessment software, they approved only three.

Marsha Abell: Uh-huh.

Commissioner Jerrel: For the entire state to use. Now what you were saying to me is perhaps that may happen also with the court's packages?

Marsha Abell: That's correct.

Commissioner Jerrel: In which case I wouldn't buy anything until you know...I mean, I would contact the administration arm and I can give you Meg Babcock's number and how you can get a hold of her because, you know, you need to know if they come up with three software or four software plans that are presented as county approved and we've bought plan Z over here--

Marsha Abell: Right, we're back here next year with the same problem.

Commissioner Jerrel: No, we won't be because this is your year. If you don't get it right now that's it!

Marsha Abell: I have actually given that task to Doug Knight, Judge Knight. He's been in contact with...they have actually written the requirements. They're in rough draft. They're not ready to publish them, but he has them in rough draft and he is going to present them to me to take with me.

Commissioner Jerrel: Good, good.

Marsha Abell: I intend to hand them to whatever company that we get interested in and say you've got to meet these requirements. Can you, in fact, do that? And we'll want that in writing.

Commissioner Jerrel: They ought to. I mean, I think there will be an approval system. There was before.

Marsha Abell: Uh-huh.

Joe Harrison, Jr.: What she is saying is then you would have to shoot that up to the state and make somebody sign off before you--

Commissioner Jerrel: But they may not want to sign off until they

make a decision. You know what I am saying? We need to move them in the same direction. I know there are other counties that are bound to be--

Marsha Abell: We don't want to commit to \$1 million or \$1.5 million for a computer program and then have the State of Indiana come down and say yeah that's nice, but here are the few things that have to comply with us for the state courts. So we want to make sure that we don't get ourselves into that particular trap.

President Mourdock: The state has a wonderful surplus. Why don't they just buy the program and give it to us?

Marsha Abell: Well, that would be great. We could be their trial...we could be their model county and they could see how it works with us. My experience with that through the child support system is not very good.

Commissioner Jerrel: Marsha, I've got that number.

President Mourdock: One item, Marsha, and we have it under old business. We've got an item here that says reimburse SCT for airfare expenses in May.

Marsha Abell: I don't know what that...is that this trip?

President Mourdock: I presume it is.

Marsha Abell: I don't know anything about that.

President Mourdock: Do we need a motion to do this?

Lynn Ellis: We were going to do that and then there was a motion last week to use the Commissioners' credit card and that was to do the airline tickets as well wasn't it?

Commissioner Jerrel: Well, I hadn't planned...it wasn't my intention after talking to them--

Lynn Ellis: Was that just the hotel and food?

Commissioner Jerrel: Well, no. It was that I thought SCT would pay for their own out of their \$25,000 budget.

Marsha Abell: That's what I understood is that SCT would pay for their own and the only thing that the Commissioners pay was for us.

Commissioner Jerrel: We pay for everybody else from the Commissioners.

President Mourdock: We don't need to do anything with that item then on here?

Commissioner Jerrel: No.

Marsha Abell: Okay. Did you have something else?

Commissioner Jerrel: Yeah, I just wanted to give you a telephone number.

Marsha Abell: Okay.

Commissioner Jerrel: She can perhaps help you.

**Vanderburgh County  
Commissioners Meeting  
March 31, 1997**

Page 29

Marsha Abell: Okay, thank you.

President Mourdock: Thank you, Marsha. Any other new business? Any one else to address the Commission? I would look for a motion.

Commissioner Tuley: So moved.

Commissioner Jerrel: Do you have a favorite tonight.

Commissioner Tuley: What?

Commissioner Jerrel: Do you have a favorite tonight?

Commissioner Tuley: Wildcats.

President Mourdock: Adjourned.

The meeting was adjourned at 6:52 p.m.

Those in attendance:

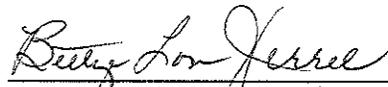
Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Bill Fluty  
Charlene Timmons  
John Stoll  
Rick Dickinson  
Larry Neale  
Bob Working  
Marsha Abell  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



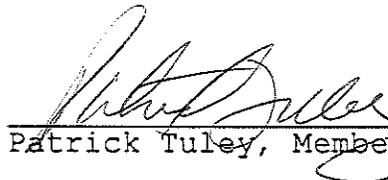
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Richard E. Mourdock, President



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Bettye Lou Jerrel, Vice President



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Patrick Tuley, Member

**Vanderburgh County  
Commissioners Meeting  
April 7, 1997**

The Vanderburgh County Board of Commissioners met in session this 7th day of April in the Commissioners' Hearing Room of the Civic Center Complex at 5:43 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the April 7th meeting of the Vanderburgh County Commissioners. If you're looking to do business with the County Commission you are in the right place. If not, you are free and would probably do yourself a great favor, knowing some of our meetings, to go ahead and find a way towards the door. Lynn, our agendas are not on the table or they have already been picked up? Okay, it looks like folks have got them. If you need an agenda we will get you one. By way of introductions, the lady who just stepped out at my far right is Lynn Ellis, who is Superintendent of County Buildings; next we have Joe Harrison, who is our County Attorney; to my immediate right is County Commissioner Pat Tuley; to my immediate left is County Commissioner Bettie Lou Jerrel; to her left is Suzanne Crouch, who is the County Auditor and under Indiana statute the County Auditor is the recording secretary for the County Commission; and to Suzanne's left, and I almost by force of habit said Charlene Timmons, but in fact we have B.J. Farrell, who is sitting tonight doing the actual recording of minutes. During our meeting if you wish to speak or address the Commission because all of our minutes are verbatim we ask that you come to the microphone and state your name and address. Our sound system is such if you try to speak from anywhere other than at the microphone we won't be able to pick you up for the minutes and won't be able to hear you. So with all that as introduction, please join us in the Pledge of Allegiance. As you can tell from the number of people in the room, we have quite a few who wish to speak tonight and we have a fairly extensive agenda, so we would ask you if speaking to keep your points down to something less than three or four minutes and then the Commission will address you with questions.

**Approval of minutes**

President Mourdock: With all that, the first item that we have tonight on the agenda is the approval of minutes from our last session.

Commissioner Jerrel: I'd move approval of the minutes of the March 31st meeting.

Commissioner Tuley: I'll second.

President Mourdock: I will say so ordered.

**Certification of Executive Session**

President Mourdock: Just prior to this meeting beginning at approximately 4:25 there was an Executive Session of the County Commission. The three Commissioners were present as was the

County Attorney and the Auditor. That session was for the discussion of the initiation or litigation and pending or threatened litigation against the county. It was in regards to collective bargaining and also in regards to certain county personnel matters. That meeting was adjourned at 5:40 p.m. this evening. No action was taken, no votes were taken at that session.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: I have on the agenda, Mike Shoulders, with Veazey Parrott & Shoulders. Ah, there he is back in the corner.

Mike Shoulders: Good evening, Commissioners. My name is Mike Shoulders, President of Veazey Parrott & Shoulders at 528 Main Street. Tonight I have a very brief report. I am delivering for you what is considered to be the 50% construction documents for the Vanderburgh Auditorium and Convention Center. I would give these to the President who in turn will review them and give them to John Stoll, I believe is the procedure, the County Engineer. We will also make a set available to Steve Utley in the Building Authority if that is acceptable to the Commissioners. The only other report that I have tonight is the soil samples for the environmental phase two and the ground water samples for the environmental phase two have been taken. We don't have results as yet. We will be expecting those results when the lab reports and we get our findings. We will, as soon as we have those, we will make them known to you.

President Mourdock: Do you have an estimate of the date on that, Mike?

Mike Shoulders: I would say a couple of weeks on that. Maybe by our next report, you know, our two week report we'll have that for you hopefully. We are still on time on the schedule and so I would entertain any other questions from the Commissioners this evening.

President Mourdock: The only question that I have, I think, is not for you, but for Lynn. We have your schedule that is supposed to be posted on the wall here because we are getting to the critical phase where this is going to be more and more of an item for us.

Mike Shoulders: I've had discussions with Lynn and she wants to review with my interior people the furniture and we're in the process of that kind of communication on the inventory of furniture and so forth.

President Mourdock: One issue that I have heard of slightly and it is not directly in regards to certainly your services here, but have you been getting any calls regarding the current assets at the auditorium regarding their use in their interim or move out of that facility?

Mike Shoulders: I haven't received any calls on that.

President Mourdock: Okay, if you do, and I don't know that you

would, but be sure that you refer them back to Ms. Ellis.

Mike Shoulders: Okay, we'll do.

President Mourdock: Did you start to say something?

Commissioner Jerrel: No, I did not.

President Mourdock: Pat?

Commissioner Tuley: No, I have no questions for Mike.

Mike Shoulders: Okay, thank you very much.

Commissioner Tuley: Thank you, Mike.

President Mourdock: Anyone else wishing to address a Commission...or a Vanderburgh Auditorium issue while we are on this subject? Okay.

#### **Waiver of Building Permit fee for flood victims**

President Mourdock: The next item on our agenda we have in our packet, basically, a letter, I believe, from Roger Lehman with the Building Authority regarding the waiver of a fee for flood victims down in Union Township primarily. He had contacted me last week shortly after our meeting requesting that the County Commission join with the Mayor in basically signing a waiver so that people would not be tied up with bureaucratic red tape so they could get their building permits to begin to redo the construction that they need to do.

Commissioner Jerrel: May I read your letter?

President Mourdock: I'm not sure it is right here at my fingertips.

Commissioner Tuley: This?

President Mourdock: Is that all there is?

Commissioner Tuley: That's all I've got.

Commissioner Jerrel: I would like to move approval of the recommendation from the Building Commissioner that the fee for building permit requirements for flood damage repairs be waived.

Commissioner Tuley: I'll second.

President Mourdock: I will say so ordered.

#### **Cheryl Musgrave - Permission to advertise job opening**

President Mourdock: We have a request from the County Assessor, Cheryl Musgrave, for permission to advertise a job opening.

Commissioner Jerrel: I would like to move approval of the request for the County Assessor to advertise for the position

that she has indicated in this attachment.

Commissioner Tuley: I'll second. This line about a sense of humor should be included in all advertisements for jobs. That would help any of these jobs that we have here in the county.

President Mourdock: Alright.

**Barrett Law issues**

President Mourdock: The next item we have several folks here to deal with the drainage issue and the possible applications of the Barrett Law. Oh, I'm sorry. That was a so ordered for the job position for the Assessor's Office. Thank you, B.J. for keeping up there. Now, sir, go ahead.

Jim Flynn: Mr. President, my name is Jim Flynn, Commissioners Jerrel and Tuley. I am here for Westwood Hills Subdivision north of Upper Mount Vernon Road on Boehne Camp. Also with me, but I am not representing them as their attorney, is Mr. Walther and Mr. Kuhlenschmidt who are here for respecting sewer projects in their neighborhoods. We have been working with the County Engineer and the County Attorney toward getting these improvements constructed. Now I received a telephone call from Mr. Stoll indicating that Westwood Hills requires a cost estimate from our own engineer. We had received a cost estimate from Mr. Stoll for the repairs to the streets in Westwood, but I am told that we need an independent engineer's estimate and Mr. Stoll and I conversed today, he's here, and indicated that I would receive a form appropriate for completion by our engineer. Are there any other steps that we can take at Westwood before we get to the other jobs?

Joe Harrison, Jr.: He is obtaining a subdivision plat for me so we have all the lot descriptions. You may want to provide us at some point with...and maybe you have done this and I don't have it, a copy or a list of all the names of all the homeowners.

Jim Flynn: I've done that.

Joe Harrison, Jr.: Okay.

Jim Flynn: Do you have that John Stoll? Do you know what he is referring to?

John Stoll: I've got a copy of the list--

Joe Harrison, Jr.: Okay.

John Stoll: --of all the homeowners and I do have the subdivision plat for you.

Joe Harrison, Jr.: Okay, that's fine.

John Stoll: In regards to what Mr. Flynn was talking about, the cost estimates, that was in regard to our discussion last week--

Joe Harrison, Jr.: Right.

**Vanderburgh County  
Commissioners Meeting  
April 7, 1997**

Page 5

John Stoll: --that the independent engineer needed to provide another cost estimate.

Joe Harrison, Jr.: So I think that is all we need from them. I have provided all the information that I had up to this time except for that to bond counsel up in Indianapolis and I will talk further about that in a few minutes.

Jim Flynn: Okay, Mr. Kuhlenschmidt is here for--

Ted Kuhlenschmidt: Eric Schwenker.

Jim Flynn: Yes, for Mr. Schwenker. What is the subdivision going here?

Ted Kuhlenschmidt: Oak Hill Road.

Jim Flynn: Oak Hill Road. Are there any requirements of his organization?

Joe Harrison, Jr.: Well, the same thing. I think Mr. Schwenker has provided me with...he has indicated that the number of people who would potentially tap in, but if I could get, and maybe you have this and maybe he has this available, but their addresses and the names of such homeowners. At some point I am going to need that as well. I think he has given me the number, but I don't know if I have the exact addresses and their names.

President Mourdock: You need to come to the microphone Mr. Kuhlenschmidt.

Ted Kuhlenschmidt: When you refer to numbers--

Joe Harrison, Jr.: I'm sorry, can you state your name directly--

Ted Kuhlenschmidt: I'm sorry. Ted Kuhlenschmidt, 5313 Oak Hill Road. When you're saying numbers, these are the numbers that we believe that people have committed to the project?

Joe Harrison, Jr.: Well, no, he gave that number as well as the number of people who would be potentially affected whether they were for it or not.

Ted Kuhlenschmidt: Okay, so you would like to make sure that you have that number and the addresses--

Joe Harrison, Jr.: Yes.

Ted Kuhlenschmidt: --of all the people?

Joe Harrison, Jr.: Yes, who would be affected by the project.

Ted Kuhlenschmidt: Okay, thank you.

Jim Flynn: Also, Mr. Walther is here for Old State Road and I think he has some other problems that they are going to be discussing with you, but are there any other requirements for Mr. Walther?

Joe Harrison, Jr.: Well, as far as Mr. Kuhlenschmidt is concerned, they have provided me with an independent estimate from your engineer and as far as the cost estimates we're fine with that.

Jim Flynn: Yeah, I think Mr. Schwenker has provided you with that.

Regarding the form that John Stoll was going to give to us, we have that. He has given that to us tonight and I would like to ask that we be placed on your agenda for next week because I think I can get that estimate in to you by next week.

President Mourdock: Okay.

Jim Flynn: If you could do that please.

President Mourdock: Yeah, Lynn, would you so note that please?

Joe Harrison, Jr.: Yeah, that's fine. As far as starting the process I still have some more things that I am going to address with you on that and we can discuss it now or later.

Jim Flynn: Oh, would you like to do it now on the record or would you like to telephone me or how do you want to handle that?

Joe Harrison, Jr.: What I would like to do is hear from Mr. Walther first and then I can tell you where we are with the whole thing.

Jim Flynn: Okay, good. Mr. Walther.

Leroy Walther: Leroy Walther, 8417 Old State Road. I believe that we have everything that is required as far as our project. We have the preliminary plans and the cost estimate. Right now we had another problem. We've always had problems with our septic systems on Old State Road, but some of the neighbors off of Pine Creek have had a problem with drainage. The septic systems are perking and going into their backyards. We also have a doctor here from the Health Department and Sam Elder from the Health Department which they were out there Saturday and what we would like is to get the sewer project on the road and really what do we have to do to get it expedited?

Joe Harrison, Jr.: Certainly at some point when this is developed this will alleviate some of those problems. John, I believe when I discussed with you on the telephone they still need to provide a boundary description of the area that they are talking about.

John Stoll: Yes, I did talk to their engineer and they wanted to make sure that I had it right, that you need a single legal description for the entire boundary of the entire area effected? Okay.

Jim Flynn: Three separate descriptions because it is three different areas?

Joe Harrison, Jr.: That's correct.

John Stoll: I was just talking about the Old State sewer itself.

Joe Harrison, Jr.: I'm talking about Old State right now. Mr. Schwenker has already provided me with that for Oak Hill. That has been provided and you've got the plat or the subdivision plat is fine for you all.

President Mourdock: Excuse me, you need to come back up.

Jim Flynn: Will the legal description on the plat suffice for our subdivision?

Joe Harrison, Jr.: That's what I am going to provide to bond counsel. They seem to believe that would be fine, but in this project it is not a subdivision as far as the Old State Road property, so we are going to need a legal just like they provided a legal for the Oak Hill Road area.

John Stoll: That was one of the things that the consultant was questioning out there on Old State was he was saying that was going to be something difficult to prepare, so I guess conglomerating all those deeds into a single legal was one thing he was questioning, but I thought I understood you correctly when we talked Friday and that is what you needed.

Joe Harrison, Jr.: Well, maybe you can provide him with a copy of what Mr. Schwenker has provided so that they can look at an example for the Oak Hill Road project and they can do one similar for the Old State Road project.

John Stoll: Okay.

Joe Harrison, Jr.: As far as the listing of homeowners and their addresses, I think I also needed that as well from the Old State Road--

John Stoll: Mr. Walther provided that Friday.

Joe Harrison, Jr.: Okay. I think that's essentially all we talked about that we still needed.

John Stoll: Right.

Joe Harrison, Jr.: As far as where we are with the project, I met Friday with the law firm of Barnes & Thornburg from Indianapolis. They came down to Evansville and they indicated that they would be willing to serve as bond counsel in connection with this matter if the Commissioners approve that. I have an agreement that they have provided to me for consideration by the Commissioners. Essentially, the contractor on each project would...let me back up. We can't group these projects in to one as far as one bond issuance. It has to be three separate matters, but they are willing to spread their fees out over the three projects which essentially would be the same as having one bond issuance. What they suggested is not issuing the bonds until the homeowners have the option to pay within 30 days the full amount up front if they so desire. That is an option. If they desire to do that then however how many decide to do that would reduce the total bond issuance for the

remaining people. Also, they indicated to me that there was apparently only one person or entity really in the midwest who buys these Barrett Law bonds from the contractor of each project. This individual has been contacted by them and is going to come down to Vanderburgh County and review each particular project area to see if this is something that he wants to participate in. This is something that he always does and he is planning on coming down to your three areas within the next month or so and see if this is what he wants to do. There aren't a lot of people who buy these bonds and this is the only guy around that does it. He is from Chicago, as a matter of fact, or from the region.

Jim Flynn: Is he a broker?

Joe Harrison, Jr.: Yes, I believe so. I will get his name. I do not have his name, but they have provided that information to him and he is going to come down and look at the area. When they talked to him he seemed excited about doing this. Before we proceed too far into it I want to make sure that he is willing to buy the bonds in connection with this because if we issue bonds and no one buys them we're in trouble. The first step we will need to do...or the Commissioners will need to do is to agree to hire the law firm of Barnes & Thornburg to serve as bond counsel and then they can proceed quickly to get this guy down here to take a look at this area. If you need to speak with him when he is down here, if you want to get his name I'll provide it to you as soon as I receive it.

Jim Flynn: I don't think that would be necessary. That's your bag.

Joe Harrison, Jr.: Okay.

Jim Flynn: May I ask some questions about some of your comments?

Joe Harrison, Jr.: Yes.

Jim Flynn: I am very interested in one thing that you said and I just want to make sure that we don't get caught in the switches. As I understand it the only way that we can do this is we get these estimates and then after the estimate is approved then you put it out for bids. We get the bids in and a bid is selected. I thought at that point the work is done and then after all of the costs of construction are calculated then the bonds are issued. If I am right, who pays the contractor before the bond funds are received?

Joe Harrison, Jr.: My understanding is that the county is not paying any money up front, so it is my understanding that all of this will take place during that same period. I will get back with you on the exact time frame--

Jim Flynn: Yeah, we need to know that.

Joe Harrison, Jr.: I am not certain, but the county will not be fronting any money whatsoever.

Jim Flynn: Okay, I mean, now I understand that. We need to work

through the details of how we come up with the cash.

Joe Harrison, Jr.: That's right.

Jim Flynn: I mean, for those taxpayers who are going to pay the entire assessment up front--

Joe Harrison, Jr.: Well, what we would do as far as the bond issuance is concerned, what we would do is we would say up to that the maximum amount of the bond issuance would be whatever amount. Then it is possible that it would be \$50,000 or \$20,000 or \$10,000 lower than that amount, but we would issue bonds, it is my understanding, for an amount up to a certain amount, but keeping in mind that it could be lower.

Jim Flynn: Or you could make principal payments on the bonds.

Joe Harrison, Jr.: Right, right.

Jim Flynn: Out of the bond proceeds if the costs were lower than the issued amount is that--

Joe Harrison, Jr.: It's possible, but, again, bond counsel will get that information to me and the reason they wanted another estimate from you all, from an independent contractor or surveyor, was to assess the amounts. As far as accounting is concerned they also may need...there probably will be a need for an independent accountant to assess the amounts that would be due and owing independently for each of these projects.

Jim Flynn: That gets me to one of the questions that we are trying to address with our neighbors. How do you allocate these assessments? How do you allocate these costs? Will bond counsel be able to address those issues?

Joe Harrison, Jr.: Yes, yes.

Jim Flynn: Then I think we should meet with him.

Joe Harrison, Jr.: Sure. No, I would want you to.

Jim Flynn: I would want to meet with you and him--

Joe Harrison, Jr.: Sure.

Jim Flynn: --and possibly Mr. Kuhlenschmidt and Mr. Walther also.

Joe Harrison, Jr.: Sure.

Jim Flynn: Let's do lunch!

Joe Harrison, Jr.: Sure, we'll do it.

Ted Kuhlenschmidt: Let's do one trip in one week!

Joe Harrison, Jr.: Again, I believe that we're much farther along today, I think,--

Jim Flynn: I appreciate it.

Joe Harrison, Jr.: --then we were a week ago.

Jim Flynn: I really appreciate what you've done, Joe.

Joe Harrison, Jr.: This is something, I'll be honest with you, is not taken advantage of by other communities very often. It is my understanding that there has only been one Barrett Law project within Vanderburgh County. I got some information on that matter today. I think it was in the '80's, so we've only taken advantage of it here in Vanderburgh County once and that was a limited number of people.

Jim Flynn: Would it be helpful for us to come back next week or should we wait until after we meet with bond counsel?

Joe Harrison, Jr.: I think it would be later on this month. Maybe within the next two weeks, three weeks. I would like for you to get the information to me as soon as possible.

Jim Flynn: Oh, you're going to get the information this week.

Joe Harrison, Jr.: Then I will get it up to Indianapolis asap. If you want to meet with them or we can do a conference call whatever you want to do or we can have them come down here. Whatever you want to do.

Jim Flynn: Let's withdraw...I think we should withdraw our request to be on the agenda for next week and then we'll ask to be on the agenda when we think we have some productivity. I'm grateful to you for your help. To all of you, thank you.

President Mourdock: Other questions for...?

Leroy Walther: Yes, I would like to have Dr. Heidingsfelder from the Health Department to explain the situation that we have on Old State Road and Pine Creek Road.

President Mourdock: Okay.

John Heidingsfelder: John Heidingsfelder, 8210 Pine Creek Road and also County Health Officer. Mr. and Mrs. Commissioners, Sam Elder and myself were called to an environmental scene investigation this last Friday at 8011 Pine Creek Road at the residence of a Mr. Gentry. I viewed that this last Friday the presence of sewage, basically, sewage running onto the back of his property. The sewage is coming from a pipe which comes from a sand filter of his back neighbor which faces Old State. I am told and I would believe that it is a continuous flow of, essentially, raw sewage onto the back of his property. It has encompassed an out building that he has at the back where he can't get into without walking through water and mud. It makes...basically, it makes the back third of his backyard unusable and I think it's a health hazard. It is potentially a health hazard to people who might go in the backyard because of contamination due to the sewage. Apparently, according to Mr. Gentry, it has been going on for a few years now and there are makeshift possible solutions, some of which are legal and some of which are not, that we discussed at the scene. The real true solution is to extend the sewage so that this property can

connect to the sewage and shut down their whole system. He's got a pressing problem that won't go away. He looks at it every day in his backyard, so that I think that anything the County Commissioners and attorney can do to expedite and get to the resolution of this problem, I know of at least one citizen that would be very much appreciative.

President Mourdock: Okay, thank you.

John Heidingsfelder: Thank you. I don't know if Mr. Elder has anything he wants to say because he was there also.

President Mourdock: Sam?

Sam Elder: Not unless you have questions. I would be glad to...

President Mourdock: I don't think there are any questions, thank you.

Commissioner Tuley: No.

President Mourdock: Attorneys...yeah--

John Heidingsfelder: I think that Mr. Gentry would like to say a few words if that is okay?

President Mourdock: Please, sure.

Jay Gentry: County Commissioners, I'm Jay Gentry and I live at 8011 Pine Creek Drive. I would like to know if there is anything possible that I can do. I've got pictures to show you how he run this drain down to my yard. How he dug a trench where his yard doesn't get any waste on it and it all goes right in my backyard. I have grandchildren that can't play in my backyard because of this waste. I want to know is there any way in the world that we can convert this from going into my backyard? It has been going in there for two years. Mr. Murnahan and I have called the Health Department out for the last three years and it is still there. I know they need a sewer bad, but I need a sewer bad in my backyard. I can't even get in to get my lawnmower out to mow my grass and if I mow my grass I am wading in sewer waste that deep. I've got pictures plainly to show you how this drain is coming down and how it's there. I would like to know what I can do? I've gone to the Health Department. I don't know where else to go. Where do I go?

President Mourdock: Well, Mr. Gentry and Sam Elder of the Health Department, I didn't have a question before, but I guess I do now. Mr. Gentry just said that you and your folks have been out there. Can you give him an answer?

Sam Elder: I'm Sam Elder. I am the Director of the Environmental Department for the County Health Department. This thing all evolves around a mistake of yesterday. These sand filters that are draining down on his property...it's all along State Road and it just happens that he is at the bottom of a hill and he gets the bulk of it. The only solution to most of those lots, most of those lots or a lot of them are a half acre. You can't put in a system today in that type of soil that would

have any chance of working on a half acre lot that's got a steep slope on it. It's not...we've got a number of them. You're talking about another one that's off of Oak Hill Road that is much the same. At the time that they put these sand filter traps in they were in compliance with the law at that time. We've put them on a lot of schools, sand filters. Until recently one still had one. All of them were off the sewer. They just didn't work. The sewage runs down into his lot. It's pretreated. It is partially treated. It goes through the septic tank and through the sand trap, but if the sand trap clogs then you've got no secondary treatment on it. He has a problem. We've got probably in excess of 500 of these in the county. From time to time we have them rework them, but we will not issue a permit for any anymore. I guess all of you are familiar with the fact that our local sewage disposal ordinance was preempted by the state statute and we have to abide by what they say. This is the reason that we have a two and a half acre minimum on a lot to be subdivided off of the city sewer. If you'll notice, we just don't have any more subdivision off the sewer. He lives in an area that he is on the sewer. His subdivision was sewerred, but when they built these houses in the '70's on Old State Road, they just run it to the back of the lot. There are a lot of them that go to the ditches. We get complaints from the County Highway Department all the time about a mess in the sand trap.

President Mourdock: Is there any short-term recourse? I mean, I think we all understand the long-term answer is getting the sewer through there which is obviously what we are trying to do. Is there anything in the short-term that can be done?

Jay Gentry: You need to get the water away from there--

President Mourdock: Okay, so we're back to a drain...not back to, but we have a drainage issue?

Jay Gentry: --so I can use my backyard. We can't even sit out on our patio because of the smell that comes up. I mean, Doctor...uh, John can tell you about the smell and he has already said it's a health hazard. If some kid comes in there and gets sick, they're going to sue me and I don't have nothing to do with it. I didn't think there was a law that would allow people to drain sewage on you. Now you take back in 1949 my dad had a grocery store on Covert Avenue. Now, he built that store before the laws came in. He didn't have to have water or (inaudible) space in there. Well, when the laws came out he had to bring his property up to meet the laws. I would like to know why these sewer people can't bring their septic system up to meet the standard of laws? That's all I'm asking.

President Mourdock: Just so that I understand the geography, are all the areas that you are talking about that are causing you that problem, are they within the area that Mr. Schwenker is talking about?

Jay Gentry: It's his area.

President Mourdock: Oh, I'm sorry.

Jay Gentry: Yeah, Mr. Walther. Yeah, he had to put a drain in his backyard it was coming out on to him so bad and he is running it out into the street. That's how bad it is.

Sam Elder: You could actually...when the resident over on Old State Road dug the trench, instead of it spreading out evenly and being partially absorbed he did it to get the moisture just to drain his lot and when he did he dumped it on him. I think that it would probably be a civil thing.

Commissioner Jerrel: We have a new law that just went into effect that the Commissioners...I mean, I don't know and I'm too new to be giving advice, but I suspect that Mr. Gentry could use this new drainage law that we enacted...the attorney is wrinkling his face.

President Mourdock: So are the other two Commissioners?

Jay Gentry: The only thing that I ask is can the Health Department condemn that or make him take all this drain--

President Mourdock: That's the question that caused me to ask Sam Elder to come to the microphone. I don't know what options the Health Department has.

Jay Gentry: Sam told me that Mr. Harrison, Jr. had to act on it before he could do anything.

Joe Harrison, Jr.: Well, it is my understanding that these people have been grandfathered in. These systems they have, Mr. Walther and all of you, I mean, they're legal.

Jay Gentry: They're legal, but they don't function.

Joe Harrison, Jr.: That's right.

Commissioner Jerrel: Well, that removes the acceptance of--

Joe Harrison, Jr.: Again, the only thing that I can say is that you may want to contact a lawyer. You don't want to contact me since I represent the county, but you may want to contact a lawyer and just tell him your story. I mean, maybe there is some action out there that you can take against a homeowner.

Jay Gentry: Can't the Health Department condemn that where they can bring it up where it don't drain on my property? You see he put this drain in this summer to drain down on me.

President Mourdock: Yeah, Mr. Gentry--

Jay Gentry: It was in his yard. Well, he didn't want it, so he put him a drain down there. Now I get everything. All his wash water, his bath water, his waste water and everything. You mean to sit there and tell me that they can do that in the 1990's?

President Mourdock: We're trying to address the issue in two ways. Number one, you just asked if the Health Department can do something and you asked the county attorney and I think I heard the county attorney say that while these things are

unsightly, right now at least under the law concerning the health issue that there is or is not an option, Joe? Is there anything that we can do or is there something that he has to initiate? That Mr. Gentry would have to initiate?

Joe Harrison, Jr.: He would have to initiate it. As far as I am aware, everything that is out there now that these people have, these systems are legal. Now, they wouldn't be able to put these systems in today, but when they were put in 20 or 30 years ago they were completely legal and they have been grandfathered in. Is that right, Mr. Elder?

Jay Gentry: Shouldn't they be working right? Should they be draining on your property? That wasn't back then was it?

President Mourdock: Wait a minute. Now you're going to the other issue which I am trying to say.

Commissioner Jerrel: Yeah, and that's what I--

President Mourdock: If, in fact, they are legal and they are working, but they are still causing you a health problem then that becomes a civil matter and that is where you need to contact an attorney. The law that Ms. Jerrel was referring to a few moments ago, and it would be yet another interesting twist to an interesting law, it's a drainage law that prohibits you from causing water...blocking water and causing it to back up on your neighbor. Whether or not that same drainage law somehow would come into this as a health issue we don't know. The law has only been in effect since July.

Commissioner Jerrel: Since he just did this change, though, within the last few years--

Jay Gentry: He changed this summer. He put that drain pipe in during the summer and--

Commissioner Jerrel: That caused an obstruction.

Jay Gentry: --it's draining all the way...I'm getting all of it. He's not even getting none in his own yard.

Commissioner Jerrel: Would that be an obstruction, Joe?

Joe Harrison, Jr.: He needs to contact a lawyer. Not me.

Commissioner Jerrel: But if he...the lawyer should get--

Joe Harrison, Jr.: That may be something that may come before this Board, so I really don't want to comment.

Commissioner Jerrel: Okay, but is there a copy of our drainage ordinance available?

Joe Harrison, Jr.: Well, no, that's a statute.

Commissioner Tuley: It's a state statute.

Joe Harrison, Jr.: That's a state statute that deals with

obstructing natural watercourses, etc.

Commissioner Tuley: That's what I was getting ready to say. Is that going to be the key to that one?

Joe Harrison, Jr.: Well, it just depends. There is also a soil erosion control ordinance that this Commission...that this body recently passed that we can give you a copy of.

Jay Gentry: Then the Health Department cannot condemn his system although it is not working right?

Joe Harrison, Jr.: I think it depends on the situation. I think that, again, Mr. Elder will have to speak with us down the road, but sitting here today or standing here today--

Jay Gentry: I know you couldn't make nothing today, but I just want to know what I have to do to stop this?

Joe Harrison, Jr.: --you can't talk about it. I'd call an attorney.

Jay Gentry: I can't...half of my backyard I can't even walk in.

President Mourdock: You know, there is a phrase that I've wanted to use for two and a half years sitting on this Board that I've never used and I am going to use it tonight. It's call a lawyer, sue your neighbor. I mean, no one wants to do that.

Jay Gentry: All I want to do is get the drainage...he could run a pipe down side of his yard out in the county ditch. Why can't he do that? Let the county suffer with his route.

President Mourdock: Well--

Jay Gentry: Why put it on my private property?

President Mourdock: He cannot put water, again, now we're going to a drainage issue.

Jay Gentry: He can't do that, but he can drain on mine? I don't understand it--

President Mourdock: No, no, no. That is not what I am saying. He cannot...no one can cause water to be redirected to damage someone else.

Jay Gentry: He did.

President Mourdock: If he has done that, that is a civil matter for which there is a whole series of courts and more lawyers than need to be perhaps, but all kinds of lawyers--

Jay Gentry: In other words, I just have to live there and continue with it?

Commissioner Tuley: Sue him. Sue him.

President Mourdock: No, sir. Sue him.

Jay Gentry: You don't sue your neighbors. I don't know why the Health Department can't step in there and do that.

President Mourdock: You've asked us to suggest what a solution might be and we've given you one.

Jay Gentry: (Inaudible) passing the buck because I don't believe in that. I think the Health Department here should have the authority to go out and tell...if I owned a grocery store and I didn't have a bathroom in it they would come in and tell me to shut it down and put one in. It's the same thing to me.

President Mourdock: Because by the statute that is what their charter is for. Again, Sam defined for you that we have a problem out there. At the time they were done they were legal. They were permitted. Now, as Mr. Walther said, they're legal, but they are not working. Now if you are being damaged by it, again, you have a recourse, but it goes beyond this Board.

Jay Gentry: Oh, I see. Who do I go to (inaudible)? I have to do this myself, right?

President Mourdock: That's right, you do. It's your property and you need to deal with it in that way. There's an old--

Jay Gentry: Why do we put you in office then? Why is it that you sit there and tell me that it's in the county and we've got a problem out there and you people act like, hey, it's my problem. I have to take care of it. That's all I want to know?

Commissioner Tuley: Mr. Gentry, there is a limit to what this Board or this body has any authority to do and it sounds like there is no authority that this Board has--

President Mourdock: That's right.

Commissioner Tuley: --and it is strictly a civil matter that you'll have to resolve in a court of law.

Leroy Walther: May I say something?

President Mourdock: Sure.

Leroy Walther: On the area where Jay lives and Murnahan, he also has a problem, from 8024 Old State Road to 8126 Old State Road there has been complaints to the Health Department about septic systems perking in the yard. His is not...his neighbor directly behind him is not the only ones having a problem. A solution is that we have to get that sewer line.

Commissioner Tuley: That's where we are headed.

President Mourdock: That's right, and Mr. Gentry, I hope you appreciate that is why this came to the Board initially. That's what we are acting to do.

Jay Gentry: That's why I have to wade in waste to mow my yard until you get the sewer in. That's what you're telling me.

President Mourdock: I haven't said that yet. I've offered you several alternatives.

Leroy Walther: If you go back into the septic systems that is in that area, in our project we had a core sample for sandstone to see if they would have any problems putting it in. The report came back and we went 12 feet deep. Number one, brown clay. Number two, 12 feet deep, brown clay; 10 feet, brown sandy clay 10 to 12 feet. Core sample three: 12 feet deep, brown clay; six feet, brown sandy clay six to 10 feet, red sand from 10 to 12 feet, 12 feet on another core, brown and gray clay, six feet, gray clay six to 12 feet. There is no way these are going to absorb any water.

President Mourdock: That's right. Yep.

Leroy Walther: So we are asking your help to expedite our sewer system.

President Mourdock: Again, as Joe commented to Mr. Flynn a little bit ago, I mean, we're on course here trying to get this thing going. To your credit, to Mr. Schwenker's credit that brought this to us. There had been no method in place to solve this and we offered the Barrett solution which may be too simplistic of an answer. We offered the Barrett Law because it is complex, but we think we are getting there and I wish we could snap our fingers and make this problem and make Mr. Gentry's problem go away immediately. We can't, but we are trying to get there with the sewer system.

Leroy Walther: I guess if I understood Joe Harrison correctly, this could be three or four months before the bond issue can be resolved. That means we can not have our preliminary public hearing before then to start this?

Joe Harrison, Jr.: I think we can start that process before three or four months, okay? I will be able to give you a better answer within the next couple of weeks, but I don't see why preliminary resolutions on all three projects can't be done within the next two months. From there the time line will begin with the construction of the project and the issuance of the bonds. Hopefully, we can get this thing started within the next two months. Again, that doesn't mean construction is going to start within two months, but I am talking about the process.

Leroy Walther: Then we are going to be into...by the time we actually get started we will be into the fall--

Joe Harrison, Jr.: Again, a lot of it may depend on whoever the contractor is and when their time frame is. I can envision these things beginning this fall. Again, that is going to be up to the individual contractors.

Commissioner Jerrel: Do you really think it will take that long to get a conference call with the attorneys and get the timetable set?

Joe Harrison, Jr.: No, I am saying by the time they can start on the construction of the projects. No, no, we can get these

things a lot sooner than that.

Commissioner Jerrel: Those steps, if they get going they ought to move.

Joe Harrison, Jr.: We're going to have to have, you know, contracts. We're going to have to have bids awarded, etc. I think...I mean, I don't see why this thing can't start on each project by this fall at the latest. I don't want to tell you next week.

Leroy Walther: I understand.

Joe Harrison, Jr.: I don't want to tell you a date and then have you come in and say, well, you all said this date.

Leroy Walther: I guess where I become upset is we wanted a preliminary public hearing and then all of a sudden we said we had to get the bond money first which we could do...why can't we work on both of them at the same time?

Commissioner Tuley: I think we can, can we not? I think once Joe has the information he needs, the people identified and the boundaries established, at that time I think then this Board, once we have those estimates, can entertain the resolution. Once we adopt that resolution and then comes a petition process and all of that should be going on at the same time we're doing everything we need to do for the bond. So it will be going in tandem.

Joe Harrison, Jr.: That's correct.

Leroy Walther: I have presented the County Commissioners with a list of the addresses and numbers in that area. I think John has that.

Commissioner Tuley: I think it's just, again, we've moved when you got the problem, we've not moved nearly as quickly as you would like, but I think what we are doing here as Joe indicated, this is only the second time that we've done it. We're going to do it and we're going to do it right. I don't sense any one of the three Commissioners saying this isn't something that we don't want to do.

President Mourdock: Absolutely.

Commissioner Tuley: So now we've just got to put the wheels in motion to make it happen.

President Mourdock: While it is true that this may not be the first time the county has done it, it is the first time that any of the people at this table have done it.

Commissioner Tuley: Yeah.

President Mourdock: The law is a constantly changing thing.

Leroy Walther: The Barrett Law was applied at Kembell Court or Kembell Drive right off of Old State Road.

President Mourdock: That's right and that's what we are saying. That was long before any of us came on board and that law keeps changing too. In fact, when we started down this road initially we were told that the Barrett Law didn't even exist any more. That's how much things change. Then we found out that it did, in fact, come back.

Leroy Walther: Well, after you get started with the preliminary hearing the time frame of the Barrett Law, will those time frames five days/ten days be implemented in the procedures?

Joe Harrison, Jr.: We will follow the time frame set forth in the statute for each particular project. We will have preliminary resolutions that will be for each particular project that will be considered by the Board. Then they all may not be considered on the same night by this Board, but they will each follow the statutory procedures for that particular project.

Leroy Walther: Okay, thank you.

President Mourdock: Okay, sure.

Ted Kuhlenschmidt: Ted Kuhlenschmidt. I would like to say thank you for your continued assistance and that Oak Hill Road, Mr. Schwenker, I'm sure would be very interested if there is a meaningful reason for us to be involved with the bond counsel to understand it better and maybe prepare our neighborhood for preliminary costs.

Joe Harrison, Jr.: Sure.

Ted Kuhlenschmidt: We would love to be a part of that if we can and thank you.

Joe Harrison, Jr.: Okay.

President Mourdock: Yeah, and I think it is very important that all of you be a part. Just one question. I know Mr. Flynn has left already, but it occurred to me a moment ago, Joe, what if we start down the road...I heard you say Barnes & Thornburg would not be doing this under one bond issue, but they would basically handle their costs as if it were one. Does anything change if for some reason let's say within one of the geographic areas the people say no we don't want to vote to do that, we don't want that assessment. What if we go from three to two for whatever reason?

Joe Harrison, Jr.: That doesn't matter.

President Mourdock: Okay.

Joe Harrison, Jr.: Hopefully, that won't happen, but that doesn't matter.

President Mourdock: Okay, alright. One last point on that too, Mr. Gentry. The issues of drainage and such oftentimes involves the County Surveyor's Office and I don't know if you have contacted them?

Jay Gentry: The only one that I contacted was Sam.

President Mourdock: Okay. I would recommend that you might give them a call because if there has been a drainage way altered, certainly that is something that they report back to us and that starts to come in to play with the law that Ms. Jerrel cited that went into effect last July that affects when--

Jay Gentry: (Inaudible comments not made from microphone.)

President Mourdock: You need to contact Bill Jeffers. Bill Jeffers at the County Surveyor's Office.

Commissioner Tuley: We can give you the number. It's 435--

Jay Gentry: I'll call him in the morning. It's 435...?

Commissioner Tuley: Yes, 5210.

Jay Gentry: Five?

Commissioner Tuley: 210.

President Mourdock: Again, very much in summary and I'm not an attorney--

Jay Gentry: I realize that.

President Mourdock: So do attorneys real quickly--

Jay Gentry: (Inaudible comments not made from microphone.)

President Mourdock: You need to go back to the microphone.

Jay Gentry: My concern is since Dr. John said it was a health hazard, very bad, I thought maybe the Health Department could at least have them to maybe clean their septic system or do something to keep their water from running on mine. It's been doing this for two years and believe me it's so bad now that it will never get dry.

President Mourdock: Sam, again, we are beyond the scope of the County Commission now.

Jay Gentry: I know. I understand.

President Mourdock: Have you sent anything in writing to the people that have these systems in that general area, realizing that it would be impossible to pick out one.

Sam Elder: I'll tell you, we've had a lot of them rework their sand filters. We do this one or two every week. Where the big problem is with the new state law we have to go through the court and through the prosecutor to do anything with it. If we have a county ordinance and a lot of them are city ordinances we can issue them a citation and unless they correct it we can have them in court in two weeks.

Commissioner Tuley: You're looking down here and I think maybe

that...have you got a copy? I didn't mean to cut you off, Sam, but do you have a copy of that ordinance from another county or something that maybe we can pattern one after?

Sam Elder: Well, you can't do it any more because it's a state statute.

Commissioner Tuley: Oh, the state doesn't allow us to do it anymore?

Sam Elder: Well, it's a legal question, but normally we would use Mr. Harrison's office like on the cleaning up a lot.

Commissioner Tuley: Right.

Sam Elder: We would use his office, but if we use the state statute it says that the prosecutor is obligated to handle this for us, but it doesn't have a very high priority.

President Mourdock: Let me repeat that back because I want to be sure I understand it. This is a new one for me, so bear with me. Under the health statutes there cannot be a county ordinance, but it is done under state law dictating that the prosecutor has to do it?

Sam Elder: No, I'm talking about the overall statute. I can give you...I have, I think, in my folder a copy of the state's regulation that is after the statute, but the prosecuting attorney is obligated to enforce any of our public health laws--

President Mourdock: Okay, now I got you.

Sam Elder: --that the state in the regulation that is passed...you know, they promulgate the regulation and it becomes part of the law after the Governor signs it.

President Mourdock: So even if the county had an ordinance specific to bad septic systems, bad sand filters, in that case the prosecutor would still be the one who would have to chase them down?

Sam Elder: The health officer and use his broad powers and do that, but you're being arbitrary and I've got probably four or five situations, maybe not any as bad, but as worse as his and all of them are from the sand filters. If it is an exception, you know, we just make them rework it if they have space. Just by an estimate I think there are over 500 of these sand traps. You couldn't vacate 500 homes. We've taken them to court before and the defense attorney wants to know how we selected to bring this one when we tell him we've got 500 more. You know, not that many at the time and you can't give him an answer that the judge doesn't consider arbitrary.

President Mourdock: Okay, I understand.

Sam Elder: If we could give his neighbor a citation on a county ordinance he would have to answer to the judge and if the judge says this or whatever he says--

Commissioner Jerrel: You can't do that now? You cannot issue a violation, a letter, to this homeowner and say your system is not working properly and it is draining this raw sewage on to Mr. Gentry's property and you need to rework your sand trap or try to ameliorate the situation. You can't do that now?

Sam Elder: We can send it, but I don't think it would be enforceable because how do we decide? Do you want to send to everybody that is draining in a county ditch? That's just as much of a health hazard. It's a mosquito breeder. I had mentioned, you know, that it is a mistake of yesterday that was copied by the engineer that was here over in Jefferson County was using them. It was an answer for these lots that you can't make a percolation system work on. Ninety some percent of the county, according to the state, is unsuitable for septic tanks and the only way you can put them in is with an alternate system. We've been using a lot of these mound systems. I know that you're familiar with mounds. Those things are expensive and you can't put them in on a small lot that has a steep grade on it. I don't have any solution for those people on Old State Road and neither does the other people that I've talked to except the extension of the sewer. This one lot might be an exception, but still Mr. Gentry after we put that sewer in he is going to have the wettest lot in the neighborhood with no sewer because you're at the bottom of the hill and it is kind of like a saucer down there. All the water runs down there.

Jay Gentry: I never had a problem until this drainage came in off of him.

Sam Elder: Well, it was spread out.

President Mourdock: Okay, alright. Well, thank you both for the information. Maybe we have offered you somewhat of an alternative or at least something else to pursue there.

**Willard Library - Local government services agreement**

President Mourdock: The next item on our agenda is the local government services agreement between the county and Willard Library for archival services.

Commissioner Jerrel: I would like to move approval of the archives service agreement with Willard Library in the amount of \$49,628 which is the amount that was proposed and entered into the budget.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Lynn Ellis - Approve opening of bids APA035-97**

President Mourdock: We have Lynn Ellis reporting still with her purchasing hat on.

Commissioner Tuley: We need Joe to open those bids before we can do anything.

Lynn Ellis: Yes, the agenda item incorrectly says to approve the bids, but it is actually the opening of bids for APA035-97. The new purchasing director started today so I met with him for a little bit this morning and hopefully will bring him up to speed over the next few months and he can take over.

President Mourdock: Okay.

Commissioner Tuley: I'll move at this time, Mr. President, that the attorney be directed to open the bids and verify the validity of the bids.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

### **Burdette Park - Fee waiver requests**

President Mourdock: We have something from SWIRCA...oh, we have two letters. One is from the Perry Township Fire Department, and I guess certainly we need to discuss them individually, and the other from SWIRCA for a waiver of fees for Burdette Park for the use of the shelter house I believe.

Commissioner Jerrel: I'm going to defer to the other two Commissioners. I don't know how you have arrived at these decisions in the past.

Commissioner Tuley: I think almost the need of the organization, I guess, has probably been the determining factor. If there is a money mechanism in which we feel that they could actually afford to pay the rental we have denied them. In cases where we felt like it was a charitable organization that really didn't have the funds, we've granted them. That's about...

President Mourdock: Yeah, I think that's right. It has been on a case-by-case basis and I think the ability or inability to pay and also how many people are affected.

Commissioner Jerrel: I would make one suggestion.

President Mourdock: Sure.

Commissioner Jerrel: If we are going to do that let's at least keep records of what we've done so we'll know what has been deferred and take a look at it in case we should come up with some kind of a plan that would have a little more structure to it. Having said that, I'll move approval of Perry Township Fire Department for the use of Shelter House 18 on April 26th and the Southwest Indiana Regional Council on Aging on June 5th, Thursday, at 2:30 to support the games and the waiving of the fee at the pavilion.

President Mourdock: Since you mentioned the particular dates, I think, probably that motion is contingent upon the availability of those dates.

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll second your motion.

President Mourdock: So ordered.

**Teamster's Contract - Amendment to Addendum A**

President Mourdock: We have from last week an addendum to the initial Teamster's contract. We had included with that Addendum A on wages. There had been a mistake and we acted last week to correct it and then I received a note that I think each of you have that also said there was still one employee omitted, so we need to officially act for the record to include Mr. Gossar, Bennie Gossar. I see Mr. Whobrey is in the audience. Was that to address this issue? Okay.

Commissioner Jerrel: I would like to move approval of the new Page 22 which does in fact include the carpenter/maintenance for the Superintendent of County Buildings. The new page that you have before you should be the one that is inserted as Addendum A.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Letter of support for seismic hazards research**

President Mourdock: Also a letter in the file from Mr. Roger Lehman on behalf of the Building Commissioner asking that we adopt a letter of support for some seismic hazard research that the Indiana Geological Survey is doing. They're trying to get a funding request through the federal government and thereby asking for some support from this body.

Commissioner Tuley: This is Roger's request?

President Mourdock: Yeah.

Commissioner Tuley: I would move at this time then that the letter addressed to Mr. Don Eggert, Indiana Geological Survey and Institute of Indiana University be signed by the three Commissioners and forwarded.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Now we are at that point any group in the audience wishing to address any issue that has not yet been addressed tonight. We would be glad to hear your comments. I sense several students out there. Is that Mr. Beadles' class?

Unidentified: Yes.

President Mourdock: Okay, we salute your patience when your fellow members were less patient there a little bit ago. Department heads, County Engineer, John Stoll. We will skip John Stoll for a moment.

**County Garage**

President Mourdock: Do we have a County Garage report?

Lynn Ellis: Milton Hayden brought that in earlier this afternoon and said that he would give a full report next week regarding the debris cleanup. We spoke today about it again and we'll be going over it this week later on in the week to review the status on it. There has been a lot of success with the cleanup and they've made a lot of progress in that regard.

President Mourdock: We scheduled last week that by the end of this Friday everything the county is doing out there would cease. Are we still on schedule as far as you know?

Lynn Ellis: Yes, sir. Yes, and that was in the paper, I believe, correctly stated, so the property owners are being notified as the county crews make another pass through that this Friday would be the last day. County Attorney. Joe, are you in the midst still of your opening?

Commissioner Tuley: We need acceptance of this report officially?

President Mourdock: Oh, sure. Go ahead.

Commissioner Tuley: Mr. President, I'll move at this time for acceptance of the Vanderburgh County Highway Department and Bridge Crew Progress Report for the period covering Friday, March 28 through Thursday, April 3rd.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings, Lynn, go ahead with your report.

Lynn Ellis: Yes, I apologize. I don't have a written report this week. I've been, with the cleanup and everything else going on, I haven't had a chance to do that. We have been working on a status report so that the Commissioners can keep track of things assigned to individuals. It was prepared today and will be updated with this evenings notes in it as a tool for you to keep track of the status of assignments to various department heads and to yourself as well. That will be included in next week's packet. BFI is at this point no longer being used except to actually take the debris. County crews are taking the debris out to the landfill.

President Mourdock: Okay. Joe, we will come back to you then

since you are still--

Joe Harrison, Jr.: Okay.

#### Consent items

President Mourdock: Consent items.

Commissioner Jerrel: I'd move approval of the consent items as they appear.

Commissioner Tuley: Second.

President Mourdock: Just for the record, the consent items tonight include employment changes, travel requests, the report for the Committee on Domestic & Sexual Violence, the Auditor's Financial Statement and also a County Treasurer report on invested funds. There was a motion and a second, so I will say so ordered.

#### Scheduled meetings

President Mourdock: We have a list of scheduled meetings on the calendar. One that does not show and I'll speak to in a minute, on Wednesday the 9th we will have our Welfare to Work Task Force Conference again. Next week, of course, at 4:00 p.m. we have the Solid Waste District meeting and 5:30 Commissioners meeting, so there will be no Executive Session next week.

#### Old business

President Mourdock: From last week we discussed the personnel policy meetings. Lynn, did you or Tony have a chance to compile the notes from that?

Lynn Ellis: No, I haven't gotten much feedback from the departments so I am trying to make contact with the county departments interested in making comments. Then we will finish compiling those notes for next week's agenda.

President Mourdock: Okay, please do because the department heads were very forthright in getting to us with their concerns and we want to get those summarized. We don't want to feel they disappeared.

Commissioner Jerrel: I have a question.

President Mourdock: Sure.

Commissioner Jerrel: It just occurred to me. We paid a rather large bill in January to Waggoner & Scheele and I'm not really sure what work product that was for and I wasn't here, so I guess I am asking both of you.

Commissioner Tuley: I would have to go back and review the claim because I don't remember off the top of my head what it was for.

Commissioner Jerrel: It related to this policy and that's the reason I am asking that.

President Mourdock: It related, and I am going from memory which is always dangerous, but it related to specific proposed changes in the policy, I think, particularly with the most frequently raised issue about anniversary dates.

Commissioner Jerrel: Well, I was going to suggest if that document isn't...if that wasn't submitted to us in a written form...do you have it, Joe? I would like to see that. I need to look at it.

Joe Harrison, Jr.: Yeah, I've got a copy of it.

Commissioner Jerrel: Okay, well I think that would be important because that is what we need to relate these discussion items to those recommendations.

Joe Harrison, Jr.: Okay, Alan Kissinger passed that along to me.

Commissioner Jerrel: Okay.

**John Stoll - County Engineer**

President Mourdock: John, we went by you, so we'll ask you for the County Engineer's report now that you are back in the room.

John Stoll: I've got a change order on the Ohio Street Bridge project resulting in a net increase of \$6,059.35. Of that \$6,000 20% would be ours, so roughly \$1,200 would be our local cost. This change order is due to an increase in excavation for some ditches. Basically, once they were out there trying to cut some ditches there was a bunch of rock in there that they had to undercut and then replace with good topsoil so they could get grass to grow back in the ditches. They also had some changes in the asphalt quantities in regard to the under drains in the pavement section and things like that. There was also some curb that had to be removed adjacent to the railroad crossing required by INDOT and there was also a change in the approach slab section, but the net increase was \$6,059.35 and I would recommend that it be approved.

President Mourdock: Questions of John?

Commissioner Jerrel: How much does that leave?

John Stoll: How much does it leave in the account?

Commissioner Jerrel: Uh-huh.

John Stoll: We've got enough to cover it. I don't remember the exact figure, but there is enough in our account to cover that cost.

Commissioner Jerrel: Okay.

Commissioner Tuley: John, you reviewed this and recommend approval?

John Stoll: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered for Change Order Number 3 to the mentioned contract.

John Stoll: Next I've got a travel request revision. Last week Dave Franklin was going to go to INDOT to meet with some INDOT officials regarding our nuclear density gauge. He was not able to go last week and now he would like to request to be able to go this week rather than last week. He plans on going either Wednesday or Thursday depending on what the projects permit.

Commissioner Tuley: Move approval of the request.

Commissioner Jerrel: I'll second. You do decide though when that is? When it is appropriate for him to go?

John Stoll: Yes, it will just be a matter of when we've got inspectors that could cover his job or if there is not any work of any significance going on in his job.

President Mourdock: So ordered. John, just if you could on your travel requests we handle a lot of those as consent items, so if you could keep them that way it would make them simpler.

John Stoll: Next, in regard to the Stringtown Road Bridge, there was a beam on that bridge that was in a lot worse shape than all the remainder of the beams out there. It had deteriorated and rusted more than the others. This was never called out on the original set of plans, so we contacted the consultant for them to come back and review the beam again and they designed some repairs for the beam. The current contractor, Ragel, Incorporated, had quoted a price to replace the beam of \$198,951. They quoted a repair cost for \$109,343. Given the fact that we didn't have any money in the account to cover the replacement of the beam, we didn't see that was an option and we saw the repair cost seemed excessive given the amount of repair work that was going to go on so Tim and Dave contacted some other contractors and we feel we can get this repair work done for \$25,000 or less and that would be our recommendation at this time that we not have the current contractor do the repair work and that at a later date we get some price quotes from other contractors to do the repair once the current contractor is completed with his portion of the project. The only duplication of work that would be involved would be that the contractor that does the repairs to the beams may have some minor touch up painting to do on the beam, but other than that there won't be any duplication of anything that the current contractor is doing.

President Mourdock: Questions of the Commissioners and I bet there are some?

Commissioner Jerrel: I don't know who this contractor is, but if he wants to keep doing business in the county I would suspect

that he needs to sharpen his pencil.

John Stoll: He had stated that he didn't feel that the repair methods designed by the consultant were satisfactory, so he was putting in his cost estimate and additional costs for another consultant to come in and do another design. He also feels that there are some additional supports that would need to be put in to support the beam while it is being repaired. In regard to the design issue, we have a stamped set of plans stamped by a registered engineer for the repair of the beam, so we feel that they're adequate and he is putting his stamp on it, so it is his neck that is on the line if it is not adequate. The bottom line is the repairs that he designed we all feel will do the job. The extra support that he feels is necessary while the repairs are going on we feel that the bolts and everything could be done one at a time or one section at a time and it would not require any additional supports, so as far as we're concerned the repairs as designed by the consultant are adequate.

President Mourdock: Two questions. Number one, are we absolutely certain that the people who are quoting you in the numbers of \$25,000 are looking at the same thing as the people who are quoting you \$109,000?

John Stoll: Yes.

President Mourdock: Those are the two we should compare right?

John Stoll: Yes.

President Mourdock: \$25,000 and \$109,000.

John Stoll: Yes.

President Mourdock: You feel they both see the whole picture?

John Stoll: Yes, and if for some reason now once we put together a set of specs for them to actually to give us a price quote on, I don't see any way that it is going to come in even close to that \$109,000 price simply because the repairs out on Tekoppel which were a lot more unusual and extensive were in the neighborhood of \$30,000 to \$40,000 and this is just going to be simply bolting some additional pieces of steel on an existing beam. So it is not as detailed of work as that is going to be. Even if the contractors misinterpreted something that Tim or Dave might have said, I do not think that there is any way it is going to come in near the \$109,000.

President Mourdock: Okay, second question. Is the present contractor going to come back somehow and claim under his contract under that scope of work that this is his work?

John Stoll: It was not part of the original contract, so no. The consultant for whatever reason did not look at the beam in great enough detail so there is no provision for repairs of the beam in the current contract. The only thing that is in the current contract was to sandblast and paint the beam. That was all the scope of work in the current job.

President Mourdock: If he has not seen it already, would you get a copy of that contract to Joe just to verify that?

John Stoll: Sure.

President Mourdock: I guess assuming that is the case, then it should be our next step to go ahead and allow you to solicit bids for this work seeing if they come in with that estimate?

John Stoll: Right.

Commissioner Tuley: I would move at this time subject to Joe's verification that if it is not a part of the original contract that John be directed to solicit bids to do the additional repair work.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next, a couple of weeks ago you received a letter from Paul and Nancy Ubelhor out on Lakeland Drive regarding the location of the road next to their house. Based on some deed research and some preliminary checking from Tom Goodman, the road has encroached onto their property and will have to be removed by about two feet. I briefly discussed this with Milton and we will just have to go out and remove the west two or three feet of the road and then reconstruct and add additional width on the west side of the road just to get it off of the Ubelhor's property. I just wanted to bring you up to date on that and that is true what the Ubelhors have stated and we will have to work with the County Garage to get the road moved over.

President Mourdock: Have you had any contact with the Ubelhors?

John Stoll: No, this was something that I was talking with Tom just briefly this morning about getting out there to survey it and actually set the line, the east right-of-way line for that road, so that way we'll know where to get the--

President Mourdock: Please give them the same status report.

John Stoll: I'm going to. I was going to send them a letter. The last item that I've got is in regard to the Lynch Road appropriation that we made a couple of months ago. We requested an appropriation of \$625,000 for our local match for the project. That was in the Road & Street account. Since we ended up using the bond surplus fund, there is no need for that money to be in there in the Lynch Road account any more. I was going to recommend that we repeal it. The only question is how much? If we don't repeal it all then we could probably start proceeding with right-of-way services which would include the buying of the right-of-way parcels for the next phase of Lynch east of Burkhardt. I was thinking along the lines of maybe repealing half of it, \$300,000, and then keeping the rest in there and then trying to pursue right-of-way acquisition for phase two.

Commissioner Jerrel: You could put \$12,000 of it in an account

so that we can purchase the truck that we approved last week for the garage.

John Stoll: Okay, transfer--

Commissioner Jerrel: \$12,000 for that purchase.

John Stoll: Okay.

Commissioner Jerrel: If you would. If you could do that by the 15th then that would take care of that. You asked me what account I was going to get that out of!

President Mourdock: We'll need a motion to that extent.

Commissioner Jerrel: Yes, I am going to make the motion that the county engineer repeal \$12,000 of the \$600,000--

Joe Harrison, Jr.: Transfer.

Commissioner Jerrel: Well, he is going to--

President Mourdock: Repeal and transfer.

John Stoll: If I repeal it I would have to appropriate \$12,000.

Commissioner Jerrel: It's in an account within that fund, so you don't have to repeal it. It would just be a transfer. So I move that you transfer \$12,000 to the appropriate line item for the purchase of the truck for the county garage.

Commissioner Tuley: Second.

President Mourdock: So ordered. Now did you want to act on the remaining--

Commissioner Tuley: Repealing the remaining?

President Mourdock: Or a significant portion thereof?

Commissioner Jerrel: Well, where would you put it?

John Stoll: I would just repeal it back to the Road and Street Fund so that way if some other things or any emergency of any kind come up later in the year there would additional money in the Road and Street Fund to appropriate to another--

Commissioner Jerrel: But you can just do that any time. Transfer any time.

John Stoll: I just figured...that would just give an unappropriated balance to work out of rather than transferring out of that account. Either way...

Commissioner Tuley: You suggest moving then right?

John Stoll: Pardon?

Commissioner Tuley: You're just suggesting moving the money?

John Stoll: Right, since it doesn't need to be in that account.

Commissioner Jerrel: Well, just be prepared to explain to them what happened.

John Stoll: Sure, that's no problem. The only reason I would repeal it is because the County Garage and our office both work out of the--

Commissioner Jerrel: Unappropriated.

John Stoll: --Road and Street Fund and if they call over to the Auditor's Office right now they'll probably get the answer that there is no unappropriated money and this would provide them unappropriated amounts.

Commissioner Jerrel: Alright, then I'll move approval that this go back into the unappropriated Roads and Streets account.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

John Stoll: That's all I have.

President Mourdock: Are we ready then for the County Attorney's report?

Commissioner Jerrel: Wait a minute, wait a minute. Are we going to--

President Mourdock: Oh, yeah. Go ahead and bring it up.

Commissioner Jerrel: Well, I'm just...we got the money for Burkhardt Road. What have you done since last Wednesday?

John Stoll: I spoke with United and they said that they would submit some designs for the box culvert for Drainage Board review for the section north of Virginia Street. The main issue that we've got to get resolved is whether or not you want to pursue the federal aid project up at the Morgan Avenue intersection because if we do that we need to have a scoping meeting with INDOT basically to start the ball rolling and establish that as a project.

Commissioner Jerrel: I think we agreed to that, though that we do want to seek those CMAQ funds.

Commissioner Tuley: Oh, CMAQ, yeah.

John Stoll: Correct.

Commissioner Tuley: If you want to talk CMAQ, fine.

Commissioner Jerrel: I would like to make a motion that we proceed on obtaining CMAQ funds with INDOT.

Commissioner Tuley: I would second that.

President Mourdock: Yeah, I would so order.

Commissioner Jerrel: When will the drainage...when will they be prepared to submit that?

John Stoll: The way they talked they had already done a portion of that design and he didn't give me any exact dates because he was wanting to know an answer on the CMAQ funding because that will be the controlling issue. The federal aid portion will naturally draw it out longer than if we did it all local funding. If it is going to be a CMAQ project we would have a project from Virginia Street up to the south end of the CMAQ job and then the CMAQ job. As far as providing design plans I told them in the neighborhood of what we discussed after the Council meeting last week and that was have the plans ready for bid by the fall. They didn't have any problem with that.

Commissioner Jerrel: But I think maybe I'd feel more comfortable if we had this in writing outlining what they have been asked to do and give them a timetable to do it by or at least ask them to give us one when we can expect this and then communicate with Rose because it was her recommendation that we seek the funds for the intersection. We need to be putting all of this in writing so that it gets acted upon.

John Stoll: Okay.

President Mourdock: Let me just add one thing to that then, John.

John Stoll: You give them the schedule, not the other way around.

Commissioner Jerrel: Uh-huh.

John Stoll: Right. Well, I gave them the schedule that you were looking at when we discussed it after the meeting which was plans by the fall.

President Mourdock: Yeah, I understand, but, again, we were being asked and I think you were referring to the moment when the media was standing there with when will this happen? The dates we were giving them is my expectation, my hope, but if you can get it done by the first of July--

Commissioner Jerrel: That's right.

President Mourdock: --go for it. I mean, I am hoping we can do something better than fall. It is our job to dictate the scope of the work and part of the scope of the work is what the schedule is. I would even go one step further. I would invite them to come to this meeting maybe in about two weeks and explain to us what that schedule is going to be.

Commissioner Jerrel: I would recommend that we do that. I think we need to indicate that have expectations to move.

John Stoll: I can get them here.

President Mourdock: Okay. Anything else for John? Okay.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Now, we are at the County Attorney's report.

Joe Harrison, Jr.: Okay, first of all on the bids regarding the concession at Burdette Park we received six bids. I believe it is APA035-97. They are from the following businesses: Landshire Foods Owensboro. The amounts were set forth in a wide range of categories, so I am just going to state the six business and then we'll check to see how responsive and responsible the bids are for awarding those bids at a later date.

1. **Landshire Foods**  
Owensboro, Kentucky
2. **Weber Foods, Inc.**  
Evansville, Indiana
3. **DL Keltner, Inc.**  
Evansville, Indiana
4. **Diamond Foods**  
Evansville, Indiana
5. **A & D Distributors, Inc.**  
Evansville, Indiana
6. **Earthgrains Company**  
Owensboro, Kentucky

Those are the six bids.

Commissioner Tuley: I would move at this time that those be taken under advisement through Lynn with either Joyce or Steve from out at Burdette to review those and come back with a recommendation at a later date.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other matters that I have, I have an agreement that I believe the Commissioners have reviewed. It is an independent services contract between the Commissioners and Jerry Schmits. Have you all had an opportunity to review that document and if so, you may want to act upon the same. I've got copies of the agreement. This basically relates to the contracting with Mr. Schmits to provide services on behalf of the county with respect to various county projects including county road projects, bridge projects, the Auditorium and Convention Center and other designated projects by the Commissioners. This particular contract would be for one year. Mr. Schmits would be an independent contractor of the county. He would not be an employee of the county. The compensation for Mr. Schmits is set forth in the agreement, but it is \$60.00 an hour for his service to the county.

Commissioner Tuley: I've only got a couple of questions. Funding for the salary is coming from...?

Commissioner Jerrel: Two sources. The contractual services line item in this budget--

Commissioner Tuley: In our budget?

Commissioner Jerrel: --and the Aztar auditorium since he will be overseeing the project, that money that was donated would pay a small portion. It would be both funds.

Commissioner Tuley: His, in layman's terms, his role really is a coordinator to act on the county's behalf in terms of dealing with contractors in bridge projects and road projects because in my meeting with him I understand he has an extensive background in road and what kind of paving and what have you. He indicated...as far as the auditorium he is better suited for reviewing contracts and working with the contractors. He is not a structural engineer and he'll be the first to admit that.

President Mourdock: That's exactly right and I appreciate the fact that you point that out. His strong point is dealing with the scheduling and how that contract is bid. Several weeks ago, in fact, I think it was...well, it would of been a month ago when Mike Shoulders was here he started to discuss how the different bid packages go together and you may recall that I raised some concerns then. Depending on how a bid package goes together you can greatly benefit or hurt a given bidder. I think what Mr. Schmits can bring in with 40 years of experience is taking a look at those packages and just generally the timing of it. I feel like going back to the discussions of a year and a half ago that we need somewhat of an independent eye looking at that on the county's behalf.

Commissioner Tuley: And this is the independent eye you had in mind at the time?

President Mourdock: Not as a person it wasn't--

Commissioner Tuley: No, not the individual, but the position. I'm not talking about the individual.

President Mourdock: There is only one way you get 40 years of experience.

Commissioner Tuley: Right.

President Mourdock: And he brings it.

Commissioner Tuley: His contract calls for a per hour basis and we've kind of limited but in also my discussions with him he is going to be very flexible, so this month if work permits and he wants to take an extended vacation he will, but next month if we need him here and he needs to work those extra hours it is still at that same quoted rate. He seemed like a very knowledgeable person.

Commissioner Jerrel: He would give us the kind of report from

the eyes of an experienced project engineer that we don't...the three of us don't have the option to have. I would like to move approval of that contract.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. He called me late today, Joe. I guess when last you spoke with him the corporation that he is forming he had not yet...he had not received the papers. He did receive those today so he is all set under the name Jerry V. Schmits, P.E., P.C.

Joe Harrison, Jr.: Okay. The other matters I had were as we mentioned earlier I have an agreement from Barnes & Thornburg law firm in Indianapolis to serve as bond counsel in connection with the Barrett Law issuance, bond issuance, and I would like for you all to either give this consideration this evening or next week concerning the hiring of them for the county's needs in connection with this matter. Again, I will be working with them with respect to the Barrett Law project. They have from time to time, bond counsel has quoted a set fee for their work, but because we will probably be having three separate bond issuances in order for them to do it on a cheaper rate they have decided to quote us their hourly rate. The individual who will probably for the most part be working on this his hourly rate is \$140 per hour. Obviously, there are others in the firm that charge more than that, but Mr. Hall is the one who will probably be working the most on this particular case. That is his hourly rate. Again, the cost would be spread over the three projects assuming we can get those progressing.

Commissioner Tuley: Joe, on those things do most of those attorneys normally work on a percentage of the bond issue or something as opposed to that hourly rate, and if it is what is that typically?

Joe Harrison, Jr.: Well, things have changed over the last couple of years, but typically there is a set fee for a bond issuance. It may range anywhere from \$25,000 to \$30,000 to \$50,000 and maybe higher depending on the project for the bond issuance. Given the situation with this matter where it is a smaller project and even though it is three projects, they're willing to forego that price situation and charge us on an hourly basis. Typically, again, there would be a set fee stated up front and we would be obligated to pay that particular fee.

Commissioner Tuley: But you're of the opinion then and it is your recommendation that this hourly rate is what we adopt because in your opinion in the long run it will actually be cheaper than a set fee?

Joe Harrison, Jr.: Yes.

Commissioner Tuley: I don't know if you two had a chance to read that, the proposal. I read through it and Joe and I have talked about it and I am very familiar with that firm and the individuals in particular that have been named in the contract. I'll move approval if that would be the desire of the other Commissioners.

Commissioner Jerrel: I'll second. I haven't dealt with them, but I know of them.

President Mourdock: I will say so ordered. I am amazed that there are basically two firms in Indiana, I think, that do this kind of work.

Commissioner Tuley: When I worked in Indianapolis they were legal counsel for the company that I worked for, so they're a good firm.

Joe Harrison, Jr.: The other matter that I had and I let you all review this document a couple weeks ago...I think it has probably been a month ago on the membership dues ordinance and I don't know if you all have had an opportunity to look at it, but if you could glance at it and give me some instructions on how you want me to change it around and I don't know if any of the officeholders have had a chance to review it. I don't know if it has even been passed on to them for their review, but if it is something that you want me to do or instruct me on, I will be happy to do anything with it.

**Tape change**

Commissioner Jerrel: I would like to recommend that we schedule sometime in May a meeting of our elected officeholders or their designee to come here and have a general discussion about several things. You know, we are...I've been working with SCT on some issues and I am going to try to put those thoughts down and get them to you this week, but some of them are directly related to the responsibility of the officeholder in certain usage reports that they must participate in. Some are doing that and some or not, but it would be helpful if I could just talk to them about these things in general. We're all in this together and I think maybe they really haven't been given enough information. You know, they need to know more about what that contract says and I am going to ask the County Attorney to take a look at that contract so that if I say something, or one of you all could do the meeting also. I mean, it doesn't have to be me I am just saying that I want to talk to them about SCT and then I think the personnel recommendations that Waggoner & Scheele had made in relation to the report we could do something like that and then the third item was the one that you just--

President Mourdock: Subscriptions?

Commissioner Jerrel: Yes, dues, and let them get that clearly in mind and then they could use that information when they prepare their budgets, you know, in June. So we would all be talking and I think it is healthy to have these meetings and I would like to have one in May.

President Mourdock: Okay. Yeah, I think what they...I don't recall honestly, I think it actually may have been Suzanne's recommendation or suggestion some time ago that we get the officeholders involved with the personnel policy committee meetings and that did work well and certainly I think we opened the door to get their opinions on other things, so that is fine.

Commissioner Jerrel: It just better to hear the same story and let people interact.

Commissioner Tuley: Are you talking about proposing that we set up like we did on the personnel meetings where we just--

Commissioner Jerrel: Well, now we give them some...well, I don't think of any them...I haven't seen the Waggoner Scheele report that you paid for, so I think that we ought to look at it and let them see some of those recommendations.

Commissioner Tuley: Yeah, but I meant the format. Much like we did the personnel...?

Commissioner Jerrel: Can't we all just get together as long as we put a sign out there and say we're all going to get together? We're not going to make any decisions, it's an information meeting.

President Mourdock: Members of the press are smiling.

Commissioner Jerrel: Well it's an inform...I mean, they're all welcome to come, too. It will be an information meeting.

President Mourdock: As long as it's an informational meeting and I think if we are going to be there I think the prudent thing to do is advertise it as a special meeting.

Commissioner Jerrel: Well, it would be...I wouldn't think that we would come to any conclusions, but we certainly have to share--

Joe Harrison, Jr.: Sure, and we can do that.

Commissioner Jerrel: --the information on the dues and I want to talk to them about SCT and also this other. I just think we need to have a meeting.

President Mourdock: Do you think the normal Monday night meeting could be dedicated to it?

Commissioner Jerrel: Oh, no.

Commissioner Tuley: Now you're getting to where I am trying to get at.

Commissioner Jerrel: I would do it at noon. I mean, I don't care. I would do it any time.

President Mourdock: What were you going to say?

Commissioner Tuley: No, that was just my question. Were we talking about doing it on a normal Monday night meeting or are we going to do it at a special time like we did the other meetings?

Suzanne Crouch: Why don't you have it one Monday night at (inaudible).

Commissioner Jerrel: Put your...say your name, please.

Commissioner Tuley: Would you identify yourself and speak into

the microphone, please!

President Mourdock: And address.

Suzanne Crouch: Suzanne Crouch, Auditor. If you want officeholders to participate I think you need to schedule probably during the day wouldn't you think, Pat?

Commissioner Tuley: Yeah, probably! You're probably right.

Suzanne Crouch: I don't know, if you want officeholders to participate maybe you could cancel one of your regular Monday meetings and have it at noon.

President Mourdock: That's a very good idea. You're just full of them.

Commissioner Tuley: What did you say? Just full of it?

Suzanne Crouch: Anything to get out of a meeting.

Commissioner Jerrel: Well, the first Monday of the month is a non something else meeting.

Commissioner Tuley: Right.

Commissioner Jerrel: So we could have the first Monday of May as a meeting, or the first Monday in June. One of those two if we've got everything organized. I just think it would be good to share information.

Commissioner Tuley: Well, yeah.

President Mourdock: The first Monday in May is May 5th.

Commissioner Tuley: We probably will lose at least the Treasurer's Office.

Commissioner Jerrel: On May 5th?

Commissioner Tuley: The deadline is May 10th.

Suzanne Crouch: June?

Commissioner Jerrel: June 1st?

President Mourdock: June 2nd.

Commissioner Jerrel: June 2nd.

Commissioner Tuley: There you go.

Commissioner Jerrel: Let's do it June 2nd.

Commissioner Tuley: Is that a motion?

Commissioner Jerrel: I'll second.

President Mourdock: We will have a special...we will advertise

as a special meeting with officeholders for noon on June 2, 1997. There was a motion, second and I will say so ordered.

Suzanne Crouch: I have a question. If it is a special meeting, do we have to advertise those specific things that you are going to be discussing and are you limited to only those special things?

Joe Harrison, Jr.: What we'll do, if I could make a suggestion, would be to cancel or state that our regularly scheduled meeting will be at noon on June 2nd as opposed to 5:30 on June 2nd and an advertisement to that effect.

President Mourdock: Okay, in doing that given what we are trying to do with that meeting I think it is important that most or at least as much as possible of our normal agenda items be either taken care of the week before or the week after. Especially I am thinking of consent items.

Joe Harrison, Jr.: Sure.

Commissioner Jerrel: Right.

President Mourdock: So, we'll need to make sure, and, Lynn, you need to make sure all the officeholders who would otherwise be sending in consent items are aware of that.

Joe Harrison, Jr.: Also, just for your information, that is one of the months where we have five meetings. Five Mondays, you know, the Auditor's Office appreciates typing minutes for five meetings within a month, but that happens to be one of those months.

Suzanne Crouch: Are you speaking for the Auditor's Office?

Joe Harrison, Jr.: No!

President Mourdock: Okay, all that started off a discussion regarding the county attorney's seeking of some direction from this Board on the ordinance regarding dues and memberships of officeholders and their staff. I don't know that we heard a specific answer, but I guess what I did hear was perhaps we should list that as one of the items for that day.

Commissioner Jerrel: Yes, yes.

President Mourdock: So, we'll put that off until--

Commissioner Jerrel: You can explain it to them.

Joe Harrison, Jr.: It may be helpful to pass this draft to them prior to such time, so they can have some comments prepared. It might speed up the meeting.

President Mourdock: We're for that. Any other comments from the County Attorney?

Joe Harrison, Jr.: I think that's all. Thank you.

**Old business**

President Mourdock: Okay, so going back we did the consent items, we mentioned scheduled meetings. Old business, personnel policy we talked about. Any items of old business, Bettye Lou? Pat?

Commissioner Tuley: Not old business.

Commissioner Jerrel: This one I don't know whether it is old or new.

President Mourdock: Go ahead.

Commissioner Jerrel: I want permission to seek an appropriation request for the riverboat money for this session of the County Council by the 15th whereby the one third, one third, one third of the 1996 riverboat money would be appropriated into the three accounts that were established.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any others?

Commissioner Tuley: That was new and old both.

President Mourdock: Okay, yeah, new and old both. Again, as an update the Welfare to Work that I mentioned will be meeting this Wednesday. The RFP is nearly finalized and Joe, I guess I'm looking for a little help here. I am hoping that we can issue the RFP by April 10th. That has been the deadline all along. That is going to be this Thursday. Can that be issued...assuming the group looks it over on Wednesday night and it is in its final form, can that be issued without something formal from this Board?

Joe Harrison, Jr.: You might want to have a motion made subject to any further changes, but the draft of the RFP that has been prepared I've got a copy of it with me. You might want to have a motion to that effect subject to any changes between now and the 10th. I am assuming thereafter, after the 10th, as soon as possible they would have a notice in the paper with respect to the advertisement of the RFP.

President Mourdock: Just for the benefit of the Board members, you may recall that the RFP as we've talked about basically we don't know how many people will respond to that as potential gatekeepers. The task force will go through all of those recommendations. There is a grading system in place. At least the top three of the respondents as judged through the grading system will be asked to come in and will be interviewed by that group. That group would then make a recommendation to this Board and then a negotiated contract would be put in place. So the RFP is just that. It is not a contract per se because we're sure there would be otherwise overlaps and gaps. That is in essence what the RFP is about.

Commissioner Jerrel: Okay, having said all that I will make the motion to approve the RFP being sent out subject to any

corrections that the attorney may find.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**New business**

President Mourdock: New business items?

Commissioner Tuley: Yeah.

Commissioner Jerrel: Right, go ahead.

Commissioner Tuley: I think the fact that Mark Tuley worked his last day at Burdette last Friday, even though he is on payroll until May 16th because of accumulated time and what have you, but it is getting that time of the year when that park needs to have someone at the helm, so at this point in time I would like to recommend and I think it is also the recommendation of the Burdette Advisory Board that Steve Craig, who is the assistant out there and who has been, I think, with the park something like 25 or 26 years...and I am not sure I am going to word this right, but be named as the interim manager at Burdette until we find a new manager.

Commissioner Jerrel: Second.

President Mourdock: I will so order clearly with the understanding that Mr. Craig doesn't want to be the full-time director and that he is looking at the position as an interim position and I think he will do well there and certainly we'll work with him. Any other new business?

Commissioner Tuley: None from me.

President Mourdock: Just informally, then I will tell you that I met this morning with a couple members of the County Council and the issue was about how the county can proceed somewhat pursuant to one of the things that we put on the bulletin board last week, an economic development plan. They, the Council, are obviously the ones who review any requests for tax abatement or other incentives and I am hoping that we can better coordinate so that we can make a better package and perhaps even a flat system of what will receive abatements and what won't. The Department of Metropolitan Development has been active with that in the past, but it doesn't seem that it's always been consistent. I know there is always going to be some special rules in effect, but exactly how that is done is something that we need to work with and for. It is my understanding the Chamber of Commerce is looking to schedule meetings with all of the Council members and I know all of the Commission members are welcome to attend those as well, so when the invitations come out, and I don't know when those meetings will be but we will be hearing shortly, I would urge you to attend or otherwise contact individual Council members because I think it is critically important.

Commissioner Jerrel: Motion to adjourn.

Commissioner Tuley: Second. I've got to turn my microphone the right way.

President Mourdock: So ordered. We will be convening momentarily for a special Drainage Board meeting.

Commissioner Tuley: We are?

President Mourdock: Yeah, just to open...or review the bids. It won't take but just a couple of minutes.

Commissioner Tuley: Okay.

The meeting was adjourned at 7:26 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Lynn Ellis  
Joe Harrison, Jr.  
Suzanne M. Crouch  
B.J. Farrell  
Mike Shoulders  
Jim Flynn  
Ted Kuhlenschmidt  
Leroy Walther  
Jay Gentry  
John Heidingsfelder  
Sam Elder  
John Stoll  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 14, 1997**

The Vanderburgh County Board of Commissioners met in session this 14th day of April in the Commissioners' Hearing Room of the Civic Center Complex at 5:31 p.m. with Vice President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

Commissioner Jerrel: I would like to call the meeting to order. Our President is not with us. Mr. Mourdock was in another meeting and was ill and not able to be here this evening, so it is just Pat ...and I have called the meeting to order.

Commissioner Tuley: I see that.

Commissioner Jerrel: I would like to introduce our minute taker, Charlene Timmons; our Auditor, Suzanne Crouch; Commissioner Pat Tuley; and Superintendent of Buildings, Lynn Ellis; and I would like to ask you now if you would join me in the Pledge of Allegiance.

**Approval of minutes**

Commissioner Jerrel: The first item on the agenda, the minutes of the previous meeting. I would ask for approval.

Commissioner Tuley: I'll so move for approval of the minutes of April 7th as submitted by the Auditor.

Commissioner Jerrel: Second and so ordered.

**Joe Profaizer - SCT**

Commissioner Jerrel: The next item on the agenda is Joe Profaizer with the mug shot imaging system.

Joe Profaizer: Good evening. My name is Joe Profaizer and I am with the Computer Services Department. I am here this evening on behalf of the Vanderburgh County Sheriff's Department to request approval for sole sourcing of a mug shot imaging system which is a joint venture between the City of Evansville Police Department and the Vanderburgh County Sheriff's Department. We have contacted or sent out RFI's for a mug shot imaging system and the replies that we have got are not compliant with current operating systems that Computer Services employs and also Tiberon, our public safety vendor, is partnering with this company that we are sole sourcing with which is Digital Descriptors Systems, Incorporated. They highly recommend using this mug shot imaging system to incorporate with our public safety system.

Commissioner Jerrel: Are there any questions? First of all, I would like Lynn if she has a comment, too about the pricing.

Lynn Ellis: The Sheriff's Department does have money appropriated out of CCD. That was appropriated in 1996 and included additional hardware as well as the mug shot imaging

system. The Police Department was also appropriated funding last year and that was also carried over to this year, so there is funding available in both the Sheriff's Department and the Police Department accounts for the mug shot imaging system.

Commissioner Tuley: The only question I have because that was a question, or I was getting ready to make a statement. I thought we had provided funding last year through CCD. The last several discussions that we've had with you, Joe, have been with overload and stuff like that. Is this something that is going to have any kind of a major impact on your department or the services you provide?

Joe Profaizer: At this point in time we cannot support the system. Sgt. Williams from the Vanderburgh County Sheriff's Department and Sgt. Biederwolf from the Evansville Police Department will support the system until upon if SCT gets additional resources this system is put on the network. It will be operated as a stand alone system once acquired.

Commissioner Tuley: Okay.

Commissioner Jerrel: Just one comment. I think it is appropriate to say that we are fortunate to have Eric Williams and Ed Biederwolf and we are...this was not a number one priority in terms of the county's assignments this year. The court system's package was, but the fact that the money is in place and these two gentlemen are very competent and their departments have given this priority, then I think that it is appropriate, if they're willing to do that, that we go ahead and approve this and I'll entertain that motion.

Commissioner Tuley: I will so move at this time then.

Commissioner Jerrel: I will second and so order.

Joe Profaizer: Thank you.

**Marsha Abell - County Clerk**

Commissioner Jerrel: The next item on the agenda is the County Clerk.

Marsha Abell: Thank you, Ms. Jerrel. Commissioners, we gave you a report that was compiled by Larry Ice, Joe and myself of our visit to Williamsburg. I would like to point out that on Page 4 we have in there that this company has been doing this work and development since 1998. That's not right. That is supposed to be 1988 since '98 hasn't approached us yet. We're just so into the year 2000 we don't know what year it is. I brought a couple of things tonight and I want to leave one with you is the Court Technologies lab manual that they gave out. They didn't have enough to give us all one, so they gave me one and I just wanted to leave it with the Commissioners. You might want to take a look at it at your leisure.

Commissioner Jerrel: Thank you.

Marsha Abell: On the report that Joe and I prepared I have

numerous extra copies if you need some more for anyone. I provided copies of that to all of you. I think you're the only ones I have so far given it to. I wondered if you had any questions or any comments that you would like to make?

Commissioner Tuley: No, actually not at this time.

Commissioner Jerrel: Lynn, did you have a question? No, I heard you're explanation and I guess what we are waiting for now is to examine the final two and see if they're going to be what the court system is most interested in.

Marsha Abell: Yeah, we know that those of us that went are interested in both of these. We would like for the Police Department, Sheriff Department and some other people to be able to take a look at them also.

Commissioner Jerrel: Right.

Lynn Ellis: The mug shot imaging system that was just approved and other systems that are being considered for purchase will interface with both of the systems that Ms. Abell is considering for the court system.

Marsha Abell: That's what we were told by both companies. Yeah, we asked them that direct question.

Commissioner Jerrel: It would be nice if they would put that in writing before we sign any agreements with them.

Marsha Abell: I think when we get ready at contract time there is going be that and several other things that we want make sure we put into writing such as we know how long they've been here, but we just want to know how long they are going to stay.

Commissioner Jerrel: Right. Thank you very much.

Marsha Abell: Okay.

Commissioner Jerrel: Thank you, Joe.

**Lynn Ellis - Approve opening of bids**

Commissioner Jerrel: The next item on our agenda is Lynn Ellis, our Superintendent of Buildings.

Lynn Ellis: I have a request to open two bids this evening. The first is for County Highway and it is the 6 x 4 Carrier Mounted Hydraulic Excavator. We have numerous bids received for that one. That is bid number VC97-04. The other bid opening this evening is VC97-02-A which is a rebid of the semiautomatic handguns for the Sheriff's Department. I would request that both of those be opened.

Commissioner Jerrel: Okay, we do need a motion to approve bid opening.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: I'll second and so order.

Lynn Ellis: If I may, Alvin Holder is here. Alvin is the new Purchasing Supervisor for the County and the City. Alvin, if you would stand up so that they can see you.

Commissioner Jerrel: Come on up and let us have a chance. Now you'll be appearing and it's Alvin?

Alvin Holder: Yes.

Commissioner Jerrel: A-l--

Alvin Holder: Yes, v-i-n.

Commissioner Jerrel: --v-i-n Holder?

Alvin Holder: Yes.

Commissioner Jerrel: Well, we're happy to have you. We're happy to have you in the county because we're happy to have Lynn with us.

Alvin Holder: Well, thank you. I think it is going be an opportunity for me. Right now I am just trying to get up to speed.

Commissioner Jerrel: Yeah, there are a lot of people you'll have to meet.

Alvin Holder: Right, yeah.

Commissioner Jerrel: Well, I know that Lynn will be happy to help in any way she can.

Alvin Holder: Right.

Commissioner Tuley: Welcome aboard.

Alvin Holder: Thank you.

<b>Tax Sale Clerk - Permission to advertise</b>
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Commissioner Jerrel: The next item is the Tax Sale Clerk. Lynn, are you doing that?

Lynn Ellis: Um, yes, I guess. I met with Mr. Fluty from the Auditor's Office and he and I discussed the tax sale. We would request that the Commissioners approve this evening advertising for title search work for the properties that are in place and are approved to sell during the tax sale. We would request that this be done at this point so that we can beat the August '97 deadline for this tax sale.

Commissioner Jerrel: Okay, do we have any questions? Do you have any questions regarding the tax sale?

Commissioner Tuley: I don't have any questions. I was just asking Joe that Sarah usually handled the tax sale stuff, I

thought, for the county. It was just more of a personal question than anything.

Commissioner Jerrel: Does the Auditor have any comment? Okay, hearing none, I'll entertain a motion for approval of the tax sale permission to advertise for title search services.

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

### Contract for Services - Youth Alcohol Program

Commissioner Jerrel: The next is for contract for services instructors for the Youth Alcohol Program. Do we not have someone here representing?

Commissioner Tuley: I don't see Bill Campbell or anyone from his staff.

Commissioner Jerrel: I can read this contract for services from the Vanderburgh County Drug and Alcohol Deferral Service to have work performed by an instructor with the Youth Alcohol Program and the following information is included in the contract:

I do understand that the following tenants of the contract between myself and the Vanderburgh County Drug and Alcohol Deferral Services are as follows:

1. To act in the capacity of Instructor for required programs, each comprised of five (5) two hour sessions and to provide curriculum input and development as requested.
2. Remuneration for said services will be \$230.00 per five (5) unit series. Payment will be vouchered through the usual County process.
3. Will communicate with the Director of D.A.D.S. as to needs or changes relating to physical elements of classroom and/or educational materials.

Axillarial responsibilities of contractee are as follows:

1. To be at the site of the session (D.A.D.S. classroom) in time to open and prepare material prior to student arrival.
2. Check attendance and report absentees to the D.A.D.S. office within twenty-four (24) hours or the next working day.
3. Coordinate with D.A.D.S. staff all make-up sessions.
4. Schedule material needs (films, materials on loan) and/or guest speakers to enhance the curriculum.

This would be entered into on the 2nd day of January of `97.

The contract terminates on the 31st day of January, 1998. The instructor is Lisa Seif. Is there a motion to approve this?

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

**DMD - Request for appropriation for the Daylight Sewer Project**

Commissioner Jerrel: The next item is DMD's request for an appropriation for Daylight Sewer Project.

Commissioner Tuley: This request to go before the Council for the project has been discussed for some time and then revised at least once. I would move at this time that DMD be granted permission to go before the Council in search of the funds.

Commissioner Jerrel: The amount that they're going to request is...let's go over this just a minute.

Commissioner Tuley: Okay.

Commissioner Jerrel: The cost estimate prepared by Three I Engineering in November of '96 was \$1,039,529.

"Several bids received by public bodies since that time for similar projects (Vanderburgh County another sewer; Evansville Water and Sewer Utility water treatment improvements) have come in from 10 to 15% over the engineer's estimate. Assuming that by a worse case scenario, 15% over the engineer's estimate would be \$1,195,500. Reducing that by the \$150,000 grant from the Indiana Department of Commerce would bring the local cash requirement down to \$1,045,458. The attached Request for Appropriation is for \$1,050,000. I think that it would be better to have a little extra appropriated rather than have a delay awarding the contract.

Phoenix Land Company has indicated that it will most likely contribute \$75,000 to the project. There is also the possibility the county could get additional IDOC funds in the event that Phoenix can sign up a land buyer committed to making a substantial investment."

John, do you have any comments on this? Are you aware of this? This is the Daylight Sewer.

John Stoll: I have not been really that much involved with the Daylight Sewer as of yet. The only sewer project that I have been working with is the Earle Sewer that runs up Petersburg Road and the easements that we needed out there.

Commissioner Jerrel: The only thing that I would like to be in the record, and Lynn you need to communicate with Mike Robling, that the balance in that Windfall Account that we set aside for that is \$1,197,924. So they had best not--

Commissioner Tuley: Come back for more.

Commissioner Jerrel: Well, they're not going to get any more.

Commissioner Tuley: That's what I said. They better not come back for more. There is no more.

Commissioner Jerrel: If it exceeds the estimate then they better go back and have somebody rebid. Okay, I'll entertain a motion for the appropriation for the Daylight Sanitary Sewer.

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

**Any group or individuals wishing to address the Commission**

Commissioner Jerrel: The next item, are there any individuals that would like to speak to the group before we go to the department heads? Nobody? Okay, that was last your chance!

**John Stoll - County Engineer**

Commissioner Jerrel: John Stoll, our County Engineer.

John Stoll: Last week I had requested to go before Council to repeal \$300,000 from Lynch back to the Road and Street Fund. The request was to be modified to include a \$12,000 transfer for the bucket truck for the County Highway Department. Since that time we received a final invoice from the city for the South Green River Road project. They audited that project and found that there was another \$38,062 that they had not previously invoiced us for on sewer relocations down on that project. Rather than repeal the \$300,000 what we put in for Council was to repeal \$250,000 from Lynch to the Road and Street Fund, to transfer the \$12,000 from Lynch to Motor Vehicles...I mean, not Motor Vehicles, to Road Equipment and transfer \$38,062 from Lynch to South Green River. That will finalize the payments on the South Green River Road project.

Commissioner Jerrel: Okay, now will you communicate with the garage so that they know, you know, that we need to get the title information so the invoice can be finalized?

John Stoll: Sure.

Commissioner Jerrel: Okay. Is there a motion approving the request to go before Council?

Commissioner Tuley: I will so move at this time.

Commissioner Jerrel: I will second and so order. Is that all?

John Stoll: I received that letter that I passed out to you from Darrell Veach last week regarding the Fulton Avenue Bridge project. They have submitted the final plans to INDOT. There is still no guaranteed funding source for this project, but now

is the time that Rose can start making the request for the funds since the project is...the design is complete. In reviewing this...in reviewing the agreements, the design agreements back when this project was initiated, there was no construction engineering agreement for that project. In order us to have construction engineering on the project we would need to send out an RFP to get some proposals from consultants and see which one we wanted to hire. I was going to request your authorization at this time to proceed with preparing a Request for Proposals for that engineering, the construction engineering, so that way if and when it is funded we'll have a consultant selected for the inspection on the project.

Commissioner Jerrel: Okay. I'll entertain a motion for the request for bridge engineer proposals.

Commissioner Tuley: John, just a real quick question. Is this Fulton Avenue Bridge?

John Stoll: Yes.

Commissioner Tuley: Okay, I'll so move.

Commissioner Jerrel: I'll second and so order.

John Stoll: The street plans that you have in front of you are for Glenwood Hills, Section B. These street plans will be...it will be a curb and gutter street. They have been reviewed by Tim Spurling in my office and we would recommend approval of the street plans. The only thing that we wanted to point out was the fact that the Drainage Ordinance calls for a 600 foot maximum spacing of inlets and the maximum spacing on these streets is 814 feet. The design engineer, Morley & Associates, submitted calculations showing that it will not cause any problems as far as too much water encroaching out into the thru lanes and the pavement, so in spite of the fact that the Drainage Ordinance did call for 600 feet this will work according to the engineer's calculations and we would recommend-

Commissioner Jerrel: Do you have that in writing?

John Stoll: Yes, we've got the calculations right here. On that basis, we would recommend that it be approved.

Commissioner Tuley: John, I mean, is that common? What was the rationale then behind limiting the spacing to 600 feet?

John Stoll: Just to make sure that the depth in the street didn't get above three inches, or I think it is three inches, and so that the water doesn't encroach too far out on the lanes, so there is enough inlets to take the water to where it doesn't flood the thru lanes out.

Commissioner Tuley: Okay, but either you or Tim have reviewed the calculations and you're in agreement with Morley & Associates that it will not impact?

John Stoll: Yes.

Commissioner Tuley: You recommend approval?

John Stoll: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second and so ordered.

John Stoll: Next, I've got a revised...a stop sign ordinance revision that needs to be advertised. This ordinance revision includes all the new intersections that have been added in through recent subdivision construction. It just needs to be advertised and that way it can be approved. I would recommend that it be okayed for being advertised.

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

John Stoll: One other item. I just want to let you know that we are currently working on a concrete repair contract for concrete streets. We're looking at including Aspen Drive, Ohara Drive, Burch Park Drive, Southport Drive, Venetian Drive, Eastbrooke Drive, Walnut Lane and Whispering Tree Lane in that contract. If we can get the wage scales established soon we'll be--

Commissioner Jerrel: How do we do that? I mean, do we have a committee in place?

Commissioner Tuley: To review and make a recommendation as to which ones? I--

John Stoll: You mean the wage scales?

Commissioner Jerrel: Yes.

John Stoll: Yeah, there's a committee. Members were established--

Commissioner Jerrel: Last year?

John Stoll: --last year whenever the Appeals Court finally determined that the new law was the wage scale law we were supposed to be following.

Commissioner Jerrel: Okay. Any other questions?

Commissioner Tuley: I have none for John at this time.

Commissioner Jerrel: Thank you.

John Stoll: Thanks.

**Rick Dickinson - County Garage**

Commissioner Jerrel: Rick.

Commissioner Tuley: Charlene down there gets one.

Lynn Ellis: This is the report that they submitted earlier today.

Rick Dickinson: I don't have too much. Just the only road that we have left to clean up is Lynn Road. It would have been done today, but when we got there this morning we had a bigger surprise than what we thought was down there. There is a whole lot more trash down there that somehow got there over the weekend, but we will be done with that tomorrow.

Commissioner Jerrel: Do you have a comment, Lynn?

Lynn Ellis: Yes. The press release was issued today to all the papers, radios and T.V. stations regarding that. I will have a copy available for you in the packet from my status report so that you can see what went out. The Sheriff's Department has committed to send additional patrol cars out there to patrol the area.

Commissioner Jerrel: We're never going to get through if we don't.

Rick Dickinson: I was down Old Henderson today and Old Henderson looks pretty good. There weren't too many people that done anything down there.

Commissioner Tuley: Rick, where are we at in terms of Hogue Road? I know--

Rick Dickinson: Hogue Road is done.

Commissioner Tuley: It's done, okay.

Commissioner Jerrel: Are we...I mean, Lynn are you and Rick and Milton coordinating this FEMA reimbursement?

Lynn Ellis: Yes. Joe is actually working on that from the County Highway and putting the paperwork together. I have been communicating with him as well as a FEMA representative to ensure that the county gets the appropriations and reimbursements for that. We've also been approved for roads and so that is a great addition to the monies that will be coming back to the county.

Commissioner Jerrel: Very good because we're going for an extra appropriation for the removal, solid waste removal, so we're telling Council that it will go back, the General Fund will be reimbursed.

Rick Dickinson: I'm supposed to ask for \$10,000 for summer crews. Is that something that is always...I don't know how to go about this.

Commissioner Jerrel: Okay, do you...you don't have any part-time money in your budget?

Rick Dickinson: There must be a little bit in there. He said there was some left from last year, but some was transferred to a different account. Apparently there is still a little bit in there.

Commissioner Jerrel: Okay, well, let's make a motion to approve based upon checking the budget line items. Is that okay? That way we can--

Commissioner Tuley: Okay, to, I mean, subject to review of the budget?

Commissioner Jerrel: Yes.

Commissioner Tuley: Okay, and existing funds?

Commissioner Jerrel: Right. I want to review the minutes of the budget hearing last summer.

Commissioner Tuley: I'll so move with those recommendations.

Commissioner Jerrel: Okay. I'll second and so order.

Rick Dickinson: The only thing else I had is he wanted me to check on the mechanic again.

Commissioner Jerrel: Okay, nothing has happened on the mechanic yet. Did anyone check on the process of repairing vehicles at night, I mean on the second shift?

Rick Dickinson: I didn't know we were supposed to.

Commissioner Jerrel: Well, I had discussed this with Milton just about...we do have one mechanic--

Commissioner Tuley: On second shift, yeah.

Commissioner Jerrel: --that works the second shift and I asked him if that was working because that is the logical time that you would fix them.

Commissioner Tuley: I guess basically, Rick, what we are trying to find out is does it make more sense when the vehicles are parked at the garage to be able to get them working or is there a need for like emergency breakdowns and what have you during the day when all the work is going on?

Rick Dickinson: We definitely need mechanics in the day. I think it makes a lot of sense to put a mechanic on second shift for simple stuff like tune-ups and stuff like that.

Commissioner Tuley: Oil changes.

Rick Dickinson: Just leave it overnight. Oil changes, yeah, they do that now. Oil changes and grease is what--

Commissioner Jerrel: But there is just so much of that you can do every night.

Rick Dickinson: Yeah. All they do is change oil and grease.

Commissioner Tuley: Okay, but a lot of the repairs can be done while the crew is not there so you're not losing the use of the truck anyway and all those guys standing around.

Rick Dickinson: Yeah, there are a lot of times when we come in at 2:00. We'll limp a truck all day just to make it through the day and at 2:00 everybody knows it is broke down, but it is sitting in the garage overnight and when you get in the next morning--

Commissioner Tuley: It's still broke.

Rick Dickinson: --you've got to work around that truck being down. Yeah.

Commissioner Tuley: Okay.

Commissioner Jerrel: I think we need to talk about doing it that way.

Commissioner Tuley: Okay.

Rick Dickinson: I think it would be a great idea.

Lynn Ellis: Doing the mechanic on the second shift?

Commissioner Tuley: Right.

Lynn Ellis: Now, Rick, there is someone working at night now right?

Commissioner Jerrel: Two of them.

Rick Dickinson: Yeah, two of them. I can't think of their titles.

Commissioner Jerrel: Well, one of them was a mechanic on the first shift, so--

Rick Dickinson: Yeah, I believe that was Dooley.

Commissioner Jerrel: Yeah, so that person could be--

Commissioner Tuley: How many mechanic's positions do we have? Is there--

Rick Dickinson: Three.

Commissioner Tuley: Three total?

Rick Dickinson: We've got two filled. Like I said, I'm not sure what Dooley's title is.

Commissioner Tuley: The theory then what we are talking about doing is the possibility of having one mechanic for emergency repairs and what have you during the day and two to do the work at night so that the trucks stay on the road and the crews stay on the road. It makes sense.

Lynn Ellis: Rick, how many do you have on the day shift?

Rick Dickinson: Right now we have two and we're supposed to have three. We basically need two on days.

Commissioner Tuley: You need two on days?

Rick Dickinson: Yeah, because if we send one out on the road...like if someone breaks down on the road we still need a mechanic in the shop.

Commissioner Tuley: Okay.

Rick Dickinson: Like I said, I don't know what Dooley's title is. I don't know if it is mechanic or what it is, but if you put that one you're going to hire on nights he could do a bunch.

Commissioner Tuley: Okay, so you could keep two on days and eventually you would have two on nights. Is that what you are saying?

Rick Dickinson: Yeah.

Commissioner Tuley: Without creating any new positions. That's just filling existing positions?

Rick Dickinson: Yeah.

Commissioner Jerrel: Right, existing.

Lynn Ellis: There is definitely a need for the mechanics during the day. I was out with the crews all day today and the trucks are in desperate need of repair during the day. They had three or four of them down at one time needing repairs.

Commissioner Jerrel: I have left a person for you to contact that they have recommended from the garage. Anything else?

Rick Dickinson: That's all I've got.

Commissioner Tuley: I'll move acceptance of the two reports submitted by the Highway Department.

Commissioner Jerrel: I will second and so order. Thank you, Rick.

Lynn Ellis: Ms. Jerrel, the Highway Department also submitted a request from Jack Crawford to refuse to pay an invoice due to a late charge of \$24 for sending a bill for \$240. They refused to pay that.

Commissioner Jerrel: Let's hand that down and let the Auditor take a look at it. That's for Terri.

Lynn Ellis: I know that other government agencies don't pay late charges or finance charges and aren't permitted to.

Commissioner Jerrel: We have someone in the Auditor's Office that is very good at this. She is worse than I am.

Commissioner Tuley: That's good.

**Joe Harrison, Jr. - County Attorney**

Commissioner Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: Okay, I guess we might as well start with the bids that were just opened. The first related to bid VC97-04 and it related to the 6 x 4 Carrier Mounted Hydraulic Excavator. There were three bids that were accepted.

1. Scott Heavy Equipment, Inc. \$193,508.49  
Madisonville, Kentucky
2. Southeastern Equipment Co., Inc. \$219,165.90  
Indianapolis, Indiana
3. Carlisle Equipment LLC \$236,841.00  
Wilder, Kentucky

Those were the three bids.

Commissioner Jerrel: What was the first one again?

Joe Harrison, Jr.: Scott Heavy Equipment, Inc. and that amount was \$193,508.49. I would recommend that they be reviewed for their reasonable and responsiveness to the bids.

Commissioner Jerrel: Is there a motion to take these--

Commissioner Tuley: So moved.

Commissioner Jerrel: Second and so ordered. These will be taken under advisement.

Joe Harrison, Jr.: The next one, the next bid opening related to semiautomatic handguns and that is VC97-02-A. There was only one bid. Several submitted paper saying they did not want to bid, but there was only one.

1. Kiesler Police Supply Ammunition Co., Inc.  
Jeffersonville, Indiana

There were a number of bid amounts that they set forth within the bid, so in order to review that adequately I would ask that it be taken under advisement to see if it is responsive and whether or not they want to take a further look at that.

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order for VC97-02-A, Kiesler, Inc.

Joe Harrison, Jr.: The next item that I had was the Burdette Park Food and Beverage Service Contract has been signed by Suzanne Kasinger. That was forwarded to her for her review several weeks ago and it has been executed. It relates to the services that have been provided out there for the last several years. I have unfortunately just the original with me. Again, she is an independent contractor and the terms of that particular agreement are the same as they have been the last

couple of years.

Commissioner Jerrel: Okay, is there a motion to approve?

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

Joe Harrison, Jr.: Let me see here if there is something else that I have. I think that's it unless you all have any questions. I think that is it this evening.

Commissioner Tuley: I don't have any.

Commissioner Jerrel: Okay, nothing?

**Lynn Ellis - Superintendent of County Buildings**

Commissioner Jerrel: Lynn, Superintendent of Buildings.

Lynn Ellis: Yes. I apologize for not having that in your packet for your review over the weekend. As you know, I have been out of the office a lot doing running around and reviewing the entire county, I think, and most of it today. There are several items in there for your review. As I stated earlier, there is a copy of the news release that was done regarding the flood victims and the debris cleanup. There are several issues that were addressed this afternoon and this morning when I was out with Milton from the County Highway. A couple of things from Burdette Park need to be addressed quickly. Joyce contacted me this afternoon regarding these. There was a letter sent to the Commissioners and that is in your packet at about Page 5, four or five, that was dated March 4th that regarded the aquatic center. The request was to change to positions out there so that they anticipate a savings through this change. I anticipated that this...the intent was to turn this over to the Advisory Board for their review.

Commissioner Jerrel: Yes.

Lynn Ellis: Would you like for me to do that? We will be meeting this Thursday.

Commissioner Jerrel: Yes, I think that was the reason. We didn't want to make changes without giving them the opportunity. That would be one way to learn. Isn't that right, Pat?

Commissioner Tuley: Yeah, that's right.

Lynn Ellis: Okay, then I would ask that they would bring back a recommendation Monday evening, one week from today, regarding that so that Burdette can take action on that. The other was to approve, and this may as well...you may desire that this be turned over to them as well, but there is a request to approve hiring three or four ground crew employees at this time to begin preparation of the grounds and the pool so that the facilities can open on time for the summer.

Commissioner Jerrel: Did you ask, I mean, I think this question

came up. I know we hire ground crew people, but the question arose what do the full-time union employees do as related to the grounds?

Lynn Ellis: Okay.

Commissioner Jerrel: That question was asked during that first Board meeting.

Lynn Ellis: Right.

Commissioner Jerrel: That's just as long as you all are talking you might as well--

Commissioner Tuley: Yeah. Lynn, I don't remember, how many...I mean, do you know of the top of your head, I mean, the full-time union that Commissioner Jerrel is making reference to? Like Joyce is full-time union.

Commissioner Jerrel: I think there are five.

Commissioner Tuley: Five or six?

Commissioner Jerrel: Yeah, and what they're...they were going to give their assignments. You know that's what you did.

Commissioner Tuley: Right. You might want to look into it since you have the Board already meeting anyway. It may be something that you want to take a hard look at with the rain and everything it is going to take a lot of people just to keep the grounds in shape and it takes quite a few to get that pool ready to go.

Commissioner Jerrel: Right.

Lynn Ellis: Right, and there was discussion of potentially changing over the pool maintenance, the type of chemical that is being used in there and so there are a lot of issues being questioned at this time.

Commissioner Tuley: Get the Advisory Board hitting the ground with their feet--

Commissioner Jerrel: Yeah, and tell them we don't want any errors, so--

Lynn Ellis: Okay.

Commissioner Jerrel: --to study these issues.

Lynn Ellis: Okay, I'll bring both of those up Thursday. I hated that Commissioner Mourdock is not here this evening.

Commissioner Jerrel: I do too!

Lynn Ellis: I wanted to...or I am sure he would like to do a big check mark on the Welfare to Work RFP. It was sent out Thursday and it is out on the street and is available for persons to pick up. We've had a couple of interested persons contact the office for a copy of that. I know that he wanted to do a ceremonial

checkoff of one item being accomplished on the board. Since that is such a large one, it is a nice accomplishment for Vanderburgh County.

Commissioner Jerrel: I know if Richard were here he would say thank you to you and to Joe for the work that both of you did in order to make this come about. I think it would be in order for you to put a big red check up there tomorrow.

Lynn Ellis: Okay. One item that we addressed previously was the Auditor's Office with the tax sale. Item 7 is the personnel notes. I know that you scheduled a meeting for June 2nd to review the personnel manual. I will be drafting all of those comments and concerns for, hopefully, your next meeting. I was supposed to have it ready for this evening, but...and, again, this coming week I am only going to be in the office, I think, with all the workshops and meetings about half a day. So I am hoping that I will have that for your review Monday. There are a couple of items that have come up and notes that were received. The last thing that I had is a summary. I have asked that this be started. What I am doing is reviewing the minutes from each meeting to add items to this list. That was in the front of your packet actually that you had over the weekend. It is a summary for you to keep track and for myself as well because it seemed overwhelming to try to keep track of all of the items that were being referred to other persons to handle on your behalf. So that is a summary and as they are completed we can check them off and make sure the things that you are asking to be done are actually accomplished.

Commissioner Jerrel: Are there any questions of Lynn?

Commissioner Tuley: Well, it is overwhelming the variety and the amount of work that passes through this office.

Lynn Ellis: Yes, sir. It is overwhelming at times. It keeps you on your toes, that's for sure.

<b>Contract for Services - Youth Alcohol Program</b>
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Commissioner Jerrel: Before we go to the next order of business, I need to correct something. Earlier when I gave the contract services the name was not visible. There were two people that were going to enter into contracts for the D.A.D.S. services. One was Lisa Seif and the other is Mary Angel, so I would like to make sure that Mary Angel's name is also added.

Commissioner Tuley: You need a motion amended to--

Commissioner Jerrel: We do need a motion.

Commissioner Tuley: --approve both contracts?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: I'll second and so order.

**Consent items**

Commissioner Jerrel: Under the consent items are there any questions concerning any of the--

Commissioner Tuley: Just one more addition.

Lynn Ellis: Actually, there are a couple. One is regarding an employee that the department is asking to be placed on Medical Leave Act and I will pass out this. The request is from Jayne Berry-Bland and it regards an employee that has used all of the sick leave and annual leave. They're asking that she placed on the medical leave under the Medical Leave Act. This would enable her to remain on insurance. There is a pink slip in the signature file for that.

Commissioner Jerrel: Okay, this is an addition?

Lynn Ellis: This is one of those items that I've included in my comments regarding the manual. I was trying to prepare a form that might be used by every office. Like in the exit interview something similar to that which could be utilized by all county offices for a request for medical...family and medical leave because right now it can be a little bit confusing.

Commissioner Jerrel: Does the policy...do you want to refer to the handbook?

Joe Harrison, Jr.: An employee is eligible for up to 12 weeks of unpaid leave and that appears to be what she is seeking.

Commissioner Jerrel: Okay, that's included in our consent items, right?

Commissioner Tuley: You need to add it to consent, yeah.

Commissioner Jerrel: Okay. We'll have added to the consent then the request for Delores Buickel to go on extended medical leave.

Lynn Ellis: Yes, and then the other item that was added is a travel request. This is being submitted on behalf of Commissioner Pat Tuley, Marsha Abell and David Byrne from the Clerk's Office and this is for travel regarding the election procedures to review equipment. There is a request in here for that and I will pass out copies of that as well.

Commissioner Jerrel: Do you want to explain that?

Commissioner Tuley: Yeah, remember several years ago we had some problems with getting some returns in and then there was a task force developed in which I was part of it to review and then there has been some recent discussions again about do we want to maintain the same kind of system that we have or do we want to look at other options? Business Records who has our current contract to provide us election services wants us to go to Cincinnati to review a big election. They use the same system that we have here. Some different things that they do is they hook up through computer monitors to T.V. screens so that the media can sit in a room and through the T.V. monitors they'll

see those results come in just as they're doing it. They want to show us that as large as Cincinnati is that this same system with the proper equipment and the proper people on site works very well. So there was a request sent to the Commissioners by letter several months ago, a couple of months ago anyway, to have us go over and review that.

Commissioner Jerrel: Is this something that we have asked to do though or they are asking us to do it?

Commissioner Tuley: Marsha has asked because she as a new clerk and getting ready to do her first election next year she wants to see what options are available to her, but they've not asked us to come to Cincinnati. We've just talked to them. I met with Marsha and Dave and Rob McGinnis from Business Records probably the first or second week of January to talk about the possibilities. We know there is not money and I don't know if there is a desire in this county to change it, but we want to go over and see what other things we can do without spending a lot of money that would improve upon what we are doing.

Commissioner Jerrel: I would just comment to put this into the mix of things, most of our money in our budget is going to go towards the court's package. I hope you'll keep everybody--

Commissioner Tuley: Informed.

Commissioner Jerrel: That's right. That the court package is the number one--

Commissioner Tuley: Yeah, and we are talking like some minimal costs like \$7,500 or something, but I will pass that along to them.

Commissioner Jerrel: Okay.

Commissioner Tuley: We are traveling as cheap as we can. We're going to double up. Dave told me to bring earplugs, he snores. So we are doubling up. They checked on the airfare and that's unreasonable. I think what we are going to end up doing is taking one personal vehicle that we'll all ride in.

Commissioner Jerrel: So that is all included under consent. Is there a motion for approval?

Commissioner Tuley: Yes, I so move.

Commissioner Jerrel: I'll second and so order.

#### Scheduled meetings

Commissioner Jerrel: There is a scheduled meeting list and don't forget we are going to have the June 2nd special meeting during the day.

#### Old business

Commissioner Jerrel: Is there any old business to come before this Board?

Commissioner Tuley: I have none.

Commissioner Jerrel: Madam Auditor? Is there--

Lynn Ellis: Yes.

Joe Harrison, Jr.: Yes. I forgot something. From time to time there are poor relief appeals from the various townships that are submitted to the Board of Commissioners for their consideration. I believe in the past, and it is permissible under the law, that a hearing officer may be appointed by this Board to hear those appeals and then from there if the petitioner wishes to proceed further with an appeal, then the next body would be the court system, the Circuit or Superior Court here in Vanderburgh County, from that particular decision if the individual wishes to go further. Did Alan Kissinger do that in the past?

Commissioner Tuley: Yeah, we had one particularly embarrassing situation where we had a lot of discussion in a public meeting, so it was decided at that time then that we would under law use the ability to appoint. We appointed Alan and what Alan did was sit down with the individual along with the Township Trustee, review the appeal, determine that the denial was based on the approved guidelines established by their Board and then come to this body with a recommendation to either back up the Township Assessor or overrule the Township Assessor.

Commissioner Jerrel: I remember now the one you're talking about.

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: I glanced at the statute, I don't have it in front of me, but I did review it a week or so ago and it appears that we may want to...if you all want me to do that, that's fine, but again provide notice for the individual to maybe come in here for a...to make the presentation and then I can come back to you all with a recommendation or I can make a determination and inform you what that determination will be. There are guidelines that say you have to make a determination, I think, within five days or four days of the hearing and then there is a right to appeal from there, so whatever you want me to do that is fine.

Commissioner Jerrel: Since generally these things are emergencies, I think we ought to do it right away.

Commissioner Tuley: I would move that Joe be given permission to make the decision.

Commissioner Jerrel: I'll second that and so order.

Joe Harrison, Jr.: Thanks.

**New business**

Commissioner Jerrel: Is there any other new business?

**Vanderburgh County  
Commissioners Meeting  
April 14, 1997**

Page 21

Commissioner Tuley: Old business? New business? I have no other business.

Commissioner Jerrel: Okay. I'll entertain a motion to adjourn.

Commissioner Tuley: So moved.

Commissioner Jerrel: So ordered.

The meeting was adjourned at 6:32 p.m.

**THOSE IN ATTENDANCE:**

Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
John Stoll  
Rick Dickinson  
Joe Profaizer  
Marsha Abell  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 21, 1997**

The Vanderburgh County Board of Commissioners met in session this 21st day of April in the Commissioners' Hearing Room of the Civic Center Complex at 5:41 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: If you intended to be at the meeting of the Vanderburgh County Commissioners, that's where you are. If this isn't where you wanted to be now is a good time to leave. Over on this desk we have agendas for this meeting that will list all the issues that we will be discussing that we are aware of at this point. If during the meeting you care to make any comments, because we record all of our minutes verbatim from tapes, we would ask that you go to the microphone and identify yourself, state your name and address. By way of introductions, at the far left is Charlene Timmons, who is our official Recording Secretary; to her immediate right is Ms. Suzanne Crouch, who is the County Auditor; in a moment Bettye Lou Jerrel, Commissioner, will be joining us; my name is Richard Mourdock; Pat Tuley, County Commissioner, on my right; to his right, Joe Harrison, Jr.; and momentarily to Joe's right will be our Superintendent of County Buildings, Lynn Ellis. We will go ahead and start, as is our custom, with the Pledge of Allegiance and hopefully we will have others join us momentarily.

**Approval of minutes**

President Mourdock: Precisely on cue, Bettye Lou joins us. We have on our agenda a series of action items. The first of those being the approval of minutes from the meeting of April 14th.

Commissioner Tuley: Mr. President, I'll move for approval of the minutes of April 14th as endorsed by the Auditor.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Just by way of signatures, since I was not here last week I'll not be acknowledging those minutes.

**Certification of Executive Session**

President Mourdock: The second item on our list is Mr. Mike Shoulders--

Commissioner Tuley: Certification--

President Mourdock: Ah, you're right. We also will be certifying tonight that we had an Executive Session of the Vanderburgh County Commission immediately prior to this meeting. At that meeting no decisions were made, no votes were taken and the issues there related to pending litigation and personnel matters.

**Mike Shoulders - Veazey Parrot & Shoulders**

President Mourdock: With that out of the way, Mike Shoulders.

Mike Shoulders: Good evening, Commissioners. My name is Mike Shoulders. I have three issues or three items to report to you on the Vanderburgh County Auditorium and Convention Center project. First, is an environmental update and I did give a handout of a summary from Environmental Management Consultants. I suppose that the news is quite good at this stage concerning the nature of the soils on the site. If you look at the last page of the handout you'll recall, you've seen it before, there were in the old records, property records, there were identified at least three old gas stations in the vicinity, two laundries, two cleaners, a radiator establishment at various times in the past, so there were five soil borings taken on site, one in the middle of the building that is over there now. I am happy to report that there were no contaminants that would exceed the published levels of EPA standards. This is so indicated in the handout. There were some traces of some metal pollutants, and they were just traces, and they were way below the EPA standards to classified those traces as hazardous. That's sort of surprising. Not surprising, but it's a pleasant surprise in the downtown area that the soils were very, very clean. There was no indication, even no sniff of petroleum. Nothing, so we are free to proceed now with our excavations at such time as we bid the project without fear of encountering hazardous materials. Now this is based on five spot borings and contractors...earthwork contractors know what to do if they would encounter a particular area in the site that might be suspicious, but we are relatively surely convinced that we have a clean set of soils in the area. Now the other issues in this update are the fact that we do have some asbestos containing materials inside the building. The word is not totally out on those contents. It is still being analyzed in the lab. We know that there are traces in the ceiling plaster of the auditorium, in the floor tile, in the thermal insulation and in the stage curtain. Now that is not the fire curtain. There is a big fire curtain required by code that has a steel frame that is up inside the structure that drops in a fire. So that is not the fire curtain, it is the actual stage curtain that you see which we had planned to replace anyway. Now, what I would like to propose to you, on preliminary analysis the range on the asbestos in the plaster samples was somewhere up to two percent. There exists another method of analyzing plaster which we call the "point counting method" that is much more precise. It's much more exact in quantitative method for analyzing...it's a lab analysis for analyzing the contents of asbestos in plaster. What I would like to ask tonight is that the Commissioners approve an additional \$320, which is \$40 per sample, to do the point counting method and if we find in that more precision method that the contents is one percent or less, and it will pinpoint it very closely, then we will by definition not have an asbestos problem in the plaster. This will save...I'll tell you right here and now, if we find in the point count method that we are one percent or less we will save a lot of money in environmental mitigation on our plaster that we are tearing out of that building.

President Mourdock: What's the other side though? What happens if the numbers come in eight, ten or twelve?

Mike Shoulders: Well, you know, we're demolishing that ceiling anyway, so what it will mean is a little more cost in terms of care taken to bring it down and then there will be off-site disposal that will cost more than if it is non-asbestos containing. So we'll incur costs on more care taken for removal instead of just hitting the wrecking ball at it and we'll incur more costs at the dump sites if it exceeds the one percent. We stand...if we can determine that it is only one, then we can save dollars during construction.

President Mourdock: Yeah, that wasn't quite my question though, Mike.

Mike Shoulders: Okay.

President Mourdock: We're saying right now that it is between two and five?

Mike Shoulders: Yeah, that is on the broad scope analysis.

President Mourdock: Okay, of what they've done already it has come back two to five?

Mike Shoulders: Right.

President Mourdock: What happens if they do the point count and it comes back at fifteen?

Mike Shoulders: Well, we are going to have to abate it. I mean, regardless, anything above one percent we're still going to have to abate.

President Mourdock: Okay, so if it is fifteen it isn't necessarily going to cost us any more than if it is three?

Mike Shoulders: Not really. I mean, we're going to have to dispose of it. I would ask for your approval of an expenditure of \$320 to get the point count analysis completed and then in your handout Environmental Management Company is stating that they are now ready with the completion of the point count to prepare bid specs to go out for Phase Three for competitive bidding on any mitigation that would be done, to solicit competitive bids for Phase Three mitigation.

President Mourdock: For the asbestos?

Mike Shoulders: For, yes, for asbestos. Also, there is a tank to be removed. There is an on-site tank and our building is going to go...so it is asbestos abatement and storage tank removal. That tank is not leaking, but we want to get it out of there prior to building across the side. So there are really two sets of specs that would be needed. Now, they have agreed to give us an estimate by the end of the week on what they think their cost will be to prepare those specs and I would forward them to John Stoll for your review. I would like your permission to go ahead and get the \$320 for the point count and

your permission to ask for an estimate of cost on the bid specs to bid the project on the environmental.

Commissioner Jerrel: I just have a question.

Mike Shoulders: Uh-huh.

Commissioner Jerrel: You're talking about \$320 per what? How many?

Commissioner Tuley: Total.

Mike Shoulders: No, that's total dollars. It's \$40 per.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Was that for both issues?

Commissioner Jerrel: Yes. Yes, both issues.

President Mourdock: Okay.

Mike Shoulders: Okay, thank you. I wanted to report item two. At the April 9th meeting of the Board of Public Works, Bowers Harrison Kent & Miller processed a street vacation request and it was approved. That was two days after my last report, so a week ago last Wednesday, and what that means is that the strip of ground out here at the auditorium site that has the pull-off and the parking meters have been relinquished, has been vacated from city easement and now is the purview of the county to utilize in their project. Mr. Harrison's office did the work on that vacation. I suppose the one last bit of cleanup would be whether they want us to try and save the parking meters and give them back or something. I mean, that's the only other issue, so they can put them on my street or something! We have to get this recorded, but that was one of our last property boundary issues. We got a favorable action from the Board of Works. I wanted to give you a report on the wood flooring in this project. I have spoken with Mr. Ed Moser about this and I would like to say before I begin that he has been a pleasure, a professional and gentleman in speaking with me about the needs of his club. He has been here, as you know, just about every meeting. My report is probably not going to be that welcome by Mr. Moser. Maybe part of it is and part of it isn't, but I wanted to say that I wish we could have met all of needs, but we are talking about looking at the needs of all users and all county persons who would utilize that ballroom. My report is that after looking at and conferring with my consultants and looking at other facilities that we need to use a high grade commercial carpeting in our ballroom. That is pretty much the prevailing consultation of our consultants and it is pretty well pervasive throughout this industry in the modern ballroom. Carpet, of course, is much, much better today than it was 30 years ago in terms of maintenance and durability, non-static and other issues, cleanup issues. There are severe acoustical problems with an all wood ballroom floor and as big as ballroom that we are building we begin to get the acoustics of a

gymnasium in our ballroom with an all wood floor, so that is one big issue. The other issue is the flexibility. We would prefer to include in the project a system of portable wood flooring. We have two sections of portable wood flooring in the budget and would be able to put that anywhere within the ballroom at the layout that is desired by the person who is renting the space and be able to store that away. There have been instances where people have built all wood floors and tried to have carpeting, portable carpeting, to lay over that and it has been a real nightmare for them. The carpeting in long rolls does not store well. It gets crimped. The corners get bent. We can store portable wood flooring in racks and we can keep it nice for many, many years. Permanent wood flooring is much, much more difficult to maintain in a ballroom over time as opposed to permanent carpeting. It is much less flexible, so for those and other reasons...the other reasons that when we are not...when we are doing some exhibits, booth exhibits, we have floor outlets that the carpet can cover. For those and other reasons, we're recommending to the Commissioners that we be authorized to utilize permanent carpeting in the ballroom with the purchase of two sections of portable wood flooring. This is high quality wood flooring that fits together in tongue and groove with special tools. It will not have raised bumps. It is probably as good or better than what is used out at the stadium for the basketball floor and there are no raised humps in that floor.

President Mourdock: When you say two sections, how many square feet are we talking about?

Mike Shoulders: Okay, there would be two sections that are 21 x 30 meaning that when it is put together it would be 42 x 30. Now, that is considerably less than Mr. Moser has requested, but Mr. Moser's request would virtually fill the whole room, the ballroom, without much room for his tables for his people to sit when they are not dancing. To give you an idea, the Green Center was 48 x 90, that wood floor that is in the Green Center with ample carpeted space on either side. Mr. Moser's club would preferably like to have 72 x 120 and our ballroom is only 110 x 140. We have included in this project for wood flooring over \$125,000. We have new wood flooring on the stage in the Vanderburgh Auditorium. We have new all new wood flooring in what we call our warm-up room that is off of the stage. This is a 30 x 50 room with all glass mirrors on one wall and the ballet rail. It is a warm-up space for actors, dancers, etc., and it has all wood flooring in that. Then these two sections of portable flooring to be stored and utilized in the ballroom, again, at a size of 30 x 42 when they are both put together. These systems come in 3 x 3 sections and you can buy them from this particular company in 30 x 21 square foot...or 30 x 21 increments. Now, the other option for clubs who may need larger spaces is for them to rent additional sections of this flooring as per their needs and add to this. We would need to consider whether we would allow for that to happen.

President Mourdock: How expensive are one of these sections?

Mike Shoulders: They're about \$10,000...the 21 x 30 are about \$10,000. We've got two of those in there and we've got about...so if you add up all that flooring I was talking about

actually we are at about \$135,000 for wood flooring in the project as a whole in our budget now. Our budget is tight as you know, as my reports have indicated over the past several weeks.

President Mourdock: I'm well aware. Okay. Given where you are in the plans, I presume we can take this under advisement this evening and we don't need to make a decision this evening?

Mike Shoulders: You do not need to make a decision. It is our strong recommendation that you consider the input and if you have questions, please call me and we will discuss it further over the phone or if there is any question about this whole scenario I would be happy to answer it.

President Mourdock: Just one other question going back to your rental idea for some of that wood floor. What I am wondering is since Mr. Moser's club is the one who is intensely interested in this if it would be possible if they bought other sections, or if somebody bought other sections, could that be adequately stored there and utilized?

Mike Shoulders: I think we could probably store them. They come in...let me show you a photograph here that shows the carts and it shows the system in place. I would like this back.

President Mourdock: Mike, I guess, my key question is if you take two 30 x 21's and put them together for 1,200 square feet or whatever, can you put, basically, an infinite number together as long as you've got the space?

Mike Shoulders: Yeah, I mean, they will clamp together and lock together with tongue and groove and then there are edge pieces for transitioning, some wedge, you know, shaped pieces around the perimeter. It's, you know, yes, you can put them together forever, I suppose.

President Mourdock: Okay. Anything else?

Mike Shoulders: Thank you. I would like that back at the end of my report. Thank you.

Commissioner Tuley: Thanks, Mike.

President Mourdock: Thanks, Mike.

**Final reading - Ordinance to amend Chapter 72, Schedule II**

President Mourdock: The next item on our agenda is John Stoll with a final reading. Did I see John in here?

Commissioner Tuley: Yeah, he is hiding behind the podium.

President Mourdock: Yeah, okay. John Stoll with the final reading on a amendment for some changed traffic regulations.

John Stoll: Right. That is the revised ordinance that was brought up last week for the stop sign intersections. It is just adding the intersections that have been built in new

subdivisions.

President Mourdock: I think there was one in addition that is not a new subdivision, but it was at the new Lynch Road and Burkhardt.

John Stoll: Yes.

Commissioner Jerrel: Do you need a motion?

President Mourdock: Yes.

Commissioner Jerrel: To approve?

President Mourdock: Yes, for a final reading and since this is an ordinance we'll have to have a roll call vote.

Commissioner Jerrel: I would like to move approval of the ordinance which had first reading on 4/14/97, Chapter 72, Schedule II of the Code of Ordinances.

Commissioner Tuley: Second.

President Mourdock: I will say...roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I will vote yes, so it is approved.

**Les Shively - Schlensker Road speed limit reduction request**

President Mourdock: The next item on our agenda, Mr. Shively regarding some Schlensker Road traffic issues.

Les Shively: Thank you, Mr. President and members of the County Commission. My name is Les Shively. I am here on behalf of Mr. and Mrs. Gary Williams who are the developers of a five lot subdivision on Schlensker Road, on the north side of Schlensker Road, known as Astoria. Sue is with me here this evening. Let me just give you a very brief history of what has occurred and why we are here this evening. First of all, several months ago a road cut, an entrance to this subdivision, was put in. In hindsight, and I'll be the first one to say this, the prudent way to have proceeded probably would have been to work a little more closely with Mr. Stoll's office and let them know we were out there when we put that cut in there. After that happened Mr. Stoll contacted Mr. Nicholson, the engineer for this project, and expressed some concern. He expressed that concern, as I understand, on the premise that the speed limit in that area, it was his understanding, was 45 miles an hour. We did a little research and found out that although it is unclear as there is really nothing posted there...by the way, Schlensker Road...I guess I should start and tell you where Schlensker Road is. Schlensker Road is a narrow county road with several hills

on it that runs, generally speaking, in somewhat of a winding manner from Petersburg Road to Browning Road. It really doesn't go anywhere except for those two points. I guess that would be the east and west terminus points and everything around there are some farms that are still there and some residential properties. Getting back to my story now that we know where the road...this is on the north part of McCutchanville area. I tried to work this out with the County Engineer's office and they said, well, at the posted or speed limit of 45 miles an hour at the entrance that we had based upon sight distances would not work safely. I think we would be the first to agree at 45 miles an hour that is pretty much the case. However, we don't believe the 45 miles an hour was ever intended to be the speed limit out there. Let me tell you what we did. We sort of tried to get historical perspective on this and talked to several neighbors in the area. I don't know if Mr. Harrison shared these with you, but we talked to several people who lived on Schlensker Road, McCutchan Road, Browning Road and indicated to them our concerns about the posted...I say posted because it really never has been posted. There are plans. They say they are going to post. In fact, the only thing that has been posted recently is on the curbs and has been posted 30 miles an hour with arrows and warning signs. Anyway, we canvassed some of the people out there who have been out there a lot longer than the Williams have and we got 106 of them to sign a petition wanting that speed limit to be 30 miles an hour. I'll give you an extra copy of these. These folks have always thought it was 30 miles an hour and would like to see it, in their opinion, stay 30 miles an hour or changed depending on your perspective. Just to give you, again, some background on similar county roads, Petersburg Road, by Hamilton's Golf Course, and that has unfortunately been in the news quite a bit, that was 45 and now is 30 with 20 miles an hour on the curbs with six driveways between Old Petersburg Subdivision entrance and 41 North. Whetstone Road, which is, again, a localized county road in the McCutchanville area between Petersburg and Highway 57, is 30 miles an hour. Petersburg Road from 57 to Baseline is 35, so they're all basically in the 30 range out there because these are local access type county roads. Some other particular characteristics of this immediate area on Schlensker Road, there are about three hills within about .3 mile distance. There are two subdivisions, Brownwood and Shady Hills, and, again, many of the residents out there as indicated by the petitions have always treated that as though it was 30 miles an hour. Although I am not a highway engineer, I had two people independently drive this without me telling them why and I sat in the passenger side and I asked them to...I hope I didn't break a law here, but I asked them to drive it as safely as they could without feeling they were losing control of their vehicle. The quickest...the fastest anyone was able to drive in this immediate area was around 33 or 34 miles an hour. We have consulted a traffic engineer specialist to give us a report, but quite frankly, we have held off on that because common sense really dictates posting that at 30 miles an hour. Again, Mr. Williams should have worked with Mr. Stoll closer and he has already been penalized for that because this is the only thing left for final...I should say primary approval of his plat and he has been delayed several months and he probably would not of been delayed several months had he of gotten with Mr. Stoll.

The penalty has been invoked, shall we say, and now we would like to get this thing straightened out. We think it is not only to Mr. Williams' best interest, he won't lose lot sales and have to redesign his subdivision which would take most of the summer, but the neighbors want it that way. We think it is a safer situation, which given this age of liability and such, is probably a good thing for the county in the long run. With that, we would ask that you concur with what the neighbors want out there, 106 of them, and the developer, Mr. Williams, who is putting together this five lot subdivision and agrees that this should be posted 30 miles an hour.

Commissioner Jerrel: Yes, I'm confused. What's the speed limit got to do with Mr. Williams' entrance and his not following the engineer's instructions?

Les Shively: Okay, I maybe didn't explain that very well.

Commissioner Jerrel: Because the people signing a petition isn't the issue.

Les Shively: Right. The entrance will work in a 30 mile an hour--

Commissioner Jerrel: Oh, it's because he has to have 30 miles an hour or he can't have the entrance where it is?

Les Shively: Right, right. He would have to redesign it for 45 miles an hour. No question about that.

Commissioner Jerrel: Could...may I ask Mr. Stoll--

Les Shively: Sure.

Commissioner Jerrel: --explain that, please.

President Mourdock: What exactly does that mean, redesign it? Is it simply a line of sight issue?

John Stoll: Yes. The entrance was laid out just on the east side of a crest of a hill. Based on the current location of where that street lies, I calculated that it would only be safe for a 28 mile an hour speed limit, so a vehicle that comes across the top of the crest of the hill and sees somebody sitting in the subdivision wanting to pull out, if they are traveling 28 miles an hour or less they could stop without hitting that car as it is pulling out of the subdivision entrance.

Commissioner Jerrel: Did you recommend that the entrance be somewhere else?

John Stoll: Once the subdivision was originally brought to Subdivision Review the location of the entrance was questioned and we requested a profile of the center line of Schlensker Road from Mr. Williams' engineer and at that point is when we found that it did not meet the 45 mile an hour stopping sight distance requirements and that's when we said that if it did not meet it, then he needs to find another location for the entrance.

Commissioner Jerrel: May I ask one more question?

President Mourdock: Sure.

Commissioner Jerrel: What's he done at this point? He went ahead and built the entrance?

Les Shively: That's correct.

Commissioner Jerrel: When you say built what do you mean built the entrance? Has he put in an opening of some...what's been done?

John Stoll: It's been graded out and rocked--

Les Shively: It has not been paved.

John Stoll: It is basically a rock road for lack of a better term right now. It's not got curbs and it doesn't have the asphalt, but the road has been cut in and there is rock in place out there.

Commissioner Jerrel: Moving the entrance...how far would the entrance did you recommend that it be moved to permit the sight that would have been safer?

John Stoll: I didn't calculate alternate locations. I figured that Mr. Williams' engineer, Mr. Nicholson, was probably best suited to address that since I didn't know what lot layouts might be suitable for Mr. Williams. Between Williams and Nicholson I figured they could resolve that and propose a new location that we could review rather than us tell them here, put it here.

Les Shively: I think Mr. Stoll will agree though that making a slight modification of 28 versus 30 is one thing, but to accommodate 45 miles an hour basically means that you start from scratch in redesigning this subdivision. I don't think 45 miles an hour makes sense out there. There is no way that you can safely drive not even 40 miles an hour out there. I've tried it and Lord knows I have lead foot. You can't do it. You've got to be way under 40 to traverse that area safely. We've even offered, and this has been several months ago, we've even offered at our expense pursuant to Mr. Stoll's direction to put any kind of warning apparatus or signs and what have you, but we think the county also ought to post it 30 miles an hour. That is what the people want out there. That is the safe way to do it. We're not talking about a major thoroughfare or some type of expressway road that provides, you know, a flow of commercial traffic. It is all to serve farm property and large residential properties in the area. Again, it is consistent with the posted speed limits in most of the residential areas in McCutchan Estates...I mean, McCutchanville.

Commissioner Jerrel: Did you advise you client though that he should have--

Les Shively: Well, what I advise my client I am not going to discuss publicly because I can't ethically do that, but, you

know, I could probably save a lot of clients a lot of problems if I was with them every minute of the day. Let me put it this way, Ms. Jerrel, the problem was presented to me after the fact which is in the case of, and Mr. Harrison will attest to this, unfortunately the nature of this business. You are presented problems after the fact. We would like to engage in more preventive medicine, but we don't always get that opportunity.

John Stoll: In regard to the proposal from Mr. Shively and Mr. Williams as far as posting warning signs and things like that, I discussed that with Cedric Hustace and he had said that wouldn't really eliminate any potential liability problems from the county. He did not say that would be a solution to the problem.

Les Shively: That's not quite...I mean, I have Mr. Hustace's letter. You can review it. It wouldn't solve the problem if you got 45 miles an hour--

John Stoll: Right, correct, with 45--

Les Shively: With 45 mile an hour speed limit you can have all the warning signs in the world and you just create a very dangerous situation. The logic that I saw applying this they said, well, some agency had a radar gun out there and posted people doing a certain speed limit. If that is the logic we are going to use for speed limits, then the speed limit of the Lloyd Expressway, based upon my most recent experience, ought to be 70 by the way people are exceeding the speed limit on that thoroughfare. I mean, I don't think that is real logical.

Commissioner Tuley: I agree with that logic, although this is not Mr. Williams' first development nor is this Mr. Billy Nicholson's first design. How did we get to this point?

Les Shively: I'm just going to tell you up front. Mr. Williams should of come to Mr. Stoll. They should have laid it out. Mr. Nicholson and Mr. Williams should of sat down with them. There is no question about that. The penalty has been exacted though because had they done it the right way we wouldn't be here. We would already be selling lots and we would have been selling lots last year where this delay is a delay that has been caused by the fact that he should have done it that way. Notwithstanding that fact, the penalty has been exacted on Mr. Williams. I think now the County Commission has to say, alright, do we continue to exact a penalty and then expose these residents out here and the county to liability by allowing a 45 mile an hour speed limit to be posted? You've already penalized Mr. Williams. Don't penalize those 106 residents--

Commissioner Tuley: We didn't penalize him. We did not penalize Mr. Williams.

Les Shively: No, you didn't. He penalized himself, but why continue it at this point? That is what I am saying. I misspoke, but my point is the damage...he has already felt the pinch. Believe me.

Commissioner Tuley: Right. Ms. Zigenfus is here and I assume you're here for this discussion?

Rose Zigenfus: I am if you want me to.

President Mourdock: Sure.

Commissioner Tuley: Well, I would just like to hear your input.

President Mourdock: Yes.

Rose Zigenfus: We did traffic studies by putting traffic counters in the road. We didn't use a radar gun. I think you have copies of those studies which dictate what the speeds are out there at different locations at the request of Mr. Stoll. If you look at the traffic counts and the speed studies you will see that at various locations the eighty-fifth percentile speeds exceed 30 miles an hour. We have speeds in the neighborhood of 50 miles per hour. I have speeds on the eighty-fifth percentile at 49 miles per hour, 46.4 miles per hour.

President Mourdock: Do you know the overall average for all those time periods? What it worked out to average?

Rose Zigenfus: Yes, that is also listed there.

President Mourdock: I'm sorry.

Rose Zigenfus: It says--

President Mourdock: 48.3?

Rose Zigenfus: --48.3, uh-huh.

President Mourdock: Okay.

Rose Zigenfus: The way that according to the Indiana Manual on Uniform Traffic Control Devices the eighty-fifth percentile is what is used to set speed limits on various highways and roadways. From a liability perspective I think the county is prudent to follow that standard which is dictated by the manual.

President Mourdock: So leave it at 45 is what you are saying?

Rose Zigenfus: That would be our recommendation.

President Mourdock: Okay. Deputy Woodall, are you here for this specific--

Steve Woodall: I'm here for something else.

President Mourdock: In that case, I won't put you on the spot unless you care to be.

John Stoll: One thing I would like to add to what Rose said was that one of the speed studies was taken on February 6th which was prior to the change in posting of the speed limit. I contacted the Traffic Engineering Department and they told us

the exact date when they changed the speed limit signs from 30 to 45 and that speed study that was done on February 6th showed speeds in excess of 45 miles an hour as well. That showed that even when it was posted 30 people weren't driving 30.

Commissioner Tuley: John, let's...I want to get away from that because to me it doesn't mean a whole lot. We can find that probably on any street. I guess I am more concerned with design and safety. Even though they were traveling those speeds is it safe to travel those speeds on that road?

John Stoll: The accident data has not shown that there is any--

Commissioner Tuley: Excessive?

John Stoll: Right. There are no accident reports that were found by Rose's office that showed that speed was cited as the problem in causing the accident.

Les Shively: Mr. President and members of the Commission, Ms. Williams just advised me that notwithstanding the fact that the engineer, Mr. Williams, probably should of worked a little closer with the County Engineer, they state, and Ms. Williams just reminded me, that was posted 30 miles an hour when this cut was put in. The speed limit was changed to 45 after the cut and 45 miles an hour is not safe. I challenge any of you to drive that this evening at 45 miles an hour and feel that your vehicle is under control. I asked for this data some time ago and I have not received this data that Mr. Stoll and Ms. Zigenfus made reference to although I have shared quite freely everything that we had to try to work with the county to work this situation out. Again, Mr. Williams and Mrs. Williams probably should of approached this problem a lot differently and because they didn't they have been delayed in their project. That chapter is over with. Now this matter is in your hands and the thing that makes sense is to reduce it to 30 miles an hour so that subdivision as laid out with a few modifications can still work. One hundred and six residents out there want it 30 miles an hour and we are also saying at our expense at the county's direction we'll put out any other warning devices even with the 30 miles an hour speed limit advising people of the entrances and whatever Mr. Stoll thinks is appropriate at the 30 miles an hour. I mean, I think it is a win/win for everyone and I don't think the county condones...would be condoning a developer that didn't get his ducks in a row like he should of because that developer is already hurt himself in this particular case. We do have a building season coming on. We do have a lot of interest in this subdivision and if we have to do a redesign predicated on 45 miles an hour that wipes us out for 1997 building season and we certainly hate to see that happen especially when there is nothing to be gained by doing that except a lot of risk and exposure to the residents and to the county.

President Mourdock: Okay. Procedural question for our County Attorney. Joe, I read as this is presented to us this is, in effect, an ordinance, is it not? Much like those, in fact, identical to those we just voted on?

Commissioner Jerrel: Uh-huh.

Joe Harrison, Jr.: That's correct and the speed limit out there is 45 miles an hour. I believe there has been some talk about the 30 mile an hour signs that were out there. It is my understanding that those were just posted incorrectly and I don't know how long they were out there like that. Is that correct?

John Stoll: Yes, I have no idea when they were posted, but in accordance with all the ordinances that we could find, Schlensker should have been posted for 45 miles per hour all along. When it was done, who did it, I really couldn't tell you. I don't have a record of that.

Joe Harrison, Jr.: You've got a copy of that ordinance with your materials where it doesn't list Schlensker as one of the streets that would be on anything other than 45 miles an hour.

President Mourdock: Following up on the other question, procedurally, since this would formally take an ordinance and the notifications, public ads and such and the hearings, the appropriate thing at this point if we choose to deal with this would be to ask for a motion to begin that process, would it not?

Joe Harrison, Jr.: That would be my recommendation.

President Mourdock: Okay. Any other questions from the Board or anyone else wishing to address the issue? Okay, if not then if we are to use...to deal with this correctly we just heard the County Attorney say that we would need a motion to begin the ordinance process, so I would ask for a motion.

Les Shively: Commissioner Mourdock, before you do that I want to say if there is any additional costs for publishing an ordinance associated with this, to the extent that we can appropriately do that, the developer would certainly reimburse the county on any additional publication fees and costs we would have. I did not realize it was going to take an ordinance, so if it does we would be more than happy to reimburse the county for those costs and expenses.

President Mourdock: Okay, your comments are noted for the record.

Les Shively: Thank you.

President Mourdock: Again, is there a motion to begin the ordinance process for this request? Hearing none, we will move to the next issue.

**Lynn Ellis - Awarding of bids**

President Mourdock: The next item on our agenda, Ms. Ellis, Superintendent...no, you've got your purchasing hat on at the moment.

Commissioner Tuley: Which hat are you wearing?

Lynn Ellis: The purchasing hat. I apologize for the tardiness. Later in the evening when it comes to my turn I will tell you what I was doing all last week. The first item is the bid award for Bid Number VC97-02-A. These are the semiautomatic handguns. The recommendation is to Kiesler Police Supply. They were the sole bidder in that bid. We had no bids received, but they were the sole bidder for that. The agenda item is written a little bid odd. It is an estimated cost of \$56,017.20. The reason that it is not more definitive is that the exact award amount will be based on the exact number of handguns, leather and magazines that are purchased as well as the exact number of trade-ins. At this point they are only guesstimating what that number will be. As the officers are given the opportunity to trade in their guns and purchase the new ones, then more exact figures will be known at that time.

President Mourdock: Okay, and you're recommending approval then of this? Of the award?

Lynn Ellis: Yes, sir, at these unit costs specified in the bid.

Commissioner Jerrel: I'd move approval of Bid Number VC97-04 to-

President Mourdock: By way of correction, I think it is VC97-02.

Commissioner Jerrel: VC97-02 for semiautomatic handguns to Kiesler Police Supply Inc. at a total estimated cost of \$56,017.20.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. You didn't get put on the spot at all.

Commissioner Jerrel: It's a learning experience!

President Mourdock: The next item.

Lynn Ellis: Okay, the next one is bid award for Bid Number VC97-04. This is for the 6 x 4 Carrier Mounted Hydraulic Excavator. The recommendation is to Carlisle Equipment in the amount of \$236,331. Carlisle is the low responsive and responsible bidder meeting bid specifications. The bid tabulation shows bids being received from Scott Heavy Equipment and from Southeastern Equipment. Scott bid a Badger unit. The Badger unit or model that was bid does not meet the specifications and there are several reason for that. We have representatives from the County Highway if you have specific questions, but the Badger unit will not lift...the primary concern is it will not lift the pipe that is required to be lifted by this piece of equipment for the Cum B crew. It just won't handle the pipe, so there is a safety reason for not recommending that unit. The arm on it won't turn properly and there is a fear of it tilting over or falling over. The second low bid is Southeastern Equipment and they are not being recommended for award even though they did bid the same type unit as the recommended bidder. However, they did not meet the bid specifications regarding the air ride suspension seating. They bid a T-bar seat. They did not bid

the engine as specified and did not include an option as did Carlisle. The unit that is being recommended is with the option that was bid by Carlisle to meet the engine specifications. Again, that is because of the type material and work that is required of that piece of equipment.

Commissioner Jerrel: I would like to move approval of VC97-04 for a 6 x 4 Carrier Mounted Hydraulic Excavator to Carlisle Equipment in the amount of \$236,331.

Commissioner Tuley: Second.

President Mourdock: So ordered. Those were the only two on your list correct, Lynn?

Lynn Ellis: Yes.

**Any group or individual wishing to address the Commission**

President Mourdock: We are at that part of the agenda where our microphone is available for anyone to address an issue which otherwise hasn't been discussed this evening. Does anyone have something you wish to bring to us? Mr. Moser.

Ed Moser: I'm Ed Moser and I am President of the Coterie Club of Evansville. First of all, I want to thank Mr. Shoulders for the kind words that he said to me or about me. I appreciate it very much. I am honored to be in the company of the Commissioners and I thank you very much for this opportunity. I shall make this quick. I didn't know exactly when this moment would come, but it has arrived and that's good. We got it out on the table and we know what we are talking about now. I would like to request...is Mike still here?

President Mourdock: No, I believe he left.

Ed Moser: I would like to request...I'll call Mike tomorrow. I would like to get a further amplification of this of these figures and etc. This is my 21st visit to the County Commissioners.

President Mourdock: We've discussed putting you on the payroll!

Ed Moser: Good, good. Just apply it all to the rent, please! I am aware that we need to talk and I will get in touch with Mike. Some of this information needs to be further explained to me. I want to let you know that we have increased our membership in the Coterie now to 265 couples, so that relates to...that's couples. That's 530 people. It is no small outfit. We're are tri-state. We've got people in Kentucky, Illinois and mostly in Evansville and Indiana. So I just wanted to say that I am glad we have had this. I was wondering when this moment might come. Unless the...if the schedule as I understand it, is it true that the convention center will be built first? The exhibition hall?

President Mourdock: Yes, basically, there will be some work beginning there although there is...we've shortened...at one point we were talking about starting this and keeping the other

**Vanderburgh County  
Commissioners Meeting  
April 21, 1997**

Page 17

one going and the more we've looked at it we've found out that there is actually efficiency in closing down earlier and doing everything at once.

Ed Moser: You mean that January 5th date?

Commissioner Tuley: Right.

President Mourdock: That date is the magic date. That is when the auditorium shuts down.

Ed Moser: Yeah, well, that's still on the paper?

President Mourdock: That is more than on paper, that is carved in concrete. Yeah.

Ed Moser: Okay, so we're still talking about the full...it was explained in an earlier meeting of the County Commissioners by Mr. Shoulders that this would go on to completion, the exhibition hall. Right?

President Mourdock: I'm not sure I am understanding your question. Are you saying will it be completed first?

Ed Moser: Yes, it would be completed first. That was my understanding.

President Mourdock: I believe that's right. That's right. That part of the building would be--

Ed Moser: Well, I am just saying that this gives us a little bit of ample time to have dialogue about--

President Mourdock: Right.

Ed Moser: --this.

Commissioner Jerrel: Sure.

Ed Moser: We're not...it's not a done deal yet as far as this wood floor is concerned--

President Mourdock: Right.

Commissioner Tuley: You're ducks (inaudible), but it's still swimming.

Ed Moser: --not as long as Edward D. Moser is involved with this.

Commissioner Tuley: It's still swimming.

Ed Moser: So I thank you very much.

President Mourdock: Okay.

Ed Moser: I'll be seeing you maybe for my 22nd meeting.

President Mourdock: I have no doubt you'll be here. Thank you,

Mr. Moser.

Ed Moser: Thank you very much.

President Mourdock: We'll move to our department heads.

Commissioner Tuley: Oops, oops.

President Mourdock: Oops, I'm sorry.

Commissioner Tuley: He's got something for Joe.

President Mourdock: Sorry, I didn't mean to overlook you there.

Jim Ackerman: It's alright. My name is Jim Ackerman. I live at 1406 Westwood Hills Drive. I am here again about our streets and wanted to know whether there is any progress been made. We had gotten the independent engineer's estimate and a set of plans is drawn up showing locations and what needs to be done and I gave those to Mr. Stoll tonight. As I understand, that is the last piece of document that you need from us.

Joe Harrison, Jr.: I think that is it for right now.

Jim Ackerman: So what we would like to do...I don't know whether you have talked to the bond carrier or anything yet anymore--

Joe Harrison, Jr.: I have.

Jim Ackerman: Is there a time frame as far as them coming down?

Joe Harrison, Jr.: Well, we are still working on the financing part of it with the bonds and I can talk to you further about that, but not only are we going to speak with...or we have spoken with the one fellow that we talked to you about about the possibility of buying the bonds, but there are some other potential--

Jim Ackerman: Potential brokers?

Joe Harrison, Jr.: Yes, and so we're exploring that and that is what we discussed by phone today. Whenever I get some more information from them we'll get together on that. They're going to come down to Evansville within the next couple of weeks and we're going to set up a meeting at my office where we are going to invite each of the representatives from the three projects. I am assuming that Mr. Flynn would want to be there also.

Jim Ackerman: Yes, very definitely.

Joe Harrison, Jr.: Hopefully, we'll have some more information by then. We're going to set up an appointment sometime this month still, hopefully. I would like to get it done before the end of the month and they're going to get back with me with some dates.

Jim Ackerman: Yes. Like I say--

Joe Harrison, Jr.: They're checking on some other options. What

this would do would save you all money.

Jim Ackerman: Right.

Joe Harrison, Jr.: So they're looking out...they're trying to find ways to make it cheaper.

Jim Ackerman: Right, well, anyway you can save some money that's what we are looking at. So should we be on the agenda next week to get any further additions?

Joe Harrison, Jr.: I don't think it will...unless you have anything further to give to the Commission, but I don't think you have anything further to give. Some of the other projects do and, in fact, I spoke with, for your information, Mr. Schwenker today and he is going to provide me with some more information that they needed from him.

Jim Ackerman: Okay. So then we'll hear from you within the next two weeks?

Joe Harrison, Jr.: Hopefully within the next week or so and I can tell you when that appointment is going to be.

Jim Ackerman: We do appreciate it.

Joe Harrison, Jr.: I'll speak with Mr. Flynn also.

Jim Ackerman: Thank you.

President Mourdock: Okay, thank you, Mr. Ackerman.

Commissioner Jerrel: Mr. Harrison, do you think there is a possibility we would have the ball rolling--

President Mourdock: Mr. Ackerman.

Commissioner Jerrel: That's alright. I can just--

President Mourdock: Before you leave you might want to hear this question.

Commissioner Jerrel: I was just asking the question do you think it is possible we can get this ball rolling by the 1st of June?

Joe Harrison, Jr.: Sure.

Commissioner Jerrel: I mean, I think they're anxious in this--

Joe Harrison, Jr.: We need to get this financing thing kind of resolved.

Commissioner Jerrel: They want to do something during the construction season.

Joe Harrison, Jr.: Sure.

Jim Ackerman: Right, because if something goes awry and we don't get this done until next spring we are probably looking at

another \$20,000 or \$25,000 in costs.

Commissioner Jerrel: That's right. Well, I would hope that we could target, you know, when you have the meeting in two weeks then...have conference calls if they can't come down here and let's get this thing going.

Jim Ackerman: I appreciate it. Thank you.

**John Stoll - County Engineer**

President Mourdock: Okay, now we are at department head reports and John Stoll is first. While he is coming to the microphone, do I take it that many of our visitors are with Dennis Beadle's class again?

Unidentified: No, USI.

President Mourdock: Which class?

Unidentified: USI journalism class.

President Mourdock: Oh, USI. Okay, welcome to your lesson in civics this evening.

John Stoll: First of all as was requested a couple of weeks ago, I've got United Consulting representatives here to discuss the Burkhardt Road project. I've got Andy Wolka, Steve Jones and Jack Waldroup here for any questions that you might have. I've got extra copies of the schedules that I submitted to your office last week. If you don't have them with you and you want a copy I can give you one of those now. They can, hopefully, address any questions that you might have as far as time frames that the projects can be bid for Phase 2 and Phase 3 and anything associated with Phase 2 and Phase 3, let's put it that way.

President Mourdock: Okay. Questions? Bettye Lou, do you want to start?

Jack Waldroup: I'm Jack Waldroup with United Consulting Engineers. Hopefully, I can answer your questions and if I can't I'll shove them off on Steve and Andy.

Commissioner Jerrel: Well, the primary issue that we're interested in is that we move along quickly, that we avoid the problems like the gas line and the other issues that came up before. I don't know why they came up, but we don't want any more of them so we can proceed without that and thought you could tell us a little bit about what is to be expected.

Jack Waldroup: Well, as far as the gas line on the first phase, and there were several other utilities that our inspector was told that they had been moved and moved far enough out of the right-of-way and there was some off days that Stewart May had contact utilities and said that you've got to make sure that these are out of the way and he talked to the contractor out there. The contractor said no problem, they've been moved, there is not a problem. They went out and had another off day

and there happened to be a problem. That's, I mean--

Commissioner Jerrel: Did we do any communicating with the utilities?

Jack Waldroup: So far as--

Commissioner Jerrel: In writing.

Jack Waldroup: --United Consulting Engineers, I would say...and John Stoll, I would say yes.

President Mourdock: I'm sorry, you'll need to come to the microphone. Our mike doesn't pick up anything. Please.

Commissioner Jerrel: I just would like to have on the record because that is costly and if we are going to proceed we don't want any more things like this. I just want to know what was done on the record.

Jack Waldroup: I totally agree. I drive that road every day. My eight year boy rode down it with me the other day and he said this is the dumbest way in the world to go, daddy. I said, tell me about, son. So, we're trying to get it done. He's eight years old and he knows it's a mess.

President Mourdock: I hope he didn't say who laid out this job?

Jack Waldroup: I didn't even bring that up because we didn't lay out the part we were driving on. Anyway, Steve, do you want to answer that question as far as...or do--

Commissioner Jerrel: Come to the mike, please.

Steve Jones: I'm Steve Jones with United. I was just going to say that we probably had some utility coordination meetings and I don't...were the utilities...were those reimbursable utilities?

John Stoll: Yes.

Steve Jones: They were all reimbursable utilities.

President Mourdock: Meaning what?

John Stoll: They were reimbursable because the easements existed prior to us acquiring the right-of-way, so since they already had their easement there that is what results in us having to pay for their relocation.

Commissioner Jerrel: So we paid for it and they didn't do it in a timely manner and it cost us money?

John Stoll: Well, we paid for it and in regard to the gas line especially, they repeatedly told us it was not in our way and then when it came time to put the box culvert in at that location it was in the way. So we were given bad information from SIGECO in regard to the gas line.

President Mourdock: Do you have notes from those meetings, John or Steve? Or anything written?

Steve Jones: I don't with me.

John Stoll: I don't have anything with me either.

President Mourdock: No, I didn't mean with you. I just meant--

Steve Jones: I would have to check at our office in our files to see if utility coordination meetings took place.

Commissioner Jerrel: I would like to see Mr. Stoll have those because as we proceed through this process, and we've already had the Virginia Street overrun, I think we need to have a clear understanding of what has happened to delay the project. If there are notes, then we ought to have those available for us to use.

President Mourdock: Is my memory correct, the change order that we dealt with two or three weeks ago that was four hundred and some thousand dollars, that was specifically related to this one item, correct?

Commissioner Jerrel: No, that was another error.

John Stoll: It was really three items. One was Virginia Street, the increase in size of the storm sewer. One issue was the utility relocation, the gas line and the sewer force main relocation and the third item was INDOT's requested changes on the expressway.

President Mourdock: Okay, well that is why I never trust my memory. There were three items. Of those three, do you recall what the dollar value was specifically for that gas line? Roughly?

John Stoll: The gas line was roughly \$30,000.

President Mourdock: It was a small part of it?

John Stoll: Yes.

President Mourdock: Well, even as a small part if, in fact, that resulted through bad information that these folks were giving us I feel like they are somewhat responsible for that. If you have those types of notes, I would ask that you give them to Joe so we can pursue that.

Steve Jones: On Phase 2, project two, from Columbia to Oak Grove we are currently working on preliminary plans and getting prepared for a field check where we bring everyone together from the county, our office and utilities. The utilities should be present. It is always good to have them at the field checks so that we look over the preliminary set of plans and everyone gets together and then we proceed forward. Currently we are looking to have the field check on June 15. Prior to that we will submit a set of plans to John for his review and then we'll be sure to invite all the appropriate parties. Then there is

still, I think, an issue that we need to resolve as far as Oak Grove Road. Is there an additional project on Oak Grove Road?

John Stoll: That's one item that I guess we could address with the Burkhardt plans if we don't award the bids that were opened several months ago. The Oak Grove Road approach to Burkhardt Road was a separate set of plans that were prepared by Bernardin Lochmueller. The county bid those out and it was proposed to be funded by TIF. The bids have never been awarded and if we would like to include that design in our Burkhardt plans we could do that as well at this point.

President Mourdock: Effectively rebid it, you're saying, as part of that?

John Stoll: It would be incorporated in the Burkhardt plans rather than separate.

President Mourdock: For the construction work, so you bid it as one package?

John Stoll: Right. It wouldn't be two separate bids, it would just be--

Commissioner Jerrel: What are you talking about in terms of cost?

John Stoll: It was about \$100,000 if I remember right on the bids.

Commissioner Jerrel: To do what? We're building a road for somebody?

John Stoll: It would be the Oak Grove Road approach to Burkhardt Road, so it is currently--

Commissioner Jerrel: I would like to see the information on that. If we are not having a TIF, you know, we better get these numbers in and find out if our money is going to do Burkhardt Road.

John Stoll: Right. We can get those numbers, that is no problem. That is one item that will probably need to be addressed somewhere along the line and whether or not if we want to include that in those plans or not. I did give United a copy of what Bernardin Lochmueller had drawn up late last year.

President Mourdock: Going back to your June 15th meeting and your field check. The biggest concern that I have is that with our current project we have already taken a pretty big hit on our change order and basically have used up most of our contingency...well, most of it, not all of it. I would ask you to ask yourselves what it is that we can require of people who are contributing to those meetings like the utility and that we get them fully on board with some responsibility to make sure this kind of stuff doesn't happen. I mean, I understand when you are out there doing the engineering here is the plan and here is where it is. You draw it up that way and when it is not

where it is supposed to be it may not be your fault, but by gosh somebody is culpable, to use a better word, and it is costing us a bunch of money.

Steve Jones: Yes, and typically the utilities come to these field checks plans...or field check meetings. They have a set of plans and then they have to create their set of plans for where they want to relocate their...you know, typically that is up to them to get that relocated. I mean, you can check them, but, typically in most cases...and I don't know about this specific case on this project, but typically they're responsible for getting their utilities located out of the project limits of the county's project. Again, I don't know the specifics on this because this happened, I think, out there as the construction was going on, so I am not for sure about this particular case.

Commissioner Jerrel: How did the sewer size get confused?

John Stoll: Back when the design was originally done Dale Schmitt, who was working on the project at that time, had sized it. I don't remember the exact storm--

Commissioner Jerrel: Who is...I don't know Dale Schmitt?

John Stoll: He was the engineer for United. He was working the project at that time. He had sized a storm sewer, and like I said, I don't remember the size, but he had sized it on the basis of none of the development east of the Gershman Brown development coming into that Virginia Street storm sewer which would have effectively cut off that property as far as drainage goes. There was no way to convey that water back to Crawford-Brandeis Ditch, so when that drainage area was neglected the storm sewer naturally needed to be a smaller size. That was pointed out after it had already been bid out, so that is how it came about as a change order.

Commissioner Jerrel: Well, we don't need any more of those errors.

President Mourdock: One last question, I guess, and I'll sound like Mr. Ackerman a moment ago, the gentleman who was speaking about Westwood Drive. What date do you expect we will have our ready to bid documents or be ready to put this thing on the street?

Commissioner Tuley: September 1 is the bid opening.

Jack Waldroup: The bid opening on Project 2 is September 1.

Commissioner Tuley: September 1 according to this.

Steve Jones: Again, that is dependent upon what we decide about Oak Grove Road and the other project that is tieing into Burkhardt Road and how do we incorporate that? What do we have to do to get that incorporated into our set of plans?

President Mourdock: Okay, let me let you put the monkey on our back. When do you need a final answer on that from us?

Steve Jones: I don't know. Is that something that we need probably a field check? As soon as possible because we want to make an attempt to get this thing moving, so the sooner we know about that the better. You know, you have a field check...we're going to submit field check plans to John around the end of May. I don't know if it is reasonable to think that we could have that worked out by the time we submit those plans. The idea thing would be to have that worked out by the time we submit our plans for the field check on May 30th.

President Mourdock: Okay, we'll have you an answer before then.

Steve Jones: The other issue is there is going to be some right-of-way--

Commissioner Tuley: That's what I was going to ask next.

Steve Jones: --that we are going to have to acquire. One piece that we need is the Hirsch piece. We need to get another piece from Mr. Hirsch, or from the Hirsch Family Trust, and then we are going to have a corner cut on the east side and then there is a development that goes all the way from Oak Grove...it goes all the way from Oak Grove to the north that is currently in zoning or is currently being developed and there is a question on how much were they required to dedicate? Hopefully, that amount that they were required to dedicate is enough for us to go through and make improvements. So that is one issue that we're trying to investigate and resolve. Hopefully, we will eliminate a large piece of right-of-way that we need.

Commissioner Tuley: Steve, you're talking specifically between Oak Grove and Morgan?

Steve Jones: Yes, what's the name of that development?

Unidentified: Burkhardt Crossing.

Steve Jones: Burkhardt Crossing.

Commissioner Tuley: Okay.

Commissioner Jerrel: The control of the Hirsch property is now with Gershman Brown?

Steve Jones: They have the piece between Virginia and Columbia only, okay? I don't know if you are familiar with that, but there is a Hirsch piece that is north of Columbia that we believe is just Hirsch.

Commissioner Tuley: I think you are right.

President Mourdock: Okay.

Steve Jones: Okay, did you...there is a piece that Gershman and Hirsch are kind of tied together on and that is between Virginia and Columbia. That is the piece we need right now. We need now.

President Mourdock: Right.

Steve Jones: There's a piece from Columbia to Oak Grove which is in contract two, or project two, that is controlled by the Hirsch Trust.

President Mourdock: Okay, obviously that monkey is on our back as well.

Steve Jones: That's right, but there is only one party, albeit it's a complicated party, it's only one party. It's been...the Gershman/Hirsch piece, I think, has been with their agreement a little more complicated.

President Mourdock: If it's a party, how come it's not fun, right?

Steve Jones: I appreciate you giving us the chance to come before you this evening.

President Mourdock: You're welcome any time because we certainly want updates on what is happening and we certainly need to know and we want this thing to move along as quickly as we can. I know you're aware, we've done an unordinary, perhaps extraordinary is a better word, financing plan to do this to make this thing happen and we want it to happen.

Steve Jones: Okay, thank you.

President Mourdock: Thank you for your report. John, do you have anything else under your engineering report?

John Stoll: The only other item that I've got is a Notice to Bidders for a concrete repair contract. This will repair the following streets: Aspen Drive, Ohara Drive, Burch Park Drive, Southport Drive, Venetian Drive, Eastbrooke Drive, Walnut Lane and Whispering Tree Lane. Like I said last week, the one issue we had to resolve was the wage scales and the meeting to establish the wage scales has been set for next Monday.

President Mourdock: So you're ready to have this formally accepted?

John Stoll: Yes, I would like to recommend the Notice to Bidders be signed.

Commissioner Tuley: Okay, Mr. President, at this time I'll move the Notice to Bidders for VC97-04-01, Concrete repair for various roads in Vanderburgh County, be approved as suggested and recommended by the County Engineer.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Okay, for the record, I passed on to John a letter that I had received from someone in the county requesting some road repairs over around the famous Fuquay barrow pits, so make, if you would, a recommendation to us next week.

John Stoll: Sure.

**County Garage**

President Mourdock: The next department head we have is for our County Garage report and I don't see--

Commissioner Tuley: They submitted a written report.

President Mourdock: Yeah, they've submitted a written report for the period of April 11th through April 17th.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn Ellis, Superintendent of Buildings.

Lynn Ellis: Well, I would also like to report in addition to that they have and I have a contract sort of for you to review and then execute. I have the original in the signature pack. That is for the pickup and disposal of the refrigerators and air conditioning units that the county crews have been picking up. The company is going to dispose of those at no cost to the county. There are about a dozen known items right now and they will actually take out the contaminants and dispose of them in accordance with the requirements. So I would move that be authorized and accepted especially at no cost.

President Mourdock: Okay.

Joe Harrison, Jr.: It looks okay. It says they're going to assume all responsibility and liability for the units. That's what I like to see in there, so that's fine.

President Mourdock: Better than free! I think we need a motion to formally accept this.

Commissioner Jerrel: I move approval that we accept this contract with J.C. Castle.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Anything else, Lynn?

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Okay, County Attorney's report.

Joe Harrison, Jr.: I really don't have anything. We've talked about the Barrett Law and I will update you more on that within the next few days. Hopefully, by the next meeting I will have some more information on other financing alternatives that we're looking at. The conversation that I had today with counsel up in Indianapolis was very good. Hopefully, by the next meeting I'll have some further information to provide to you. That's all I have.

President Mourdock: Okay.

**Burdette Park**

President Mourdock: Anyone here from Burdette Park? We had Steve Craig out there earlier.

Commissioner Jerrel: Lynn has that.

Lynn Ellis: I will handle that. There is a packet coming down that was left out of your packet regarding the status on, you know, the items that you've requested be placed in there. I apologize for that being left out. Burdette Park has submitted a written report in two sections. The thick one is one that we were anxiously awaiting regarding the finances and expenditures that there is and a cover letter on that to you all and to the Advisory Board. That will address a lot of the questions about the funding and activity going on out there. There was a request to approve the hiring of five part-time ground crew. Burdette is behind schedule compared to previous years in hiring part-time personnel. They have delayed the hiring request as long as they felt like they could. There are still additional staff persons to hire and that will be brought as the summer approaches. There is a need to begin mowing and preparation of the grounds and then the swimming pool and that kind of thing. One of the grounds people will actually serve as security because of continuous break-ins every night and vandalism to the park. Until the Advisory Board has a formal recommendation for the Commissioners regarding security they requested, and this recommendation is from the Advisory Board, but they requested that the Commissioners approve this request and one of those persons be used in security. They would work Sunday night through Thursday night and continue to use the Sheriff's Department on Friday and Saturday.

Commissioner Jerrel: I have a question. Have you ever discussed with the Sheriff's Office having them during their regular patrol, they've got 111 deputies, having Burdette Park be part of their regular assignment?

Lynn Ellis: I thought that there had been discussions like that, but I will address that again with Chief Woodall.

Commissioner Tuley: How many of the deputies are on the road of that 111, do you know?

Commissioner Jerrel: Probably...I don't want to say. Sheriff said not to say.

Commissioner Tuley: Okay, I understand.

Commissioner Jerrel: So I am not going to say.

Commissioner Tuley: We don't want people to know--

Commissioner Jerrel: How many and where they are.

Commissioner Tuley: Right.

Commissioner Jerrel: I am just saying of the deputies could Lynn at least speak with the Sheriff about patrolling, you know, back

in that area? The presence of a Sheriff's car would be, I would think, helpful.

President Mourdock: I'll go one step further than that and perhaps in that conversation, Lynn, you could ask either the Sheriff or Chief Woodall or one of the folks maybe again to come to one of these meetings to discuss that as an issue. It will do two things. It will resolve the issue for us and also it might even get reported and raise the spectrum of more folks out there which may be a deterrent in itself.

Commissioner Jerrel: Want to do that next week? I don't know who has contacted...you see, I don't know what the system is. I see three deputies or four deputies and I don't know, is that absolute that no deputy will work for \$13 an hour? Or none of the three or four that have been asked?

Lynn Ellis: They tried. It is my understanding that the Burdette staff contacted several of the deputies, and several...I don't know exactly how many that was, but they made inquiries and they are being rejected because of the payroll. They are making \$25 an hour and not being taxed on that with some of the new companies and then we are paying \$13 an hour and that is being taxed.

Commissioner Jerrel: I would like to have the opportunity to talk to a couple of those deputies with Steve. If we are going to meet next Monday night with the Sheriff anyway. Is that true? Is that what you said?

President Mourdock: Yeah, I didn't necessarily say next week, but what I thought would be appropriate would be to have the Sheriff and one of the deputies come address the issue that you raised. Could that be on their regular route?

Commissioner Jerrel: Yeah, and you might want to call some of the deputies.

Commissioner Tuley: But the request is for employees, one of which will handle security until we resolve it with the Sheriff.

Commissioner Jerrel: Yeah, and I move approval for that.

Commissioner Tuley: Did you move for that?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll second.

President Mourdock: I didn't hear the motion.

Commissioner Tuley: I didn't either.

Commissioner Jerrel: Yeah, I just didn't want the two to get commingled.

President Mourdock: So for the record, the motion was regarding the hiring of five--

Commissioner Jerrel: Yes, the part-time people and that is to move approval.

President Mourdock: There was a second--

Commissioner Tuley: Yes.

President Mourdock: So I will say so ordered.

Lynn Ellis: I'll try to go through these quickly. You have a letter from Kleen-Rite. Mark Abell brought this by this afternoon. They've been working with the Coliseum regarding a scrubber. The floor scrubber that they have out there is several years old and was actually surplus from Burdette Park. It is not on the Fixed Asset Report and so I would have to imagine that what happened was when it was surplus from Burdette it was donated to the Veterans as opposed to transferring it from one county department to another. I believe it was surplus and donated to them as a gift to a non-profit organization or whatever. I don't really know that this is necessary, but I would recommend that the Commissioners approve this as surplus again just to make sure that this is done properly and again donate it to the Veterans so that they can use this to trade in for a new scrubber.

Commissioner Jerrel: I move approval that we declare this Advance Convertomatic Floor Scrubber be given to the Veterans organization.

Commissioner Tuley: The only question, that is the old one? What's listed on here? Okay, second.

President Mourdock: So ordered.

#### Consent items

President Mourdock: Consent items. We have in our packets employment changes, travel requests and the County Treasurer's March report.

Commissioner Jerrel: I would like to move approval of the consent items.

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: In our packets are scheduled meetings.

#### Old business

President Mourdock: Item 10, at least on my computer list, is old business. Any items of old business to discuss this evening?

Lynn Ellis: I am passing out a news release regarding Vanderburgh County. There was a news release from FEMA regarding the additional public assistance funds that Vanderburgh County is able to collect on which includes roads and the parks. So we've begun to take action with that and submit reports to get the funding for those projects as well.

President Mourdock: Okay.

Commissioner Tuley: That's good news.

President Mourdock: Any other old business?

<b>New business</b>
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President Mourdock: Any new business?

Commissioner Jerrel: Has...Lynn, have you made a trip to the Safe House yet?

Lynn Ellis: No, ma'am.

Commissioner Jerrel: Maybe you could put that on your list to visit.

Lynn Ellis: Okay.

Commissioner Jerrel: Maybe we could come up with some things and perhaps you could meet with them and discuss.

Lynn Ellis: Okay. I apologize. Joe said, not permanent.

President Mourdock: If you come in wearing a bracelet next week we will understand that you are here on a temporary basis! Any other new business items? Alright, then we will temporarily recess and --

Commissioner Tuley: We will adjourn.

President Mourdock: We will adjourn and reconvene in a moment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:03 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Mike Shoulders  
Les Shively  
Rose Zigenfus  
Ed Moser  
Jim Ackerman  
Jack Waldroup  
Steve Jones  
Steve Woodall  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 28, 1997**

The Vanderburgh County Board of Commissioners met in session this 28th day of April in the Commissioners' Hearing Room of the Civic Center Complex at 5:30 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: I would like to call the April 28, 1997 meeting of the Vanderburgh County Commission to order. It would be my great pleasure to make introductions. There's no one here right now.

Joe Harrison, Jr.: Oh, just wait a second.

President Mourdock: At our far, far left we have Charlene Timmons who is slowly typing away.

Charlene Timmons: Not slowly!

President Mourdock: Oh, okay. Next to Charlene we have County Auditor, Suzanne Crouch; next to Ms. Crouch we have Bettye Lou Jerrel; to my far right, at the moment, is Joe Harrison, Jr. and I think Lynn will be here, but I haven't see her yet today.

Commissioner Jerrel: She is here.

President Mourdock: Oh, Lynn is here? Okay. Commissioner Tuley is running a few minutes late. He had another meeting, so he'll be here shortly. Join us for the Pledge of Allegiance, please. The agendas, as always, are on the table and if you are going to be speaking to us tonight please go to the microphone, identify yourself with name and address.

**Approval of minutes**

President Mourdock: The first item on our agenda is the approval of the minutes from the meeting of April 21st.

Commissioner Jerrel: I would like to move approval of the minutes.

President Mourdock: Second and so ordered.

**Certification of Executive Session**

President Mourdock: Also, we will certify the occurrence of an Executive Session this evening at which the initiation, litigation or pending threatened litigation to Vanderburgh County were discussed as were county personnel matters. In attendance at the meeting were the County Auditor, Ms. Jerrel, myself and the County Attorney, Mr. Harrison. That lasted from 4:15 to 4:45 p.m.

**Joe Profaizer - Mobile Disaster Recovery Service Agreement and COLA**

President Mourdock: The next item on our agenda is Mr. Joe Profaizer regarding the disaster recovery services.

Joe Profaizer: Yes, my name is Joe Profaizer and I am with Computer Services. I am here tonight to request a three year extension for mobile disaster recovery services to Comdisco, Incorporated. What this does is it will provide us expedient recovery in case of disaster recovery. I do have the original agreements up here. I would be glad to entertain any questions. One change we did make per the County Attorney, in this agreement it abided by the state laws of Illinois. We've changed that to Indiana and the following amendments are on this agreement. I'll bring them on up.

President Mourdock: Okay.

Commissioner Jerrel: I'll move approval.

President Mourdock: Just a question for you, Joe.

Joe Profaizer: Yes?

President Mourdock: Did we discuss this a few weeks ago and for some reason we deferred this?

Commissioner Jerrel: Yes.

Joe Profaizer: We discussed it and at the time we also had the mobile disaster recovery testing. That is not feasible at this time.

President Mourdock: Okay. Alright, we have a motion then and I will second and so order for the extension of the contract.

Joe Profaizer: Thank you.

President Mourdock: I presume the County Attorney has not seen it.  
You have seen these?

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: Yes.

President Mourdock: Okay.

Joe Harrison, Jr.: Yeah, I've looked at it and it looks fine.

President Mourdock: Very good. I will second and so order.

Joe Profaizer: Thank you. The second item I have on the agenda this evening is a cost of living agreement adjustment between SCT, the City of Evansville and Vanderburgh County. The adjustment is based upon a difference in the Consumer Price Index, Urban Wage Earners Index for the 12 month period of April '96 through 1997. The Consumer Price Index for March of '97 was 152.4 an index change of 4.1 points over the previous year. This index change results in a CPI increase of 2.76% in the monthly payment to SCT from \$43,456.31 to \$44,655.70. The

appropriate splits will apply to this and this price change is effective July of '97.

Commissioner Jerrel: I'll move approval.

President Mourdock: Second and so ordered. Lynn, have we had any other contracts that the COLA's have come out yet? Okay.

Joe Profaizer: Thank you.

President Mourdock: Okay, thank you, Joe.

#### **Appointment of Gene Koch - EUTS Improving Truck Traffic Committee**

President Mourdock: Bettye Lou had an agenda item regarding Mr. Gene Koch.

Commissioner Jerrel: I would like to suggest that we appoint Gene Koch to the EUTS Improving Truck Traffic Committee. He has expressed an interest in serving and has an excellent background. You know, he was systems analyst for Bristol and has been very helpful to us as a member of the Data Board.

President Mourdock: Okay, is that a motion?

Commissioner Jerrel: That's a motion.

President Mourdock: I will second and so order.

#### **Lynn Ellis - County Picnic and Burdette concession bids**

President Mourdock: Lynn Ellis regarding some bids and other items.

Lynn Ellis: Oh, boy. I get to embarrass myself. I apologize for this because wearing two hats has just gotten the better of me today and I have just absolutely lost my mind. I have never submitted an agenda item that looks quite like this. It is just horrible. It's a disgrace, but anyway we are going to try to muddle our way through this. I think there are enough copies there. If we don't get this awarded then Burdette won't have any food to serve the public this summer, so it needs to be awarded.

Commissioner Jerrel: Okay.

Lynn Ellis: I apologize. The...we'll just go through this. What I have done is made some notes on there. What I tried to do was amend the bid summary from last year and some of it worked and some of it didn't. Then I had complications with the printer and the computer today. We weren't getting along very well. The recommendation for the hamburger buns and the hotdog buns were with Earth Grains Company. The pita bread is in the wrong place and it was arrowed showing that to be moved up as with Diamond Foods. Landshire was the pizza crust. The sliced pepperoni is with Landshire as is the sausage topping and the beef topping. Landshire would also have the mozzarella cheese. Diamond Foods has the pizza sauce. Diamond has the chopped beef

steak in the 4-1, 6-1 and 8-1 sizes. The hotdogs is with Landshire Foods--

President Mourdock: Excuse me, Lynn. Your mike is off.

Commissioner Jerrel: Is it on?

Lynn Ellis: It's on.

Commissioner Jerrel: Okay, because I am going to make a motion to what she says.

Lynn Ellis: Can you hear me?

Commissioner Jerrel: Okay, go ahead.

President Mourdock: Go ahead. I'm sorry.

Lynn Ellis: The polish sausage is with Landshire as is the all meat corn dog. The chicken is with Diamond Foods and that is three different forms of the chicken. The boneless/skinless chicken and the chicken salad, the Gyros, is that how you say that? The American cheese slices is with Diamond. There were no bidders on the sandwiches or on the deli meats. The chips are recommended with A & D Distributors. The popcorn with Diamond. The popcorn oil with Diamond. The nacho chips, funacho chips, the peppers, the trays with compartments and the paper trays are all recommended with Weber. The chili with beans to Allied Popcorn. Um--

President Mourdock: Are all your recommendations, Lynn, coinciding either with what is shaded, as you normally do, or with the circle?

Lynn Ellis: Yes, sir.

President Mourdock: Okay, rather than--

Lynn Ellis: I apologize. There are a couple of items that you need to be aware of and that is on a couple of them the vendor, Diamond Foods, failed to submit a sample and so there are at least two items that we're recommending other than Diamond Foods who is the apparent low bidder, but due to the fact that they were required to submit a sample and did not, then we are not recommending them. I would recommend that the Commissioners approve...at the end of the season Allied requires a \$100 minimum for each order. As the season approaches the final stages many times we're not able to order \$100 and I would recommend at that point that we would be allowed to go to the next low bidder if the difference would justify that by going to the next low bidder. That would have to be offset by the cost difference in reaching the \$100 minimum.

President Mourdock: Okay.

Commissioner Jerrel: I'm going to recommend approval of those bids that have just been read to us by Lynn Ellis including the caveat on the \$100 minimum order for Allied.

President Mourdock: I will second and so order. For the record, Charlene, did you get a copy of this.

Charlene Timmons: Yes.

President Mourdock: Okay.

Lynn Ellis: I will, Charlene, make the corrections on there so you have a clean copy for your records.

President Mourdock: The next item, Lynn.

Commissioner Tuley joined the meeting.

Lynn Ellis: The county picnic. The Steering Committee recommended that the date of June 28th be set aside for the county picnic and the recommendation is to use Burdette Park and Joyce asked that I submit an agenda item to you to approve the waiving of the normal park fees for that event. That is the request tonight.

Commissioner Jerrel: Do you know how many people attend?

Lynn Ellis: I have no idea. I don't know. I wasn't at it in previous years. I don't know.

Commissioner Jerrel: Okay, I'll move approval. You know, but I wish, and I have discussed with you, that we could get a policy later on to figure out...that's on a Saturday.

Lynn Ellis: Yes ma'am.

Commissioner Jerrel: So that shouldn't interfere...I mean, I don't know how many people go, but I hope it doesn't interfere with the paying customers.

Lynn Ellis: They have used the facility before.

Commissioner Jerrel: Right.

Lynn Ellis: The picnic has always been on Saturday. The difference this year is the way it's being set up with the food being donated or you bring your own food this year as opposed to contributing money and then the County Steering Committee buying the food and making it available to everyone. The setup is being recommended to be handled differently this year as it has been in the past. Probably to make it easier on the Steering Committee! This time it's BYO everything.

President Mourdock: We have a motion then for the approval of the use of the park at no cost to county employees.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Laborers' International Union - Burdette Park fee waiver or reduction**

President Mourdock: The next item also is regarding Burdette

Park. There was a request, as we frequently get, for waiving some fees for the park and this one came from the Laborers' International Union of North America. Discussion?

Commissioner Jerrel: Do we give people exemptions that are...I know we did that DADS group and I don't know how I feel about that because they want to use it for a fund-raiser.

President Mourdock: In my two years and four months we have given some and we have denied some. It basically depends upon the group. It has been my recollection or my observation, and correct me if I am wrong, Pat, but most of the time when we have done it we've done it solely for non-profits. I shouldn't say solely, but I think we've attempted to do it for non-profits or certain civic organizations who had as their goal good civic activities. I guess I'll continue it and say that the Laborers' Union isn't necessarily the type of group we've done it for in the past. I don't recall doing it for any union group in the past.

Commissioner Tuley: No, I don't think so either. Honestly, it has been, you know, first off we start with the not-for-profits, but that is a very wide range and then we've narrowed it down, as you've indicated, to specific purposes and what have you. I don't recall us ever reducing or waiving completely the request on something like this prior.

Commissioner Jerrel: Do the hospitals ever?

Commissioner Tuley: Oh, they pay.

Commissioner Jerrel: They pay?

Commissioner Tuley: They pay. That was going to be my next point is that, you know, when you get in to not-for-profits if you look at it just solely on that, then the next thing we are going to get St. Mary's and Deaconess who are good customers--

Commissioner Jerrel: Right.

Commissioner Tuley: --and waiving their fees, we can't do it.

President Mourdock: They haven't waived any on our health plan as I recall! Okay, just for the record then, I think I know the answer, but is there a motion in this particular regard? Hearing none, we'll move to the next issue which is...I left you hurriedly, Lynn. Was there any other issues that you had there before your Building report?

Lynn Ellis: I can bring them up in department head.

President Mourdock: Okay, okay.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual wishing to address the Commission tonight? Janet, this is your chance.

Janet Watkins: Just watching.

President Mourdock: Okay.

**John Stoll - County Engineer**

President Mourdock: Department head reports. First on the list, John Stoll.

John Stoll: Back in March of 1992 the county entered into an agreement with Floyd Burroughs & Associates for the design and rehab of the Oak Hill Road Bridge over Pigeon Creek. At that time the Federal Aid Standards called for a certain type of bearing to be installed for the beams on that bridge. Now, five years later, in talking with the consultant they have proposed an alternate bearing which would be just a standard bearing pad that we use in most of our bridges which would result in a net savings in construction cost of \$138,000. In order for the consultant to redraw the plans with the changed bearing pads, it would take a \$6,000 supplemental agreement. Based on the construction cost savings, I would recommend that we approve the supplemental agreement for \$6,000.

Commissioner Jerrel: I move approval of the supplemental agreement with Floyd Burroughs.

John Stoll: Yes.

Commissioner Jerrel: Okay.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next, I've got a request from CLR, Incorporated for the Strawberry Hill Bridge. They've requested a 12 day extension in the contract time due to the increased time that it took to drill the holes for the piling rather than driving the piling; due to some days with bad weather; and due to the pipe being embedded in concrete. Rather than just having concrete anchors on the end it was anchored with concrete along its entire length. All in all they're requesting a grand total of 12 days of additional time and I would recommend that it be approved.

Commissioner Jerrel: Move approval of the CLR extension of 12 days.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next, I have received a request from Veach Nicholson Associates for approval of street plans for St. Joe Industrial Park. This would be an extension of St. Joe Avenue Industrial Park Drive. It's a short segment of road with half percent grades, curb and gutter. We've reviewed the plans and would recommend that they be approved subject to one change and that would be that where the road makes the 90 degree bend the consultant showed the pavement just to stop with no curb and we are requesting that they pave and extend the curbs out to the right-of-way line there at the south.

President Mourdock: So that in the event there is some other intersection that ties in?

John Stoll: Right, their long-term plans would be to extend that and we didn't want just an edge of pavement where, since this is an industrial park, truck wheels tracking across there might break the edge of the pavement off. So we are requesting that they just pave it out to the right-of-way line.

President Mourdock: I'm sorry?

Unidentified: We was supposed to go to a meeting on a subdivision on St. Wendel Road.

President Mourdock: What is the name of the subdivision?

Unidentified: What's the name of the subdivision?

President Mourdock: Is it a drainage matter, ma'am?

Unidentified: No.

Commissioner Jerrel: Joe, could you help them out?

President Mourdock: Okay, John, coming back to the road...my train of thought has been derailed!

Commissioner Jerrel: Veach Nicholson--

Commissioner Tuley: Oh, the extension.

Commissioner Jerrel: --extension and you are asking that the extension be approved, but the 90 degree angle bend include the curb all the way to the right-of-way.

John Stoll: Correct.

President Mourdock: The question was that I was about to ask, have you had that discussion with them?

John Stoll: Yes, I talked to them today. They didn't have any problem with that and they said they would submit a revised plan profile sheet probably tomorrow, so they said they would take care of it.

President Mourdock: Very good.

Commissioner Jerrel: I'll move approval of the Veach Nicholson extension.

Commissioner Tuley: Second.

President Mourdock: Okay, and I will so order and, again, for the record that was contingent upon the extension of that curb.

John Stoll: Next I've got an agreement for Crossroads Commercial Center to install motorist informational signs at the intersection of Cross Pointe Boulevard and Division Street. The

reason Crossroads Commerce Center has requested that sign is due to the fact that given where that one-way portion of Division Street lies, it is so close to the Lloyd Expressway, they said that their customers are having problems knowing where they should turn to get back to the Steak & Shake and Best Western and everything that is located back in that subdivision. They proposed that this sign be installed right at the intersection of Division and Cross Pointe. This sign would be the blue signs like you see on interstate highways with the actual business logos on the sign. The sign itself would be about four feet by four feet and would have a maximum of four business logos on it. Given the fact that it could address...it could help alleviate some traffic problems out there I would recommend that the agreement be approved. It has been reviewed by Joe Harrison and Cedric Hustace and everything was correct as far as legal form.

President Mourdock: Did I understand you that we are simply basically doing a waiver on this? Are we paying for the sign?

John Stoll: No, the agreement calls for the developer to pay for the signs, to pay for anything associated with the signs. In the event that we want the signs removed there is a provision in the agreement that would allow the county to request the developer remove the signs on 30 days notice, but it is at no cost to the county. They will be responsible for all costs of everything with the signs.

Commissioner Tuley: John, the only question that I would have is they've indicated this is for four. Will that take care of all the vacant lots and what have you or are there more vacant lots that could be developed on and later on they're going to come back and want additional signs based on approval of this one?

John Stoll: This won't take care of all the lots, but when I talked to Joe Ream about it I told him the Manual on Uniform Traffic Control Devices calls for a maximum of four signs...four logos on one of these signs. I told him at that time that it wouldn't address all the lots that you might have out there, but he understood that and didn't have a problem with it.

Commissioner Tuley: Okay, the law only allow four, that's fine. I don't have a problem with it.

Commissioner Jerrel: Is that a motion?

Commissioner Tuley: I'll so move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The final item I just wanted to let Commissioner Mourdock know that the request that you gave me at last week's meeting from Dick Slade on Ridgeway Court regarding the pavement, the edge drop-off at Fuquay and Ridgeway has been corrected. The County Highway crews completed that work last Thursday.

President Mourdock: Okay, very good.

John Stoll: That's all I have.

President Mourdock: Any questions for John?

**County Garage**

President Mourdock: I believe I saw in our packet, did I not, our highway report?

Lynn Ellis: I don't believe so. Milton delivered this this afternoon, so I think that is there.

President Mourdock: Alright, then for the record we have the County Highway Progress Report from April 18th through April 24th.

Lynn Ellis: Under their report there was a request to approve the hire of Sherman Taylor. I was unable to talk with Milton today regarding this and get the specifics. My understanding is that he would agree to work the second shift and I did take care of the other questions regarding the mechanics and nighttime activities and that is okay. I believe the Commissioners request was to add this individual on to the second shift.

Commissioner Jerrel: If you could just type up something so that we get a second shift report, too. I think that is important since there is no supervision. It would help to know what is happening. That wouldn't be that difficult to do a weekly report on what they're accomplishing.

Joe Harrison, Jr.: Is that going to be considered as part of the employment changes or is that separate?

President Mourdock: Yeah, that is what I was going to suggest is that we add it to our consent items. Anything else on the garage?

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report.

Joe Harrison, Jr.: I have nothing today.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn, Superintendent of Buildings.

Lynn Ellis: Yes, included in your packet is the summary of the issues raised in the four meetings regarding the county's personnel policy. Also circulating is a document that was drafted by the Auditor's Office with revisions that were suggested by them. I believe those are also reflected in this summary. I would suggest that the Commissioners direct the County Attorney to look into these items 10 through 24 on the first two pages. Some of these items are contradictory within

the policy itself and some of them address whether the policy is in conflict with state or federal law. I would suggest that we look into these items. The rest of this is a summary and suggestions submitted by other individuals such as Sue Hartig. I've also included a form that the county may wish to consider adopting for the Family and Medical Leave. The county, to my knowledge, does not have a form that is used for that and that request comes in many different shapes. The consistency would be nice that the individual departments would have one form to use for filing those requests so that we make sure all the information is covered on that.

President Mourdock: Okay. Questions of Lynn regarding this?

Commissioner Jerrel: No, I would just like to make a recommendation. I am trying to do it from a common sense position. We've spent, or at least the previous Commissioners, have spent a good bit of money updating this handbook. I think there are obviously some things that we need to do to correct it, but some of this is minutia if I have every read it. I think if we, you know, make those changes that are significant and are confusing, but just to rewrite every word is not practical. I think the big issues, Lynn has done a good job of outlining them, but after the attorney looks at it maybe he will be able to remove some of these issues.

President Mourdock: What would government be without minutia? Joe, you did get a copy of this? Okay, the issues in here that Lynn address, Number 3, obviously, Section 1.8 conflicts with the law, whatever, if you could report back to us and maybe even give us some suggested language for those issues.

Commissioner Jerrel: Because we should be prepared to make recommendations on the 2nd. I don't think the 2nd is a meeting where we are going to rehash everything. It's where we are going to make recommendations.

President Mourdock: The 2nd of...?

Commissioner Jerrel: June.

Lynn Ellis: Right. Would you like more summaries and final recommendations by the middle of May so that we can have those ready to distribute at that June 2nd meeting?

Commissioner Jerrel: I think that's fine.

President Mourdock: Yeah, I think that is fully appropriate. We are going to need to first look at them at some point prior to that week, so aim for the middle of May.

Lynn Ellis: In two weeks?

President Mourdock: Yeah, for each of the items that we've addressed.

Lynn Ellis: Okay, the other item, Commissioner Mourdock, you asked me to raise tonight is regarding the letter directed to Rose Zigenfus from Firooz Zandi, Deputy Chief Engineer with the

Indiana Department of Transportation. The letter was regarding...is in response to her letter to Commissioner Wiley regarding the concrete median barrier for the full length of the project from Green River Road to Epworth Road.

President Mourdock: Yeah, okay. You just jogged my memory with that. John, do you know anything about that? That was the reason that I wanted it brought up tonight before I forgot it and while you were here. Ms. Zigenfus in the letter asked that extension on out to Epworth not be...what was the term? A raised...?

John Stoll: She is asking for it to be a barrier wall rather than a mountable median.

President Mourdock: Yeah, what is a mountable median? Is that just basically a large rumble strip?

John Stoll: It would be probably similar to what we've got on the expressway out on the west side between Barker and Rosenberger. It's not a flush median, its got a slight hump in it.

President Mourdock: Is it something that can be driven over? Is that the question?

John Stoll: Yes, yes.

President Mourdock: So she is saying...and you concur with that, I think?

John Stoll: I think it would be a better design, yes, to have a barrier wall.

President Mourdock: Okay.

John Stoll: The lanes will be closer together when they eventually six lane it because they're going to take the additional two lanes out of the median, so rather than get farther apart the overall net result is going to be that the lanes will be...opposing traffic will be closer.

President Mourdock: My point in bringing it up tonight was just if, in fact, that was the consensus of the Board in dealing with Mr. Wiley. I think it would be helpful to send him a letter if, indeed, that is our consensus. Seeing no disagreement, Lynn, would you draft such a letter for us and I'll sign it?

Lynn Ellis: Another item is the painting of the pool. I asked Burdette to get a couple of letters from pool contractors regarding the paint and how to handle that and I will have that in your box so that you can review that.

President Mourdock: Okay. Is that it, Lynn?

Lynn Ellis: Yes.

President Mourdock: Okay.

**Burdette Park**

President Mourdock: What else do we have? No one here from Burdette Park, did they submit their written report?

Commissioner Tuley: Appears to be.

Lynn Ellis: Oh, regarding Burdette Park there was a letter requesting the Commissioners' attendance at that park at 10:00 on the 1st. That is conflicting with other previously scheduled meetings that I found out about this morning. I'm not sure if any of the Commissioners could attend that. The goal was to have you all out there prior to the next Advisory Board meeting which is Thursday afternoon on the 1st. I don't know that would fit in with the Commissioners' schedule.

President Mourdock: That's very short notice.

Lynn Ellis: I know Ms. Jerrel will not be able to attend that meeting at 10:00.

President Mourdock: Pat, can you go?

Commissioner Tuley: I don't think so.

President Mourdock: Okay, maybe you can give them the word that we need a little bit more advanced notice. I don't think I'm available either. I'm almost...in fact, I know I'm not. I've got an all day safety training on the first Thursday.

Lynn Ellis: Okay.

**Consent items**

President Mourdock: Consent items. We have in our packets the normal assortment of consent items dealing with travel requests and employment issues.

Commissioner Tuley: I'll move approval of the consent items with the added employment change that was discussed earlier.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Scheduled meetings. The calendar is in the back of your packet. One addition that I would add to that is that this Wednesday Jim Hmurovich from the Family Social Services Agency is going to be down and we're going to be convening the entire Welfare to Work Task Force that had met over a series of months. He wanted to get with them and certainly both of you if you could be there. It's at 5:30 at the...what do they call that? The Director's Room at the United Way. I thought since he was on the Board and appointed many of those members at time, it would also be appropriated to ask

Commissioner Borries if he would like to come, the former Commissioner, so I will make that call. Any other additions to our scheduled meetings list?

Commissioner Jerrel: Have the RFP...they've been picked up, but when is the final day?

President Mourdock: They were due back in 30 days which would be approximately May 10th. They went out April 10th.

**New business**

President Mourdock: Any new business this evening?

**Old business**

President Mourdock: Any old business this evening?

Joe Harrison, Jr.: On the calendar, I was just looking at it. You probably hate to hear this, but I guess we aren't meeting on the 26th of May, but we would be meeting on the 27th of May. I guess we would have a Commissioners meeting and a Drainage Board meeting.

President Mourdock: Yes, that would be right. Is that a correction?

Joe Harrison, Jr.: It's just not on there.

President Mourdock: Oh, okay.

Commissioner Jerrel: What does it show?

Joe Harrison, Jr.: Nothing.

Commissioner Tuley: Shows nothing on either day.

Joe Harrison, Jr.: It's just blank. I just wanted to point that out.

President Mourdock: Yeah, the 26th is officially Memorial Day, so the meetings from Monday would be scheduled to the following day, the 27th.

Joe Harrison, Jr.: That should probably be added to the calendar at some point.

President Mourdock: Okay, thank you. Any other new or old business? Hearing none I would say--

Commissioner Jerrel: Move adjournment.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:15 p.m.

**Vanderburgh County  
Commissioners Meeting  
April 28, 1997**

Page 15

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Joe Profaizer  
John Stoll  
Janet Watkins  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
May 5, 1997**

The Vanderburgh County Board of Commissioners met in session this 5th day of May in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: I'll call the meeting of the May 5, 1997 Vanderburgh County Commissioners to order. We have a small group here tonight. Our first Monday meeting of the month is usually a fairly brief one. By way of introductions, at my far right in a lovely shade of blue is Ms. Lynn Ellis, who is Superintendent of County Buildings; joining her in a moment to her left will be the County Attorney, Joe Harrison, Jr.; to my immediate right is Commissioner Pat Tuley; to my immediate left is Commissioner Bettye Lou Jerrel; to her left, Suzanne Crouch who is the County Auditor; and to Suzanne's left, Charlene Timmons who is our Recording Secretary. If you would, please join me in the Pledge of Allegiance. We have agendas over on the table for this meeting. Because all of our minutes are recorded verbatim, if you wish to address the Commission we would ask you to come to the microphone state your name and address for the record. If you speak from the chairs you will not be heard. Unfortunately, it doesn't get recorded and we do need that.

**Approval of minutes**

President Mourdock: Starting through our action items, first of all we have in our packets the minutes of the last meeting which was April 28, 1997.

Commissioner Jerrel: I would like to move approval of the April 28th minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: We also this evening, prior to this meeting, commencing at 4:25 and being completed at 5:30 the Vanderburgh County Commissioners met in Executive Session to discuss the initiation of litigation or pending or threatened litigation and also the terms of collective bargaining agreements. With that I would call for a motion to accept those...well, let me also add there were no official actions, no votes taken at that meeting. I will sign certifying that we had that meeting.

Commissioner Jerrel: Do you need a motion?

President Mourdock: Yes, please do.

Commissioner Jerrel: I move approval of that certification.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Mike Buente - Veazey Parrott & Shoulders**

President Mourdock: Next on our item we have a report from Veazey Parrott & Shoulders. I see Mike is not here, but he has sent his more than capable staff to give us our bi-weekly update.

Commissioner Tuley: Mike is here. Mike Buente!

Mike Buente: Mike Buente and Charlene Buente are both here. I have a brief report. As you know we are down to the last two months before we are scheduled to place this project out for bids so our pace is increasing. We still anticipate that we will be ready to put it out for bids the first week of July as scheduled. We are continually working on the projects. All consultants are actively involved and our, as I said before, pace is increasing and activity is beginning to get in a feverish state which is not unusual on any project. There is one activity that I have to have a deadline of the 13th of May. As you recall, earlier in the project we went to the State Building Commissioner for a variance for several items. We anticipated doing that again and we wanted to get through the project to a point because we only wanted to do one more request, so we are going to be going to the State Building Commissioner again for a series of variances regarding some cost saving items involving sprinkler systems. Some alternative engineering items in the sprinkler systems that should have a positive impact financially on the project. The application cutoff date is on the 13th. The Commission does not have to have any action on that. We do need to get Mr. Utley's signature as well as the approval of the local fire department and building officials, Building Commissioner. That's basically my report unless you have any question for us.

President Mourdock: Okay, questions for Mike or Charlene?

Commissioner Tuley: No.

Commissioner Jerrel: We're still on target to close the facility January 5th?

Mike Buente: Yes.

President Mourdock: We are indeed, which I have another issue on that, but before I come back to it you mentioned the update from the State Building Commission. When last Mike Shoulders was here he discussed briefly some additional environmental testing that was being done, some more samples. Do you have update or status report?

Mike Buente: I don't have an update on that. I understand they have not done all the point testing that they were going to do or has not all been concluded. I do know that there is going to be a proposal, I guess, for the next phase to the Commission, but I am not in a position to talk about that. Environmental

Management would have to do that. I will tell you that they have called me to set up a meeting to have a discussion so they have a better understanding of what we're removing in the project. We've got that set up for Friday morning, so I will be conferring with them. I haven't got...I don't have a report of exactly, you know, what is contaminated over there or what is hazardous material yet. As you said, they are still determining that, but we'll have an exchange of information of what we plan on taking out and they can give us some information of what is bad and what we ought to stay away from.

President Mourdock: Okay, alright.

Mike Buente: We're actively...we're not actively working on the demolition drawings right now. We're more actively pursuing the new construction. Once we have all the new construction established then we will back off and see what needs to be selectively demolished. That would be the last thing in the project that we actually do.

President Mourdock: Will that demolition work actually be bid as part of the construction work though?

Mike Buente: Sure. The majority of it is not all that difficult. It's important that the contractors know it has to come out for their bid price, but what is most important is where we have interface between the existing and the new so that we don't tear out something that is supposed to remain and so that we have all the intricate connections ironed out.

President Mourdock: Okay, very good.

Mike Buente: Thank you.

President Mourdock: On the same subject, but not necessarily for you Mike, with the work coming up and the January 5th closing date, just as a practical matter, Joe, obviously we've got a lot of people over there now working who will not be working once this whole process starts. Does the 90 day closing thing kick in there as far as giving notification? You don't need to answer that necessarily right now, but is it something that we need to--

Commissioner Tuley: Think about?

President Mourdock: --think about.

Joe Harrison, Jr.: That's something that we'll certainly address and we'll be having more discussions, I'm sure, among all of you all, but, yes that is something that we're going to have to deal with.

President Mourdock: Just to update the Board, one of the discussions that we had here at this Board several months ago was about trying to get resolved by the end of this month what we were going to do contractually with the management company and see what the alternatives are there, so I say that as a reminder to myself as much as anything just to bring that back up.

**Lynn Ellis - Seats for Coliseum**

President Mourdock: Lynn Ellis, on approval of some seats at the Coliseum.

Lynn Ellis: Right, the agenda item incorrectly states 300 seats. This is a follow-up to an item that I brought to you several months ago regarding the Coliseum and the purchase of the seating for the coliseum to replace the seats that are now in there. The project was on hold for a while before I became aware of it and as a result we lost too much time and were therefore unable to get the seats. Another facility has...a school is refurbishing the school and is replacing their seating. The difference here is approximately \$8,000 between the cost of what I had brought the last time and that is because of the issues raised at the previous meeting, the fact that they were in good condition and didn't need to be refurbished. There are approximately 300 seats that need to be refurbished and as a result the cost is higher than the previous request. This one is for \$58,000. Again, I'm not...the problem with this is that you have no guarantee that the seats will be available. You have no guarantee that different agencies will be replacing seating and I'm not sure the best course for the county other than this is a good...seems to be as good a deal as the last one was. It's not as good a deal because of the number that need to be refurbished, but there is sufficient funding and the Coliseum recommends that we get these and they have seen the seats and say that they're okay.

Commissioner Jerrel: You're recommending that we approve this proposal? I'll move approval for CSD Construction in the amount of \$58,000 and that would be for 909 seats.

Commissioner Tuley: I'll second with a question. It's \$8,000 more than what the original proposal was, but still less money than what we allocated for this. Is that right?

Lynn Ellis: Right.

President Mourdock: I will so order.

**Lynn Ellis - Burdette Park personnel hiring**

President Mourdock: The next item on the agenda is also Lynn Ellis regarding Burdette Park.

Lynn Ellis: Okay, there is a request to approve the hiring or the starting of some of the part-time persons out at Burdette. The requests includes in the pool area eight guards to start May 10th. That's in order to get the pool ready. There is some painting and other repair items that need to be done. The complete staff in the pool area to start May 21st. Office staff, they actually wanted the personnel to start today, three of them. Two will work four days per week and one five days per week. There is a note on there that last year all three worked five days per week and so they're anticipating, you know, a reduction in that line item cost. They're going to try to see if they can maneuver these people around to save some funding in

that line item. Day Camp, they need two workers to start May 12th to do the scheduling; three to start May 19th in order to do the preparations for the Day Camp; and then the complete staff to start June 2nd in order to receive proper training. In the concessions area, 15 employees to begin cleaning and start-up May 10th and then May 19th they would need an additional 10 staff persons for the complete training and operation of the concessions.

President Mourdock: Questions for Lynn?

Commissioner Tuley: Lynn, I just...because they are seasonal... this is almost as much a question for Joe as it is for you. Five days a week how many hours a day are those people going to be working or does that matter, Joe? I don't want to get into part-time employees who are working full-time without benefits.

Joe Harrison, Jr.: Obviously, we have to make sure we are complying with wage laws, so if you have any questions what you'll have to do is contact--

Lynn Ellis: Right, my understanding is that they would work as many as 38 hours and that would fall with less than the 40 hours.

Commissioner Tuley: I've heard that line before.

Commissioner Jerrel: They're seasonal employees though.

Commissioner Tuley: That's what I was going to say. That's the reason I said it to Joe, but I want to make sure if it's seasonal does that change--

President Mourdock: Exactly, it's a very valid question. The number of hours that they work as a seasonal employee could, in fact, make them a non-seasonal employee, could it not?

Commissioner Tuley: If they exceed a certain number?

Joe Harrison, Jr.: Sure. These are working from May or June through when? August?

Lynn Ellis: Through August.

Joe Harrison, Jr.: Why don't you give me those. At some point you can provide with me the total hours that you think these people are going to be working.

Commissioner Jerrel: I'll move approval of the authority to hire these individuals.

Commissioner Tuley: I'll second.

President Mourdock: One more question. All these numbers are...were originally in the budget, Lynn? Is that correct?

Lynn Ellis: Yes.

Commissioner Jerrel: It's just a line item.

President Mourdock: Right. Okay, we had a motion and second and I will say so ordered.

**YMCA - Agreement for services**

President Mourdock: The next item, we have a YMCA agreement. What this agreement is proposed provides in essence a benefit to county employees who wish to participate in the YMCA. Did you have anything to add to this one, Lynn? I didn't think you did, but I wasn't sure or Joe?

Commissioner Jerrel: You've reviewed it?

Joe Harrison, Jr.: Yes, and it appears to be the same one or similar to the past couple of years. Again, we would have to complete the date it is entered into and the date when it would start and end, but it is for a term of one year.

Commissioner Jerrel: I move approval of the YMCA membership county agreement with the employees.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: We are at the point in the agenda where any citizen wishing to address the Board is free to do so. Ms. Watkins is first with her hand in the air. Please come forward Janet.

Janet Watkins: My name is Janet Watkins and I am a resident of Vanderburgh County. I miss being at a lot of these meetings. I had to take a sabbatical after the November '96 election and the follow-up appointments and elections so called. It just made me sick at my stomach. I was here at last week's Commissioners Meeting and we were on Burdette Park and it struck me, two things, as odd. You waived a fee for county employees to have a picnic at Burdette Park and waived the fees. It seems to me that every single county employee is political. I thought the deal was you didn't do it for political reasons. I found that wrong. I also thought it was awfully wrong that the Commissioners do this and then when it comes to the County Council and they go over the Burdette Park budget they're called on the carpet for going over. I just wanted to bring those two items up. As a resident of Knight Township I think we're just about to get handed something that we don't want and that is city service. I know you maybe can't do anything about it, but if anybody is interested I hope you'll attend the 4:00 meeting tomorrow at the Knight Township Trustee's Office. The last thing I am going to say is I am really disappointed and I can tell you I've been on sabbatical because I just found out that Bill Morphey, I can't pronounce his right name, is no longer with the county. I have been attending these sessions for years now. That man came every week. He knew his job and it's a great loss to the citizens of this county and I am desperately sorry for whatever took place that he left us. Thank you.

**Vanderburgh County  
Commissioners Meeting  
May 5, 1997**

Pages 7

Commissioner Tuley: Let me start with the last one.

President Mourdock: Please do.

Commissioner Tuley: Bill's decision to leave, we're in a meeting so I'll call you Ms. Watkins otherwise I would call you Janet if we were just out in the hallway talking, but solely was Bill's decision. Bill was not forced out of his job and I am saying that as the minority member of this Board, but of the same party that Bill belonged to. He was not forced out. Bill made a choosing of his own. Bill came from an old background of political patronage and felt like that was how he may have gotten his job and therefore when the majority that he was hired under was no longer the majority he decided on his own to leave. He was not, to my knowledge, or it was never expressed to me in any way by Bill that he was ever forced, pushed or coerced into giving up his job. He went back to the private sector for a substantial increase in pay and he kind of looked forward to going back to the private sector. That's really all I want to say about the Bill Morphew situation. Bill was a super Highway Superintendent. I will concur with you on that one hundred percent. He did a good job for us and his job was appreciated by us, but Bill made the decision on his own to go back into the private sector.

President Mourdock: I'll just add to that not only is that the case, but the last night he was here I complimented him for the work he had done and also asked him privately for a recommendation as to who he might see to replace him and we took that recommendation. So it wasn't that we pulled someone in as a political appointment to take that position. We used somebody who had been there some time and who was, in fact, recommended by Bill. Sorry you have the misunderstanding there, Janet.

Janet Watkins: No, it's just that I really think we've lost somebody of value. I did not know the circumstances, I just knew he was gone. Having worked at a large company with a lot of political shindigs going on all around, I don't know what happened, but I wish to God you could of got him to stay because he was one fine employee and did his job.

President Mourdock: Okay, thank you.

Commissioner Tuley: And we all agree.

President Mourdock: Anyone else wishing to address the Commission this evening? Mr. Moser.

Edward Moser: Good evening honorable Commissioners. Ed Moser is my name. I'm with the Coterie of Evansville, Inc. We had a dance Saturday night, I'll be brief. We had a dance Saturday night. Good band in from Iowa, Ken Paulson. We had 137 couples, that relates to 274 people, and, of course, we had to dance on the terrazzo floor, but I am hopeful that we can get that changed. Can you imagine 274 people on a 40 x 30 wood floor? We would have to take tickets to dance on that, so I just will leave you with this...stay tuned there will be more coming. It's going to get exciting from this point out. Thank you very much. It will be in good taste. It will really be in

good taste, but I thank you very much for your time. Thank you.

President Mourdock: Now that's a teaser if ever I've heard one.

Edward Moser: Do what?

President Mourdock: I say that's a teaser if ever I've heard one with what comes next. I have this picture in mind of a dancing line in front of us. One question for you Mr. Moser. At the last meeting that Mike Shoulders attended that you were at I know some budget estimates were given for that wood floor, at least for one section of it, how much one section costs. Has your club talked at all about--

Edward Moser: Oh, no, no, no. We won't touch that one for a while.

President Mourdock: I'm sorry, you won't what?

Edward Moser: We won't touch that one for a while.

President Mourdock: You know where I was going with the question?

Edward Moser: Well, you're talking about the floor?

President Mourdock: Right.

Edward Moser: The 40 x 30 section?

President Mourdock: Right, and adding sections to it.

Edward Moser: Adding sections to it. I've mentioned that, you know, as a result of being here, but we haven't taken it up in official action of the Board.

President Mourdock: Okay, that was my question.

Edward Moser: We have a Board meeting officially coming up the 15th. We just got through with a readjustment of the dues and everything like that, so it's been a busy time.

President Mourdock: Okay.

Edward Moser: We've got an election going on, so who knows? I may not be here, you know. It depends if I am re-elected to the Board.

Commissioner Tuley: If they fire you now, shame on them!

Edward Moser: Sir?

Commissioner Tuley: I said if they fire you now, then same on them!

Edward Moser: Well, I take that with a great deal of compliment.

Commissioner Tuley: You've worked hard with this Board and I hope you stay there to see it through.

**Vanderburgh County  
Commissioners Meeting  
May 5, 1997**

Pages 9

Edward Moser: Well, that's the reason I ran for the Board. We get our officers from the Board of Directors, so that will be done the 15th of this month.

President Mourdock: Okay, thank you very much.

Edward Moser: Thank you very much for your time. I'm making friends. I now know Charlene, too.

President Mourdock: The lady in the back. Did you have your hand up? Please come forward.

Joan Tapp: My name is Joan Tapp and I live on Covert Avenue here in Evansville. Actually, I come to you all asking...hoping that maybe you all can give me some information that I need. For the past month or so I have experienced rather detrimental service from a public cab company. Now it is a privately owned corporation, but it is my understanding that periodically they have to come before Boards for licensing. I'm not certain if they come before you all or not and if they do when and how can I make my complaints known?

President Mourdock: Is that done in City Council?

Joe Harrison, Jr.: They come before City Council, I believe.

Joan Tapp: County Council has no licensing?

Joe Harrison, Jr.: No.

Joan Tapp: They don't service anywhere in the county then, huh?

President Mourdock: Does in any way--

Joe Harrison, Jr.: Well, I guess they could. They can probably go wherever they want, but the licensing comes...the license that they are issued comes from the city.

Joan Tapp: Well, considering the past service I think we need to consider reigning in or controlling them a little bit more because recently, Friday night, I had to work late and I work downtown here. I ride the city buses which unfortunately stop running at 6:15. I called a cab at roughly 8:00 when I left my desk area. At 8:15/8:20 it still hadn't come so I came back into the lobby of the building that I work at and asked one of the security guards to call. He couldn't get through at first, but he said, well, go on back outside and I'll tell the guard that is standing outside and I'll relay that information to you. So as soon as I walked out the other guard was on the walkie talkie and he said tell the lady that the cab will be here in five to ten minutes. At fifteen minutes till nine I went back into the building because my cab had not arrived yet. At roughly ten minutes...well, at 9:00 I went back in again and the security guards called for a second time. I had called two times, they called two times. At that point, they again directed the cab to the bank that I work at and about nine minutes or ten minutes after nine a cab finally showed up. Now, that is not the first time I have waited an hour and I was upset needless to say. If we could have bus service until 9:00 it

would be a lot easier. I could of walked down to Fourth Street, caught my bus at 8:15 and been home by 8:30. At one point along the way the cab driver told me that even though I was irate she didn't need my business and that she could put me out anywhere along the way because after all it was the first Friday of the month and she would make \$150 to \$200 that night and that during the night she had already had somebody waiting three hours for her.

Commissioner Jerrel: I have a question. Do we have one cab company?

Commissioner Tuley: To my knowledge that's all we have.

Commissioner Jerrel: I think that's true. One cab company--

Joan Tapp: It's my understanding that one cab company owns the licenses for the four that are listed in the phone book. We're really kind of in a stranglehold.

Commissioner Jerrel: I would call 426-5581 and then I would look up the Better Business Bureau.

Joan Tapp: 5581? I did today. I've called the Better Business Bureau.

Commissioner Jerrel: I'd call 426-5581. That's the Mayor's Office.

Joan Tapp: The Mayor's Office?

Commissioner Jerrel: Yeah.

President Mourdock: One issue that you've raised Ms. Tapp, while at this point we don't have any control over it, is one that we've heard several times of late and that is the after six bus service. As you probably are aware, that's getting to be a bigger and bigger issue because there are more jobs being located outside the city limits and a lot of folks are being offered those jobs or are getting them on second shift and there is a problem. So that is one that we have had discussions on and will continue to try to get some resolution to. On the cab issue, though, Ms. Jerrel's comment is right on line and also the comment of dealing with the city.

Joan Tapp: Yeah, I wasn't certain if the county had anything to do because if they are peddling into the county, then maybe we need to look at county licensing. I'm sorry, but for a town this size for someone to have to wait...if had been a medical emergency. If I had been at work and been called to the hospital because my brother or my sister had a medical emergency and I should get there as soon as possible and here I am calling the dispatch and they're going yeah, fine, five or ten minutes and then they don't show up for an hour, you know.

Commissioner Tuley: City Council meeting in another hour as Joe pointed out--

President Mourdock: That's an excellent point, yeah. Starting at 7:00--

**Vanderburgh County  
Commissioners Meeting  
May 5, 1997**

Pages 11

Joan Tapp: Oh, yes. I'm going to be there, too, but since I had to be for that one, I thought, well, I'll just make my little trip into here, too.

President Mourdock: Good rehearsal.

Joan Tapp: Yeah, good rehearsal, good rehearsal. I mean, I hadn't met you all and as Mr. Mourdock says there has been some concern about evening bus service and I am also on the committee for the extended bus service, but I am not here in that capacity tonight. I was here as a private citizen because I am concerned about if we don't have an alternative to the buses and if the alternative is that kind of arrogance, then what can we as the citizens do?

President Mourdock: Sure.

Commissioner Jerrel: Right.

Joan Tapp: Thank you.

President Mourdock: Sir, did you have some comments, too?

Russell Tapp: My name is Russell Tapp. I am Joan Tapp's little brother. The other instance that came up, we had gone out to do laundry and we phoned for a cab at 5:00 from the Buehler's Buy Low store to pick us and groceries up. We were told a cab in twenty minutes that they were quite, quite busy. We waited. We phoned back, I believe, a total number of about four times. We finally got a cab two hours later. I went out to the cab company office upon Monday to ask why did we have verification from people and I was treated like, so what. I was told that there wasn't even a cab dispatched until 7:04, that they had no other record of a cab being asked for. I feel that since this is a public service company they should be held accountable to the public. Massachusetts laws are quite, quite different. Each cab has to have a license for that car. The driver's certificate must be in plain sight with their name and their driver's number so that if any complaints are made you can certify one person. You can say this is the person that is giving me problems. I phoned the cab company and have been told they don't give out names of anyone, that if I want to see a record of what time I called for a cab I had better come out with a subpoena. I'm right now classified as a handicapped person. I am not supposed to be walking that much. I have faced gangrene amputation and I also ride public transportation, but I think that the cab company here in this county, that if they are servicing your county, should be accountable to you and to the public. Thank you.

President Mourdock: Okay, thank you, Mr. Tapp.

Commissioner Jerrel: You might ask the city what's in their contract. That's the language that they go by.

Joan Tapp: Thanks.

President Mourdock: Anyone else wishing to address the Commission?

Unidentified: Commissioners, I talked about four or five weeks ago about building up Lyle Road and I don't know if you've talked to John yet. John has got the specs done and I didn't know if you guys had made a decision when or if they were going to build up Lyle Road this year.

President Mourdock: Yeah, you're inquiring about the road report, basically, and our priority. You need to state your name, sir.

Jerry Jones: Oh, I'm sorry. Jerry Jones, 2253 Cherry Lane, Evansville.

President Mourdock: We're about to get to that part of our agenda with our county road report, so we'll have John answer your question in just a moment.

Jerry Jones: Okay, thank you sir.

**Road hearing report**

President Mourdock: With that, the first one we have up...in fact, we have the County Engineer's report and the County Garage report and as advertised tonight is our final road hearing, so if you would address that question, John, I'll turn the microphone over to you. As you're walking to the microphone I will also add the report you sent in that is dated May 2nd I read through and it is an excellent report here.

John Stoll: Thanks.

President Mourdock: I was please to get it. It was in my packet on Saturday.

John Stoll: The Lyle Road cost estimate came in at \$96,000. That was to raise the road by about four feet for the distance of roughly 1,100 feet. The two main costs in that estimate were the rock and the dirt need to raise the road. The dirt was over 6,000 cubic yards of dirt and that estimate was about \$10 per cubic yard and the rock was over 1,000 tons of rock and that was \$17.50 per ton. Those are the two main items that ran that cost up to that \$96,000 figure. We also would need additional right-of-way to be able to do that project. The property owner to the west of Lyle Road in the past has not been very cooperative as far as right-of-way issues is concerned with the county, so probably the easiest thing would be to take all the right-of-way off the east side which is owned by Staub. I did not contact them to find out whether they would donate the right-of-way or anything. I just got the cost estimate and given the high cost it just didn't seem to be that feasible at this time.

Commissioner Jerrel: I was just going to ask the budget...is the proposed list that we see here, does that pretty much take the budget that was allotted for the road paving?

John Stoll: You probably need to ask Rick that question, but I think probably their list will at least use up all their bituminous account, if not above and beyond it.

**Vanderburgh County  
Commissioners Meeting  
May 5, 1997**

Pages 13

Commissioner Jerrel: I just said are the recommended roads will that pretty much take care of all of the budget that is available? Yes, that's the problem that we are faced with.

President Mourdock: Let me go back to that because I want to make sure that you answered what I think I heard you ask and I'm sure you asked what you meant to ask. I heard John say a moment ago that most of the cost on this particular project was in the fill material to raise the road up.

John Stoll: Correct.

President Mourdock: I heard your question about paving--

Commissioner Jerrel: Yes.

President Mourdock: But your question really wasn't specifically about paving it was about the total cost for our road expenditures. Then I heard Rick say that most of the cost for our road expenditures is used up just in what we are doing paving-wise. Is that right? You need to go to the mike, Rick.

Rick Dickinson: Yeah, everything we have for roads will go to paving them. They way it usually fell in the past and it will this year is we won't get all the roads done, but we'll still use all the money.

John Stoll: Right now we've got a concrete repair contract out that will probably be close to \$200,000 in addition to the items that were listed on the paving list that was submitted by the County Highway Department, so that takes a substantial chunk of our contractual money right of the top as well.

Commissioner Jerrel: I just want to make a comment. Mr. Jones has called me a couple of times and talked to me about this. I had no idea what kind of money we were talking about. He and his brother...his father owned the property there and they wanted to build a home and they didn't feel like they could build a home unless the road was raised. I had no idea that's what it was going to cost. I think that's probably an issue that we weren't prepared for.

Commissioner Tuley: I don't think anybody would of imagined \$100,000.

Commissioner Jerrel: Right.

Jerry Jones: Bettye?

Commissioner Jerrel: Uh-huh.

Jerry Jones: I talked to Tony Staub and Gary Staub and they told me that there would be no problem at all for right-of-way of the east side of Lyle Road. They said there would be no problem at all. I said could you give me an estimate in case you guys got the job. I said it's about 1,100 feet, four foot tall, around 15 foot wide and 18 in some places. He roughly calculated and he told me he said, since the dirt is right there that we could use, I could put the dirt on the road for \$18,000. He said

that's not packing it. He said when John Stoll gets all the specs and everything we can go from there, but he said I can put the dirt on the road for \$18,000...you know, using their dirt. They were going to charge \$8.00 a cubic yard. Maybe that will help you out.

President Mourdock: How many cubic yards did you estimate, John? Did I hear you say 6,000?

John Stoll: Right, a little over \$6,000.

President Mourdock: That's almost \$50,000 right there.

John Stoll: That's not that far off of what we used. We used \$10 a cubic yard for our estimate.

President Mourdock: Pre-paving?

John Stoll: Pardon?

President Mourdock: Assuming there wasn't any pavement. That was just your grade work?

John Stoll: Right.

President Mourdock: Well, I think at this point, Mr. Jones, the best we can tell you is that we will continue to look at this and perhaps, John, you can have some conversation with Staub and see what the right-of-way situation might be for future analysis of this, but \$100,000 right now and take a sharp pencil and see if the number is something, in fact, less than that.

John Stoll: We came up with the \$10 cubic yard figure just off of previous contracts that we had let with comparable quantities.

President Mourdock: Let me go backwards for a second. We just said that the grading work would be roughly \$50,000? The fill and the grading?

John Stoll: Right.

President Mourdock: Where's the other \$46,000 coming from?

John Stoll: About \$20,000 is rock, another few thousand for pipe extensions and there would also be mobilization charges.

President Mourdock: Sure.

John Stoll: That makes up the bulk of it.

President Mourdock: You were not putting an asphalt surface down on this?

John Stoll: No, this was just a rock road.

Commissioner Tuley: What about long term maintenance.

John Stoll: We based it on an 18 foot wide rock road.

President Mourdock: Which it would have to be.

John Stoll: Right.

Jerry Jones: I don't want to dispute John, he knows all about it and I do, but I was computing it out on my calculator and I was thinking it was around 240 cubic yards. I multiplied, I believe, 15 feet by four by 1,100 feet and divided by 27 and I didn't come out near 6,000 cubic yards unless I made an error. I don't know.

John Stoll: Two hundred and forty cubic yards wouldn't do much of anything out there.

President Mourdock: Just real roughly just before that without any toe on the slope or anything I've got 2,500 yards just real quickly.

John Stoll: We assumed 2:1 slopes off the edge of the rock which probably is a little steep, but given where the road is we figured we could probably live with that and our numbers might be a little high in regard to the fact that we didn't have a survey done, but getting ballpark estimates on it that was where we came in.

President Mourdock: Well--

John Stoll: I don't think it's anything...we would never come in close to 240 cubic yards.

President Mourdock: Right. Well, I don't think we're obviously going to be in a position to make a positive recommendation on this tonight, Mr. Jones, but we will have John continue to review it and talk to Staub and see what the right-of-way issue would be, review the numbers and keep in mind for the future.

Jerry Jones: Do you know if at all possible this year or January?

President Mourdock: Our budget appropriation process begins basically next month in June and that budget is set in August. We can start to look at it and see how it prioritizes against the other projects as we work through those numbers. That is why it is important that John come up with what his best number is on this in the next...well, prior to the budget process being finalized. John had made the note on his report to us as well that there are two or three houses along that road. Is that to say that's how many houses that road actually serves or that there are simply two or three houses on either side and there is a lot more traffic on the road than that.

John Stoll: There is really no good way to get a traffic count on a rock road. They can't put the counters out there, so I really don't know what the traffic volume is. Mr. Jones might know more about that than I would.

President Mourdock: Okay, do you care to add anything?

Jerry Jones: There is three residences out there right now. There might be five...I keep asking Bettye, you know, I've got

my home sold and we want to build. You know, my dad passed away and so forth, but right now there is three, but it is used a lot in the summer. It really is. I'm not trying to say that just to get the road built up. It's a shortcut down in the bottoms and is used quite often. My concern was the high water. When it gets 41 foot it puts you out and, you know, teaching school it is kind of tough. I went to Reitz and college.

President Mourdock: Pat asked me a moment ago about the ongoing maintenance cost. Where would this road go out river-wise? If you added the four feet of height to it would that keep you above 41 feet on the river?

John Stoll: Yes.

Commissioner Tuley: So the only potential damage would be washing out the sides.

John Stoll: Right.

President Mourdock: Which is no small matter.

Commissioner Tuley: No.

President Mourdock: As we are learning this year. Okay, well we'll continue to look at it. I'm sorry I don't have a better answer for you than that, but that is the best that we can do at this point.

Jerry Jones: So maybe in August or July I can come back?

President Mourdock: You can certainly check in with us and see what the budget number worked out to be and we go through this process annually to see which roads we are going to put priority status on. Okay? Thank you. As you can see, John is making notes to get back to us.

President Mourdock: John and Rick, the two of you, if you would, go ahead and continue with the road report here however you wish to do it.

John Stoll: Did you want to go through all of these requests that we received?

President Mourdock: If you can very quickly.

John Stoll: Okay, for starters on Bixler Road the original plan for that did not include connecting those pipes. There is a berm along Big Creek that was being used as somewhat of a field access by Mr. Adler and he wanted a wider field access rather than having two separate access points, so that's why that pipe ended up being 80 feet long on a continuous run of pipe and based on the fact that it was a request by Mr. Adler, if it needs to be changed I think that if he wants a larger pipe in that he should bear the cost of the pipe and the county could install it just like we install other driveway pipes.

President Mourdock: Okay. Any questions or comments on the Bixler?

Okay.

John Stoll: On Boonville-New Harmony and 41, like I said in the memo, there is no turn lane out there. The edge of pavement striping basically shows that and there is a short passing blister out there. People, obviously, have been using the shoulder as a right turn lane and the problem with that is if we repave that now it is going to fall apart again. INDOT said that they have no current plans for that intersection, but if we would like...they...if we would like them to look into it a little further we could request that and then they could potentially include that in future projects that they might have at that intersection. If not, then we would have to do that on a locally funded basis just like we did the Baseline Road right turn lane.

President Mourdock: Is there a negative side to having a formal request to INDOT to do that?

John Stoll: Just the time frames. It won't happen immediately. It will just be the next time that they would be doing work down here on 41 around the Boonville-New Harmony Road area.

President Mourdock: With the development out in that area that's one intersection--

Commissioner Tuley: It could not be too far.

President Mourdock: --clearly is starting to need attention.

John Stoll: You want me to make a request to INDOT then to evaluate it?

Commissioner Tuley: I would think that would be appropriate.

President Mourdock: That seems to be the consensus. Okay.

John Stoll: Crowley Avenue, in response to Mrs. Whittinghill's request, we went out and took a look at that and it does need some patching and repaving from about 3001 on south to the dead-end of the road. The trucks have deteriorated the road and that's some work that the county highway crews could take of.

President Mourdock: Was that on your original list, Rick?

Rick Dickinson: Where?

President Mourdock: Crowley.

John Stoll: I haven't talked to Milton in great detail about that one as of yet, but it is a short project that they could add fairly easily.

President Mourdock: Okay. We'll add that one to the list then if it is the consensus of the Board.

Commissioner Tuley: Yes.

President Mourdock: That is your recommendation.

John Stoll: Yes. It has deteriorated--

President Mourdock: Rick, if you would add that one.

John Stoll: At the road hearing there was a request that Deshields and Bridgeview be added to the paving list and the County Highway Department did add those in. Hornby Lane is another one that I haven't had a chance to talk to Milton or Rick in any great detail about, but Hornby Lane needs a substantial amount of work if we were going to pave the whole thing. The ditches are inadequate. Probably the right-of-way is inadequate. There are a couple of culverts that are in need of some repairs and in order to cut down on the dust for the people who are requesting that the dust be eliminated out there I would recommend paving no more than 720 feet that they have requested. This would cover the businesses and residences and then from there on west there really isn't much of anything out there.

President Mourdock: I guess I am concerned on that one where I see the comment, additional right-of-way may be required.

John Stoll: I think up near Green River we could be okay. It's where the road goes through some cut areas it basically has the hill going right up off the edge of the rock, so in order to cut a ditch and then put the back slope of the ditch back in and everything I think we would be well out of the 33 foot right-of-way.

President Mourdock: That's even within the 720 feet?

John Stoll: No, the 720 foot section is fairly flat. I don't think there would be a problem there.

President Mourdock: Okay.

John Stoll: We need to do some more research into the right-of-way and pin that down more closely, but that, I think, is feasible, but none of the rest of it I would recommend at all at this time.

President Mourdock: Okay, but what your recommendation is in the positive, then, is that we do 720 feet.

John Stoll: At the most, yes.

President Mourdock: At the most.

John Stoll: Pending what we find out about right-of-way and roadside ditches.

President Mourdock: Okay.

John Stoll: I think we can make it work.

Commissioner Tuley: We can make the drainage work along that 720 foot so it's not going to come back and undermine everything you've done?

John Stoll: Right.

Commissioner Tuley: I would move that it be added to the list then.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Lyle Road we already discussed. Mann Road is another rock road that has been requested to be widened...I mean paved. That road should not be paved unless it can be widened and it is very similar to Hornby. There is inadequate right-of-way to put in a proper road and I would not recommend widening that road. We would have to raise it and widen it in order to pave it. Given the cost of it, at least \$120,000 to raise the rock portions and then another \$60,000 for a culvert that would just get the rock portion suitable, and the paved portions that are out there right now are in terrible shape because of similar things like Hornby where there are no adequate roadside ditches and inadequate right-of-way. I would not recommend we pave the rock portion and we just need to repair the portion that is currently paved. The culvert that is out there we can go ahead and proceed with replacing that so that way at some future date if there is money available to raise and pave the road then at least the culvert will be taken care of, but that would be my recommendation is to replace the culvert and leave the rock road as is.

President Mourdock: Okay. Is there a motion to direct the highway folks to put in the culvert on Mann Road?

Commissioner Jerrel: I don't have the sheet in front of me and that's why I was not making any motions. Suzanne needs a copy too. I'll move approval of the Mann Road project for the culvert.

Commissioner Tuley: Second.

President Mourdock: So ordered for the culvert only.

John Stoll: That will probably, given the size of the culvert, it will probably have to be a contract job rather than having the county crews install it, but we'll get on that as far sizing the thing. The next request was from a resident asking about street lights on Oak Hill. I responded to her with a letter that said, basically, the county's tax rates don't provide enough revenue to put street lights in on all streets, so we've not put street lights in on any streets and that the only streets that do have street lights are funded by private developers. The final request was from Viehe Drive. The sinkhole that is out there appears to be a pipe that was separated and the bridge crew went out there last week and I don't know if it is repaired as of yet. They started doing some work on it Friday. Rick may be able to address that.

Rick Dickinson: It was repaired on Friday.

Commissioner Tuley: It was repaired?

Rick Dickinson: Yeah.

President Mourdock: Okay. Do you have any other updates for us, Rick, as far as--

Rick Dickinson: Other than Viehe Drive, I don't know if anybody has been on Viehe Drive, but...I don't know who is doing the construction work out there, but this man is worried about a little sinkhole maybe 12 inches around and that whole road looks like somebody dropped a bomb on it. I don't know if they are doing sewer work out there or water work or what?

President Mourdock: I think it is sewer work.

Rick Dickinson: This man's problem is fixed.

President Mourdock: Okay. As far as the formal road hearing, do you have any other changes from the original list that Milton had provided or any additions or deletions?

Rick Dickinson: No, other than the fact that today we did do a section of Nurrenbern out there by the park and I don't know if it is our trucks or what, but the side of the road has caved in so we went ahead and did a section of Nurrenbern out there.

President Mourdock: Okay.

Rick Dickinson: It's just standard maintenance. It was falling apart so bad that we had to do something.

President Mourdock: Okay, just for your pothole list, if you will, I've gotten a call at, basically, Orchard Road where it intersects with Darmstadt Road or First Avenue.

Rick Dickinson: I got that call today before I come down here.

President Mourdock: Okay. It must be a popular one.

Commissioner Tuley: Question. Financially with the additions we gave you tonight is it reasonable to expect that what's on the list and the additions can all still be done or do you need to reprioritize this stuff?

John Stoll: Some of it could come out of the Bridge Fund like the culvert on Mann Road and some of the other ones like Crowley are small enough that they probably wouldn't have that much of an effect. It might revise your proposed schedule as far where and when you want to do which ones.

Rick Dickinson: Yeah, we might change stuff around, but like I said, we never get done with the whole list so if we're in that area and it's worse than other ones, then those are the ones first in that area. Like I said, we won't get done with all of them anyway and we never have enough money.

Commissioner Tuley: Okay.

President Mourdock: Any other questions regarding the road

hearing?

**John Stoll - County Engineer**

President Mourdock: Okay, John, if you would go ahead with your report then and Rick we will be back to you momentarily.

John Stoll: I've got a final acceptance form for the Ohio Street Bridge. It's finally done. The date of the last work on the project was April 28, 1997. Everything was completed and we just need to submit that form to the state recommending that the bridge be accepted as far as completion of the project in accordance with the contract.

President Mourdock: Okay, we need a motion.

Commissioner Jerrel: Okay. I'll move approval of the acceptance of the contract B-21928 for the project BRF-E480.

Commissioner Tuley: Second.

President Mourdock: So ordered. I thought that was going to be BR549!

John Stoll: Also in regards to the Ohio Street Bridge project Tom Bernardin of Bernardin Lochmueller & Associates contacted me regarding a supplemental agreement for the inspection services out there. The need for the supplemental arises from the fact that the original estimated completion date of the project was June 1996 and it was just completed this past month. This resulted in the Bernardin Lochmueller personnel being on the job substantially longer than what was originally estimated in the original construction inspection agreement. The dollar figure increase for the supplemental will be \$57,790. A portion of that will be federally reimbursable, but not all of it. We have requested that INDOT increase their level of participation on construction inspection by an additional two percent so that would offset the costs. That would basically make about \$40,000 of that reimbursable, but if not then probably only about \$6,000 of that will be reimbursable.

Commissioner Jerrel: Well, I hope you aggressively seek the money.

John Stoll: We will. I've never heard of that being a possibility, but I talked to Steve Dilk at INDOT and he said in cases like this it is a possibility due to the fact that the contractor was into liquidated damages. He was 30 days in liquidated damages and the state does not give the county back any of that money, so hopefully they will use that money to offset some of our local costs.

Commissioner Jerrel: Are you going to put it in the form of a letter to them?

John Stoll: Yes, it was mailed out today.

Commissioner Jerrel: Okay.

John Stoll: I just need authorization to proceed with processing

the supplemental and submitting it to INDOT for their review.

Commissioner Jerrel: I move approval of the request to seek supplemental dollars for the reimbursement on the delay for Bernardin Lochmueller contract.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next, I've got a change order on the concrete repair contract from last fall. This results in a net decrease of \$3715.05 and I would recommend that it be approved.

Commissioner Jerrel: I would like to approve that change order for a reduction.

Commissioner Tuley: That's what I said! Sign, sign, sign! Second.

President Mourdock: So ordered.

John Stoll: Next, I have received two requests from the YMCA to hold road races over county roads. They have submitted certificates of insurance with limits of one million dollars naming the county as the insured. I had Cedric Hustace review these forms and he said that he thought it would be acceptable provided that the coverage limits were acceptable to the Commissioners and that we have current Certificate of Insurance for each race prior to the race being held. I guess my question is would this be acceptable given the one million dollar limit?

President Mourdock: A question to clarify. Are we talking about a jogging event here?

John Stoll: Yes.

President Mourdock: Okay, thank you. Joe, do you have an opinion for us on a million dollars worth of coverage?

Joe Harrison, Jr.: I think that sufficient.

John Stoll: They will contact the Sheriff's Department for traffic control and things like that. This has been done in the past and they have provided a Certificate of Insurance and everything.

President Mourdock: Alright, do I have a motion for approval, then, of the YMCA of Southwestern Indiana to use county roads pursuant to their insurance coverage and coordination with the County Sheriff?

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next, also in regard to a discussion that I had with

Tom Bernardin we were discussing the Lynch Road project, the next phase from Burkhardt on eastward to State Road 62. They are currently preparing all the legal descriptions for all the right-of-way parcels that we'll be acquiring. The next phase would be to actually begin the right-of-way acquisition out there. We've got money in our budget that would cover that and Tom said that he could start moving ahead with that in approximately two months and I just wondered if that was something that you wanted me to pursue was to go ahead and get a--

Commissioner Jerrel: Will that interfere with any right-of-way buying that we might be doing on Burkhardt?

John Stoll: This money is already in the Lynch Road account--

Commissioner Jerrel: Okay, so it is already in there.

John Stoll: --so it shouldn't unless something would change and we would have to repeal that money out of Lynch and put it towards Burkhardt.

Commissioner Jerrel: What do you think?

Commissioner Tuley: We might as well move forward.

President Mourdock: Yeah, I would think so.

Commissioner Tuley: Yeah, if you need it in a motion then I will so move that he be given authorization.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Okay, the final item that I've got is in regard to an accident that David Franklin had in his county car about a month ago. The car is listed as a total loss and State Farm, who was the other driver's insurance company, said that they would pay \$2,948.75 for the car, it was a 1988 Ford, which obviously will not cover replacement cost of the car, but never having been through something like this I didn't know what the next step we needed to take in regard to selling this and getting them to give us the check or whether or not there was anything that had to be disputed or what we had to do?

President Mourdock: This is why lawyers exist. I would turn that document over to the County Attorney.

Joe Harrison, Jr.: Yeah, I spoke to him briefly and why don't we take a look at it and see if we can maybe do a little better than the \$2,900 figure, but I've got the accident report from you and maybe you can either give me or fax it to me the other information.

John Stoll: Okay.

Joe Harrison, Jr.: Let's see what we can do. I'll contact our carrier as well, the insurance carrier for the county, and see

what they can do for us.

John Stoll: Okay.

Joe Harrison, Jr.: You said it was an `88?

John Stoll: An `88 Ford Crown Victoria.

Commissioner Tuley: A Sheriff hand-me-down?

John Stoll: No, this one was bought new the way I understand it.

President Mourdock: I'm sure it was like new and only driven on Sundays!

John Stoll: Only 100,000 miles probably!

President Mourdock: Anything else, John?

John Stoll: That's all I've got.

President Mourdock: Anything for John?

Lynn Ellis: John, is that family leave under consent?

John Stoll: I put that on the consent agenda.

**Rick Dickinson - County Garage**

President Mourdock: Okay, Rick.

Rick Dickinson: I don't have much other than in your packet I put a couple of copies in there of what we got done with ditching and what we are going to be doing. Hopefully the ones under that first line, hopefully, they'll be done this month, but I would say probably towards the end of next month given the rain and delays and all that kind of stuff.

Commissioner Tuley: Rick, did you and Stan get a chance to go out there and check out that problem that Stan and I talked about the other day?

Rick Dickinson: Which...

Commissioner Tuley: Off of Oak Hill Road. Oakview...?

Rick Dickinson: Refresh my memory a little better than that.

Commissioner Tuley: The pipe that needed to be raised, John.

John Stoll: Acorn.

Commissioner Tuley: Acorn Court, that's it.

Rick Dickinson: Okay.

Commissioner Tuley: Stan was going to...let me do this, let me rephrase the question. Would you find out from Stan if he called the individual and explained to him that he is waiting

**Vanderburgh County  
Commissioners Meeting  
May 5, 1997**

Pages 25

for the weather to break and the ground to get dry before we take any heavy trucks back there.

Rick Dickinson: Yeah.

Commissioner Tuley: I asked him to do that, but just follow-up and make sure that he did do that.

Rick Dickinson: Yeah, he did call and make sure he did do that. I believe if doesn't rain tonight he is talking like Thursday or Friday getting out there.

Commissioner Tuley: Okay.

Commissioner Jerrel: I'll move approval of acceptance of the report.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Rick, one point and we're going to talk about this with Burdette in a moment also, but about reports as far as just activity reports. We know, and you certainly know, that we put another mechanic on the second shift.

Rick Dickinson: Yeah.

President Mourdock: What we would like to do is institute a policy and maybe you can add that just on to the type of report you just gave us as far as a work log, for lack of a better word, just so we know what is being completed on the maintenance shift.

Rick Dickinson: What the mechanics are actually doing?

President Mourdock: Yeah, right.

Rick Dickinson: You was supposed to have one today. Friday me and Bettye had talked about it and I told her we would have one tonight, but my foreman was off over the mechanics and we was short on office help and we just really didn't have a chance to do it.

President Mourdock: Okay.

Rick Dickinson: He's got it all written out and I didn't want to bring up a bunch of mess garbled up--

President Mourdock: Just for your information and pass onto them, we're not looking to have every little minute detail--

Commissioner Tuley: Spark plug changed.

President Mourdock: Yeah, changed spark plug number six in vehicle 2704.

Rick Dickinson: I pretty much told them that the lowest we would go was like a tune up on truck 22 and--

President Mourdock: Exactly.

Rick Dickinson: Not as far as shooting two shots of grease into the backhoe.

Commissioner Tuley: We don't need to know that.

President Mourdock: Right, that's fine. Okay, thank you.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report.

Joe Harrison, Jr.: The county has been asked by property owners out on Burkhardt Road, Gershman Brown and The Hirsch Family Trust, to agree to the covering of the open ditch running along the east side of Burkhardt Road by utilizing an enclosed conduit in its place and then backfilling around the enclosed conduit and to also utilize its best efforts in completing the construction of the work to be done on the Virginia Street area north of Burkhardt Road. John is aware of these efforts and the ditch work has already been started somewhat. These two groups are asking for a letter from the county setting forth this information. If you would, if you would consider this, this would be appropriate. I have drafted a letter setting forth those two items.

President Mourdock: Okay. Questions or comments or a motion?

Commissioner Jerrel: No, I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other two or three items that I have are as follows. First of all, on the Barrett Law project update there is going to be a meeting on May 13th with the local project representatives from the three projects, Westwood Hills, the Oak Hill Road and the Old State Road people. I'll speak to John about this as well, but counsel from Barnes & Thornburg is coming down from Indianapolis and also prior to that we are going to be meeting with some local bank officials concerning possible buying of the bonds. There are some local banks that are interested in participating in this project which would be a little better or be a little cheaper, hopefully, than the other route.

Commissioner Jerrel: The other route is that person who buys these up all over?

Joe Harrison, Jr.: That's a broker, that's correct. Anyway, I have had discussions with three of the local banks and they are interested in participating, maybe, equally. So, anyway, they're going to be hearing more about the project and they have already met together, as a matter of fact, to talk about this as a group prior to today.

President Mourdock: When is that meeting scheduled, Joe?

**Vanderburgh County  
Commissioners Meeting  
May 5, 1997**

Pages 27

Joe Harrison, Jr.: It's going to be May 13th at my office, again, in the morning at 10:00 I am going to be meeting with some bank representatives and then in the afternoon with the representatives from the three projects at 1:00.

President Mourdock: At 1:00, okay. I think we've spoken of this very briefly at a Drainage Board meeting, but is it possible, would it conceivably be possible to use Barrett Law for a drainage issue in an area? Again, maybe you can't answer that one now, but that's something I think we need have resolved because I think there are people in the community who feel that such a mechanism might work, but I think and I've told them the question is how many sign on board.

Joe Harrison, Jr.: It depends on what it is. I mean, if it is a sewer related matter, sure.

President Mourdock: Sewer, either sanitary or storm water?

Joe Harrison, Jr.: I'm going to have to take a...typically, it has been sanitary sewer piping as opposed to the field bed--

President Mourdock: Or ditching?

Joe Harrison, Jr.: --or ditching situations, but it is broader now than it was and I'll take a look as far as that is concerned. You know typically, again, what it has done it's done in these situations where the county has no obligation whatsoever. Some of these areas where there are some problems may border or butt the county's right-of-way, etc.

President Mourdock: Those are the key words. They may border the county's right-of-way, but the county may otherwise have no obligation and otherwise is powerless to do anything.

Joe Harrison, Jr.: That's correct. That's right.

President Mourdock: So we are somewhat more facilitator's than anything else in these projects.

Joe Harrison, Jr.: Right. No, I'll take a look at that. I received a couple of calls and I think the Commissioners' Office has as well from homeowners outside of the city limits that have had other projects in mind and they've been reading or hearing through the media about what is going on with this, so I think we're going to see some others down the road and also the local banks are aware of that, too. Oh, I had one more thing, I'm sorry. Apparently there is going to be an ozone meeting with local officials on the 8th of May, I believe, at 10:00 and I have been asked to take a look at the city's ordinance that has been drafted and submitted to IDEM for suggestions and I have been in communication with counsel for the City of Evansville regarding this and will be forwarding some more information on to you real soon. Hopefully, tomorrow. We will then get started on the county's ordinance as soon as we see what sort of changes are going to have to be made to the city's because we want to track, obviously, the same language if we can, but we will be moving forward on that as soon as we can.

President Mourdock: Very good. The ozone season is quickly coming upon us. Questions or comments for Joe?

Commissioner Jerrel: No, I would like to before June.

Joe Harrison, Jr.: Sounds reasonable.

Commissioner Jerrel: Okay.

President Mourdock: I think that was our goal previously was June 1st, so I do want to stick to that.

**Lynn Ellis - Superintendent of County Buildings & Burdette Park Report**

President Mourdock: Lynn Ellis, Superintendent of Buildings with your report.

Lynn Ellis: Okay, most of my things fall under Burdette, so I guess I'll take both.

President Mourdock: Okay, sure lump them together.

Lynn Ellis: I'm representing them as well. Okay, the first would be the pool painting and I have circulated the information regarding that. There was a follow-up memo sent today from Steve Craig out at Burdette regarding the painting. This was issued to try to clarify further the documentation that was sent previously. Burdette is recommending continuing doing the painting as they are and have done in the past as opposed to the epoxy because of the number of man hours that is required and the excessive cost associated with the epoxy. Both require maintenance on an ongoing basis and would require touch-up paint from year to year. So at this point, because of the condition of the concrete and the pool, the age...the pools are 36 years old. It would require major reconstruction and concrete work in order for the epoxy to adhere properly so they are recommending continuing as they have in the past. Let's see. The other item...one other item is regarding the advertising. MAC Group has prepared advertising for the summer program and they are very excited about this year's advertising. They've contacted a lot of different radio stations and TV stations and they're very motivated that they can get increased interest out at Burdette. They have included with this, because a lot of this air time will be free, it won't cost the county anything, and along with that though they need giveaways and they are requesting free passes be provided to the advertising company. The pay back is multiplied tremendously with the amount of revenue derived from the concessions and continued visits to Burdette following that free pass and additional family members coming and that kind of thing. They're very excited about this year's advertising and think that with the program that the MAC Group has put together that they will see an increased usage of the park.

President Mourdock: Just for the record and to clarify something, you said the free passes are given to the advertising company, but what you mean by that, I think, is for them then to pass on as part of their promotion.

**Vanderburgh County  
Commissioners Meeting  
May 5, 1997**

Pages 29

Lynn Ellis: Exactly. I'm sorry. That's correct.

Commissioner Tuley: Sounds better.

President Mourdock: Yeah.

Lynn Ellis: They're actually given to area residents as part of the promotional packages. For example, 96STO would go out there and be onsite and advertise, you know, that they are out at Burdette and then they would give away free passes and come see us at such and such location and get free passes to Burdette. In that they talk up Burdette during their air time and that does not cost the county anything.

Commissioner Jerrel: They've done a nice job with that.

Lynn Ellis: That would require Commission approval.

Commissioner Jerrel: I would move approval of the advertising endeavor that does use free passes for the promotional events.

Commissioner Tuley: Second.

President Mourdock: So ordered. I would add to that, Lynn, when you get back to them you made the comment that they see that greatly increasing the numbers coming back into the concession and such. See if they can work up a way to verify that.

Lynn Ellis: Okay.

President Mourdock: Logic says it ought to happen that way, but sometimes if they have to track that it gets them better information.

Lynn Ellis: Okay, well that shouldn't be too difficult comparing last year's revenues with this year's revenues. Okay, let's see. I made a visit to the Safe House this morning and we're working on gathering information together for that. The personnel manual is being worked on and a letter was provided from the Auditor's Office and that has been passed along to the Attorney for review and inclusion in those comments. Burdette has also provided their weekly report.

President Mourdock: If you would, on that weekly report, they've got far more detail in here than what we need. Again, if they tell us the work they've completed in a more...I don't know how to say it. Macroeconomic sense, I guess. I mean, simply to put on here that they planted flowers, changed batteries in the fire alarms, etc., I mean, that is not as critical to us as knowing Building 5 was fully maintained.

Commissioner Tuley: Yeah.

President Mourdock: I'm afraid they are spending so much time writing the report that they're losing time doing the work. They're just putting it on a piece of paper.

Lynn Ellis: Okay.

President Mourdock: I wouldn't think they would be disappointed to hear that.

Lynn Ellis: No, no, especially the girls typing their report. They have to look at Steve's chicken scratch which is comparable to mine and I hate for anybody to have to type anything from my handwriting. Another item is the ordinance relating to Burdette Park and we're looking at that and making revisions to it. I think that's just about it.

President Mourdock: Okay. Questions for Lynn? Refresh my memory. Ordinance for Burdette, what do you mean by that?

Lynn Ellis: Well, there is an ordinance in place and we're just reviewing that. There is an effort to codify the ordinance and get them in order and so that is being considered and some changes are being considered to that ordinance as well.

President Mourdock: Okay, very good. That took both the Superintendent of Buildings and Burdette Park was there.

**Consent items**

President Mourdock: We'll move to our consent items and just for the record the one reference that was made we need to add one item that was submitted by the County Engineer regarding the request for family leave for one of the employees out of the Engineer's Office. We need to incorporate that with the consent items.

Commissioner Jerrel: I would like to move approval of the consent items.

Commissioner Tuley: I'll second.

President Mourdock: I presume that was with that added item?

Commissioner Jerrel: Yes.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Scheduled meetings. We have in our packets the upcoming meetings. One that is not listed is we have an Area Plan Commission meeting 6:00 p.m. this Wednesday and at that same time there is a meeting for the volunteers that serve Vanderburgh Auditorium are having a dinner. I had originally planned to go to that and had forgotten it. Because of APC I won't be able to attend, but if either of you would like to attend please feel free to do so. Any other comments on our scheduled meetings list?

Commissioner Tuley: I'm not available on Wednesday night.

President Mourdock: Okay.

**Old business**

President Mourdock: Old business.

Commissioner Jerrel: I don't know if this is old, but it works in with your Area Plan meeting. I have sent a letter which you have a copy of. It's a memorandum to John Stoll and to Barbara Cunningham and Rose Zigenfus and it concerns the issue of planning along the Burkhardt Road corridor. I would like to see us at a future meeting have the officials in to help reinforce the support for this planning process on Burkhardt so that we do maintain our plan for road cuts and any other issues that are in the Comprehensive Plan so that we don't get caught up in individual small issues and overlook the broad base plan that we are trying to hold to which is, of course, to use frontage roads instead of making so many cuts along Burkhardt. I just gave you a copy and included it. I just want it included in the record so that when our planners get together we are all on the same target.

President Mourdock: You're suggesting somewhat like we have a road hearing a specific planning hearing?

Commissioner Jerrel: Yes, yes, so that it is clear to everybody that we're working on a plan and that we plan to hold to it.

President Mourdock: Given the many things that we've got going out on that side of town I am wondering should we try to do that yet this month?

Commissioner Jerrel: I think that would be fine. Is that Ms. Cunningham out there?

President Mourdock: Yes, it is as a matter of fact!

Commissioner Jerrel: He turned to look in the window!

President Mourdock: She hasn't opened the door yet.

Barbara Cunningham: I should of kept on going.

Commissioner Jerrel: Yes, you should of kept walking. We were just discussing the memorandum that you recently received regarding Burkhardt Road planning and we were talking about we would like to make that a more public issue.

Barbara Cunningham: Great.

Commissioner Jerrel: It would seem to be fitting that we do it at one of our Commissioners' meeting and President Mourdock suggested could we do it this month?

President Mourdock: I would suggest just to pick a date something like May 20th and from your earlier comments, Bettye Lou, you were talking about Ms. Cunningham, Rose Zigenfus, obviously,--

Commissioner Jerrel: John.

President Mourdock: --John Stoll. Anyone else that would we need to specifically invite?

Commissioner Jerrel: Well, I would depend on you and Pat. I mean, I'm relatively new at this.

Commissioner Tuley: Is there anyone off of Site Review that needs to be included?

Barbara Cunningham: Why don't we ask at Site Review and see if someone else needs to be included.

President Mourdock: Okay, will you be meeting between now and the 19th?

Barbara Cunningham: Site Review?

President Mourdock: Yeah.

Barbara Cunningham: We meet every Monday.

President Mourdock: Okay, very good. If you would do that, John, maybe you can report back to us next week then as to who we might have. Just throwing a thought out for discussion here, would it make sense to invite a group of the developers who have been out in that area? That's just--

Barbara Cunningham: Now we've done this a couple of years ago (inaudible comments not made from mike). I still have the map.

Commissioner Jerrel: Barbara.

Barbara Cunningham: A couple years ago we had a special meeting and invited all the developers and told them of our plans for that area and in essence kind of told them that we wish to limit the access points and such and made them aware of the sewer extension and the road plans. John, do you remember anything else that we did?

John Stoll: That was primarily (inaudible comments not made from mike).

Barbara Cunningham: Primarily the road network and such and told them...I mean, we did not have a frontage road network, I don't believe, at that time, but we told them the growth area. I still have the maps. Do you remember, Pat?

Commissioner Tuley: Yeah, I do. I'll tell you who we probably more so than the developers would be that group of engineers that we continually see doing the work.

President Mourdock: There you go.

Commissioner Tuley: They're the ones going to be laying out the plans. They're the ones that need to be aware of what is going to be acceptable and what is not before they put a lot of time and effort into doing a plan.

Commissioner Jerrel: Right.

President Mourdock: That's a very good idea.

Barbara Cunningham: You mean the engineers that we work with all the time?

Commissioner Tuley: We know basically who they are that come in here. I mean--

President Mourdock: Bernardin Lochmueller, Morley, United--

Commissioner Tuley: Andy.

President Mourdock: Andy Easley.

Barbara Cunningham: Yeah.

Commissioner Tuley: Those people that are contracted with to do the design work.

President Mourdock: Right, yeah.

Barbara Cunningham: Do you want us to give you a list of the engineers so that you may invite them? I mean, we have that.

President Mourdock: Yeah, or John can do that.

Barbara Cunningham: Okay.

President Mourdock: Either way, when you report back to us next week perhaps have a written list of the addresses of those folks that would be pertinent. I think you're right. That's a better way of doing it than the developers.

Commissioner Jerrel: That's a good idea, Pat.

Barbara Cunningham: I can even bring the map that we used last time.

Commissioner Tuley: That's fine.

President Mourdock: I have a hunch it's the map that you received tonight.

Commissioner Jerrel: Yes, I just had a chance to look at it.

President Mourdock: Okay, well, thank you, Barbara. We'll tentatively try for the 19th, but we'll wait to hear back from you from Site Review. Okay, very good.

Barbara Cunningham: Thank you. Do you want us to prepare anything for this?

Joe Harrison: That is also rezoning night, correct?

Barbara Cunningham: That's okay, 7:00, yeah.

Joe Harrison, Jr.: You'd be here anyway.

Barbara Cunningham: Always.

President Mourdock: That works out well.

Commissioner Jerrel: Well, I think--

Barbara Cunningham: You don't want to do it at rezoning time do you?

Joe Harrison, Jr.: No, we would do it during the regular meeting.

Commissioner Tuley: That would be appropriate.

Joe Harrison, Jr.: Maybe between 6:00 and 7:00 or something like that.

Commissioner Jerrel: I think this map kind of says it all.

President Mourdock: Yeah, if you have a packet or even better a...John's heard me say this before. If we have a map that we can all see at one time so when a finger points at the map and say right here this is going to happen and we all know where right here is.

Barbara Cunningham: I had one that went to court today so maybe we can get it back.

Charlene Timmons: Is that anything that we'll want to advertise like in the paper?

Barbara Cunningham: Won't it be part of your regular meeting.

Commissioner Tuley: Yeah.

President Mourdock: I think it's just a regular meeting.

Barbara Cunningham: It's just information.

Commissioner Jerrel: Right.

President Mourdock: But thank you. That was a good question, Charlene. Okay, thank you.

Commissioner Jerrel: Thank you.

President Mourdock: Any other old business?

**New business**

President Mourdock: Any new business? Do I have a motion for adjournment?

Jerry Jones: Sir?

President Mourdock: Sure.

Jerry Jones: Can I make...under old business or new business?

President Mourdock: Either one, Mr. Jones.

Jerry Jones: I'm not here to make anyone mad or John or you guys. They have city gas on Lyle Road. I know for a fact that John and I have talked on the phone about this guy that owns this land down on the west side of Lyle Road where the city is going to have to, and they said they would do this, they're going to lay and connect the city gas to Nurrenbern Road on the east side. Staub gave them that permission to do that, so we're going to have city gas there. My heart really lies on the west side. My brother and I worked ourselves through high school and college at Burdette Park skating rink for years. It's a beautiful place to live. I was wanting to see if the Commissioners would do this. When the Staub told me that they could put dirt on the road and I told them the dimensions, \$18,000. That doesn't include packing like I said. John said anything over \$25,000 would have to go up for bids. If the Commissioners would allow some bids I am sure that it wouldn't be anything close to \$96,000, I think, according to what the Staubs...you know, the dirt is right there, you know.

President Mourdock: Okay, I understand the point of your question and I see where you are going with it. Let me just play what if for a second. What if we do that...what if we have John draw up a set a plans and put those plans out for bid and it comes back at \$25,000? Do we have the money to do the work? That becomes the key question and I think I heard John and Rick say in this year's budget we don't have. Am I saying it...is that accurate?

John Stoll: Not without bumping something else out of the schedule.

President Mourdock: Okay, and the alternatives, the other things that we would bump out of the schedule, would be, and I am saying this but you tell if this is wrong, would be the items basically that are paving items that we have approved as our priorities?

John Stoll: Yes.

Commissioner Tuley: You would be giving up something that is on here.

President Mourdock: Right. What comments do you have, John, regarding that general thought? I mean, do you understand what I am saying, Mr. Jones, as far as the money?

Jerry Jones: I understand.

President Mourdock: Okay.

Jerry Jones: See I would like to build a home this summer and so forth. I am thinking that if you didn't have the funds for the next few months would there be funds after January 1st?

President Mourdock: The answer to that is maybe.

Commissioner Tuley: Yeah.

President Mourdock: That, again, is what I was saying earlier

about the prioritizing of this and how it would fit into next year's budget. You know, what do you think, John, of the idea that Mr. Jones is proposing here as far as getting maybe a more detailed budget estimate by putting a package out on the street for contractors to look at? Is that something that we've ever done?

John Stoll: Not just for the sake of getting a cost. We could do it. I mean, if we prepared a set of plans we would have a more refined cost estimate. Like Mr. Jones said, if Staub did the work it probably would come in less than that, but given the fact that we would have to put it out for bid there is no guarantee that he would get the job, so that is why we used the figures of \$10 per cubic yard. If we designed...did a set of plans and did more accurate quantities and cross sections and everything we would probably have a better handle on what the costs were without putting it out for bid.

Commissioner Jerrel: Jerry, would you not build your home anyway? I mean, that's the land you own. Would you not go ahead and build it?

Jerry Jones: Well, at this time no. It would be kind of rough rowing a boat going to school in the rain and so forth. I want to retire in a couple of years, my brother and I and that's why. I've got my home sold and I want to sell it and build and my brother, but I know there are expenses.

Commissioner Jerrel: Yeah.

Jerry Jones: I know that Staubs are going to give the county a pretty good deal from what they told me.

Commissioner Jerrel: I think what the issue was that this was late getting on the list of roads and they judged it on the basis of the number of people that would be affected. I think, I mean, I think it's important that the road gets fixed, but I don't know that we can bump some of these other roads that have all kinds of people that live along them.

Jerry Jones: Sure. I understand.

Commissioner Jerrel: I was trying to see...I know you own the land. Would you build anyway on the "if come" and if we can't do it you're not going to build out there.

Jerry Jones: Right. It's kind of put me between a rock and a hard place here. I understand everything what Richard has been saying and John, too. I just know that these three couples that lived out there all their life they never asked the county for anything. It is used a lot. I mean, you have to live out there to understand. It connects Bayou Creek Road and Nurrenbern. It's very pretty and there is 100 acres out there that Margaret Burdge owns which is developable because, you know, it doesn't flood. It just that one stretch. Now, I don't know, John, about this. It was 2,400 cubic yards. I said 240, I think. When Staub said \$18,000 he would put the dirt on there. I said, well, you know it has to be sloped. He said, I understand that. He said, that's not including packing and that doesn't include

maybe some bigger culverts. He said we'll have to get the specs and everything, but he said we can put the dirt up there for \$18,000. Whether or not he is right or not--

Charlene Timmons: Excuse me. I have to change the tape. Thank you.

Commissioner Jerrel: Okay.

**Tape change**

Jerry Jones: John says \$60,000 for dirt and that's including packing and \$30,000 apparently for the rock. I was just hoping that maybe, I don't know if it's okay to do this, but put it up for bids and just see. See what we've got some figures coming up in the future or do we have to have the money before we ask for bids? I don't know--

Commissioner Jerrel: We have to have the money before we can let a contract.

Jerry Jones: Yes.

Commissioner Jerrel: I mean, we can--

President Mourdock: Yes, that's kind of a matter of good faith, too. Coming from the construction business, I guess, as someone... we do a lot of bids, it doesn't make you feel very good if you turn around and bid something just to do it as a budget estimate for folks. I mean, if you are serious about doing it, let's do it. I guess I am inclined to think going back to John's comments of a minute ago if he thinks he can work up some better numbers and get some element of costs that is dramatically different than what you were talking about, then I would certainly like to hear those numbers for budget year '96...I'm sorry, '97 that we're dealing with. I'm hard pressed to think with the three or four homes involved and with the priorities that have already been set that we're going to be able to do anything before the end of this year. I just don't see that as much of a possibility. I mean, that is just me speaking, but, John, how much time are you talking about if you were to do some profiles and come up with a better estimate?

John Stoll: That I'm not sure. We didn't consider that at this point. We've got a few box culverts we were going to try get bid out this summer and that was where we were wanting to go next with especially the one on County Line West while school is out, so we didn't make a long detour route out there. But if you want us to jump right on Lyle Road we can do that as well.

Commissioner Tuley: I mean, I can sympathize with your problem, Mr. Jones, but I am reluctant to have John spend a lot of time and effort getting figures for something that even if he comes in at \$25,000 that we're not going to have to do this year. If it is something as time permits closer to budget time if we get near the end of the building season and we have the things that we have to get done finished, then I would not hesitate to ask John to go ahead and see if we could put some numbers together

for budgetary reasons for next year. I'm reluctant to give that a priority right now over some of these other things that we have to get done.

Commissioner Jerrel: That doesn't help you, but that's probably realistic.

John Stoll: If some of these other jobs get completed and we get a couple of people freed up to go survey that is something that we could probably take care this summer--

Commissioner Tuley: Yeah.

John Stoll: --sometime, but as far as immediate it's just like that paving list, it's bump something else out and put this in.

President Mourdock: Right. Sorry we're not bringing you boatloads of good news.

Jerry Jones: Well, I appreciate your time. I hate to labor this, but then maybe there is a possibility then in '97?

President Mourdock: Yeah, I think that's a possibility of something that we can certainly look at in '97, but for right now I don't see it as being...I'm sorry, thank you, in '98.

Jerry Jones: Yes. Then, John, I guess, he'll check on the right-of-way from the Staubs and I know that will be okayed. Then they'll open it up for bids then, I guess?

President Mourdock: Well, again, it's got to be put into the program for next year. At about this time next year we will be finalizing the road work that will be done for construction year '98. We normally have a preliminary road hearing about the first or second week in March. That's--

Commissioner Tuley: To start pulling it together.

President Mourdock: Yeah, to start pulling it together and that's the time to see where it fits on the priority list.

Commissioner Tuley: I'm not advocating having John go out and rerun us some numbers, but I just don't want to put that as a priority to bump something else at this time.

Jerry Jones: I understand.

President Mourdock: I think that is prudent.

Jerry Jones: Thank you very much.

President Mourdock: Okay, thank you. Any other business to come before the Board?

Commissioner Jerrel: I move we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Vanderburgh County  
Commissioners Meeting  
May 5, 1997**

Pages 39

The meeting was adjourned at 7:12 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
John Stoll  
Rick Dickinson  
Mike Buente  
Charlene Buente  
Ed Moser  
Joan Tapp  
Janet Watkins  
Russell Tapp  
Jerry Jones  
Barbara Cunningham  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
May 12, 1997**

The Vanderburgh County Board of Commissioners met in session this 12th day of May in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good night. Good night, yeah, it's starting out already, good night. I wish it were good night. Good evening, welcome to the May 12, 1997 Vanderburgh County Commissioners Meeting. By way of introductions at the far right is, behind the boxes there, Ms. Lynn Ellis, our Superintendent of County Buildings; to her left, County Attorney, Joe Harrison; to Joe's left, County Commissioner Pat Tuley; to my immediate left, Commissioner Bettye Lou Jerrel; to her left, County Auditor, Suzanne Crouch; and I guess on temporary assignment tonight from the Auditor's Office we have Teri Lukeman who is recording our notes and minutes. Join us, if you would, for the Pledge of Allegiance. If you're new to our meeting and would wish to get a copy of the agenda we will be working from, there are copies on the table over here. Because this meeting is taped for verbatim minutes, if you have anything to say to the Board we ask that you come to the microphone and state your name and address.

**Approval of minutes**

President Mourdock: For the record, we did not have an Executive Session this evening as instead this Board met as part of the Solid Waste Board. However, we do have minutes from the previous meeting of May 5th in our packets and I would look for a motion to approve.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Lynn Ellis - Welfare to Work Gatekeeper Proposals**

President Mourdock: The first item beyond that then on the agenda is Lynn Ellis with the acceptance of the Welfare to Work Gatekeeper proposals. I have a hunch that is probably what's in the box in front of you.

Lynn Ellis: That's correct. We have two proposals received and I would recommend that we take these under advisement and refer them to the task force for the Welfare to Work program.

Commissioner Jerrel: I would move that we take the bids under advisement for the Welfare to Work program.

Commissioner Tuley: I will second with a question. Don't we need to open them first and make sure they are valid and then refer them?

President Mourdock: With that correction, I would ask for a motion to open the bids then for the Welfare to Work Gatekeeper position.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: We have a motion to take them under advisement?

Commissioner Jerrel: Yes.

Commissioner Tuley: Yes, I'll second.

President Mourdock: A second and I will say so ordered. Procedurally, Joe, as we work through these, obviously, it was the plan of the Commission in, I think, July of last year and, Pat, maybe you can correct me, when we approved the document that the Welfare to Work Task Force presented. Part of their plan was that the special task force, the nine member group, review these proposals and then interview those who made them if they felt worthy of interviewing them and also to make a recommendation to this Board. Having said all that, Lynn, if you would please notify the members of the nine member task force that the bid proposals are in so that they can begin to review them and I certainly suspect County Attorney Joe Harrison will be part of those discussions. Phyllis Donahue in the audience. Do you have any comments regarding these proposals at this point?

Phyllis Donahue: (Inaudible comments not made from mike)

<b>Agreement - United States Cellular</b>
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President Mourdock: Indeed. The next item on our agenda, then, we have a cell phone agreement. Lynn?

Lynn Ellis: Okay, County Highway contacted the office in regard to an additional cell phone for the use by County Highway. I would recommend that the contract proposed be executed by the Commissioners tonight. This would be used for the persons in charge of the paving crew so that they can call in asphalt orders and that kind of thing instead of tying up the radios a lot during the day. They need to contact the plants on a regular basis and the cell phone would also be used by the foreman on call that week so that 911 can just contact the cell phone instead of having to keep track of which foreman is on call.

President Mourdock: So is there just one phone involved or are there more?

Lynn Ellis: There is an additional phone. They have one phone now for Milton Hayden, for the Superintendent, and this second phone would be...so a total of two cell phones. The second would be for the foreman to use.

President Mourdock: Okay. One will go to the head of the paving

crew?

Lynn Ellis: Right, during the day and then in the evening it would be transferred to the foreman that is on call for that week.

President Mourdock: Okay. Cell phones are certainly not cheap. Is there anything that we will do to track the cost of that phone? What's our normal policy? Let's put in that way.

Lynn Ellis: Well, the County Commissioners receive an invoice on a monthly basis from the cell phone carrier and we can maintain those records and monitor them and determine whether the calls are appropriate, so we will do that along with the other invoices that are received.

Commissioner Jerrel: I'll make the motion to approve.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Just a note. You might someday, don't go to a lot of trouble, but someday just put down how many cellular phones we have.

Lynn Ellis: I made an attempt when I was in Purchasing to get that number and didn't have a lot of success, but I'll try to do that again. Maybe I'll have better access at information now.

Commissioner Jerrel: How many are--

Commissioner Tuley: Do you believe there are several out there? I am not aware of any.

Commissioner Jerrel: I think there are a lot of them out there. Just, I mean, we've talked about this. Lynn and I have talked about this before. Just don't make a big effort, but if you find out...

**Michael Robling - Approval to submit infrastructure application - Replas, Inc.**

President Mourdock: Next item on our agenda we have in our packs, and I understand he won't be with us tonight, Mr. Mike Robling has provided us with a memorandum and also has drafted a letter for this Commission to act upon which effectively is a request for the Commissioners to submit an infrastructure application to the Indiana Department of Commerce for the Replas project. Last week Replas went before the County Council and received approval for ten years of tax abatement. They have also requested that the county assist them in two ways. One is just to do this type of paperwork to help get this process rolling through the state and the other would be to formally help them with the crossing on U.S. 41 getting into the property. This property is immediately north of PPG on U.S. 41. Any comments or questions about that?

Commissioner Jerrel: No, but I would move approval to submit the

infrastructure application.

President Mourdock: I have a question here. Pat just showed me there's two different memorandums from Robling. I want to make sure we are dealing with the correct one.

Commissioner Jerrel: Right.

President Mourdock: At this point what Replas is requesting, and they're trying to get through the state, up to 40% of the infrastructure cost through IDOC could be covered by the state. They're also looking for the county to do something and that would be in the forms of either a railroad siding or road cut and road improvements. I've expressed to him my personal opinion, that being simply my personal opinion, that the county not be involved with railroad sidings, but he did include that in his letter. For the actual request going to the state, however, the letter he has drafted he is not that specific just simply asking the state to consider under the county's name.

Commissioner Tuley: I'll second the motion.

President Mourdock: Okay, so ordered.

Commissioner Jerrel: I did have an opportunity to speak to the Mayor. Even though it is county he is very supportive and will follow through on giving that support.

President Mourdock: Okay. Excuse me a second, since this is the original it got into my packet instead of the signature file. You might double check that.

**Service Agreement - Resource Agency for the Deaf**

President Mourdock: The next item we have on our agenda is the Resource Agency for the Deaf contract. That's a service agreement whereby the Deaf Social Service Agency does on an hourly basis provide service for the hearing impaired to help them communicate with different county officials, offices and what have you.

Lynn Ellis: The copy that is in your packet has the County Clerk's Office struck out and I did that and asked them to just include Vanderburgh County. To be perfectly honest, I don't think that they got their original contract...at least I am not aware if they did. I asked them to revise that to reflect Vanderburgh County. They were supposed to get that original to us today and I haven't seen it.

President Mourdock: Okay, Joe, under that basis would you suggest we defer this for a week?

Joe Harrison, Jr.: Yeah, I would wait until next week. Hopefully, they'll have one for us to consider at that time.

Commissioner Jerrel: I'd move that we defer that item on the agenda.

Commissioner Tuley: If that was a motion, I'll second.

President Mourdock: So ordered.

**Donna Krowl - Permission to open bids for Title Search Services**

President Mourdock: The next item we have is Ms. Donna Krowl who is requesting the permission to open bids for Title Search Services.

Commissioner Tuley: I'll move that the attorney be directed to open the bid or bids.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**John Stoll - Permission to open bids for VC97-04-01**

President Mourdock: John Stoll, our County Engineer, has bids for VC97-04-01 which is for concrete repair of various roads in Vanderburgh County. There have been bids submitted, I presume, John? Lynn? Okay.

Commissioner Tuley: I'll move that the attorney be directed to open those bids as well.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Bob Dillow - Underinsured, No-Fault & Uninsured Motorist Exclusion**

President Mourdock: You have in your packet some information from Mr. Bob Dillow who is not present tonight regarding uninsured motorist coverage on the county's automobile accounts. I'll read the cover letter here:

"This form needs to be signed by the President of the County Commissioners and it is stating that the uninsured motorist coverage on the automobile insurance contract is at a limit lower than the bodily injury coverage."

It's a form we deal with annually. The limit is identical to that of the past several years. There is no change in limits from previous policies.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**American Disposal Service - Written Consent to Assignment**

President Mourdock: The next item we have on the agenda, and Bettye Lou I apologize for not talking to you in advance about

this, but I am going to turn this one over to you because it could be construed by the more cynical in the world that somehow I have a conflict with this one so I am going to abstain from this particular vote.

Commissioner Jerrel: Are you going to...is this the concession?

President Mourdock: No, no.

Suzanne Crouch: Burdette?

Commissioner Tuley: Burdette?

Commissioner Jerrel: What are you talking about? I thought Burdette...?

President Mourdock: Yeah, we're getting in to the park business!

Commissioner Jerrel: Yeah, I thought you had a--

President Mourdock: No, the next one I have on my agenda is the American Disposal Services contract.

Suzanne Crouch: You've got an old agenda then.

Commissioner Jerrel: That's not on there.

Commissioner Tuley: It's not on mine either.

President Mourdock: Really?

Suzanne Crouch: That's the old agenda.

Lynn Ellis: It was moved to consent.

President Mourdock: Well, okay. I did not know it was moved to consent. In that case, I would ask that we pull it out of consent because, again, I would rather not vote on it.

Commissioner Jerrel: Alright I'll read it:

"Waste Management of Indiana, doing business as Waste Management Evansville/Rose Disposal..."

--this is an "entered into" and we would be the customer--

"...pursuant to which Waste Management provides waste disposal service to customer. By executing this written consent form the customer hereby agrees to the assignment of the contract from Waste Management to American Disposal Service of Missouri, Inc. doing business as American Disposal Services of Evansville effective April 1, 1997."

This is not a copy of the contract, but rather a description entered into by Waste Management of Indiana, the seller, to us as a customer and they have agreed to provide this service through American Disposal Service of Missouri doing business as

American Disposal Services of Evansville. Do you have anything you want to add to that? Is that correct, Lynn?

Lynn Ellis: That's correct. American has purchased Waste Management and they just asked that we transfer our contract from Waste Management to American so that they can continue providing the services.

Commissioner Jerrel: There is no change in the services?

Lynn Ellis: No, ma'am.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

Commissioner Jerrel: So ordered. You're out of the loop completely? Okay.

President Mourdock: Thank you.

**Burdette Park - Food and Beverage Assistant Manager**

President Mourdock: Now we have the Burdette Park issue on our agenda.

Commissioner Tuley: If you (inaudible, mike not on) this one you just better quit being (inaudible).

President Mourdock: That's true. This is in regards to a contract with an individual, Ms. Kristin Stewart, so that she may fill the position of Food and Beverage Assistant Manager.

Commissioner Jerrel: I'd move approval of the contract entered into with Vanderburgh County and Kristin Stewart as Assistant Manager at Burdette.

Commissioner Tuley: Second.

Commissioner Jerrel: Beverage Assistant Manager.

President Mourdock: Just for clarification, Joe, you're nodding your head. I presume you've seen this?

Joe Harrison, Jr.: I prepared it.

Commissioner Tuley: I was going to say I think he did.

President Mourdock: We had a motion and a second, so I will say so ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: We're at that point in our meeting where any group or individual wishing to address the agenda...or address the Commission and I see two people waiting on bids.

**John Stoll - County Engineer**

President Mourdock: Department head reports, John Stoll.

John Stoll: I've got several Council Call requests. The first one is to transfer \$300,000 from the Broadway Avenue Bridge to the Maasberg Road Bridge. This bridge...the Maasberg Bridge was originally planned at one time to potentially use some of the bond surplus monies and since that has all been allocated to the Lynch project now we just need to have Cum Bridge Funds on that project. We will not get the Broadway project designed or constructed this year, so it won't be needed in the Broadway line item. I've also got a request to appropriate \$240,000 to replace culverts on Campbell Road, County Line West and remove the slope walls on the Mill Road Bridge and we also have two culverts we would like to slip line. Those would be on Baumgart and on Number 6 School Road. The final request is to appropriate \$6,198 to the County Line East Bridge that was constructed last year. This \$6,198 is for retainage that was not paid last year and due to an oversight it was not encumbered.

Commissioner Jerrel: Are these listed? Did you turn these in, John, or are you just reading them to us?

John Stoll: Just reading.

Commissioner Jerrel: Okay.

John Stoll: They've not been turned in to the Auditor's Office as of yet.

Commissioner Jerrel: Okay, I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item I was wondering about the Oak Grove and Burkhardt intersection. That project had bids taken for it late last year and the bids were never awarded and the evening when United Consulting was here they had asked about whether or not to include that in their design for Burkhardt Road and in order to let them proceed with their design, I just wondered if a decision had been made on that as of yet?

President Mourdock: Let me clarify. So the question is whether or not under the existing contract we would add to that the full intersection of Oak Grove Road to Burkhardt?

John Stoll: The intersection of Oak Grove between Gateway Drive, which is a new street, and Burkhardt Crossing out to Burkhardt Road, yes.

President Mourdock: Okay.

John Stoll: That is the design that was previously done by Bernardin Lochmueller.

President Mourdock: How much distance are we talking about there, John? I guess I have this picture in my mind where there is probably 300 feet?

John Stoll: Yeah, give or take. I was going to say several hundred feet and then a taper just east of Gateway Drive back to the existing two lane pavement on Oak Grove.

Commissioner Jerrel: I don't have a problem, but I have a whole list of questions relating to that area that I wanted to give to you. I would like to know, you know, I mean before we start doing something I would like to get...if they concern some of the issues that, you know, on the cost of the different steps that we had different prices. I'd like, if you would, I just put a whole packet of questions in there.

President Mourdock: Again, stay with me for a second, John. To clarify this, the work that was bid, being the engineering work...never mind. I withdraw the question because I was thinking of it from the sense of the construction. We would have to do a change order for construction, but obviously we are not nearly that far along yet. We would just be changing the design work.

John Stoll: No, this would just be added to the design.

President Mourdock: Does it make engineering sense to include that entire distance to whatever the road is coming in to Oak Grove?

John Stoll: Yes. That would allow the turn lanes to be built on Oak Grove so the eastbound traffic as they turn left into that new road would not be blocking a thru lane and for the westbound traffic at Burkhardt that provides a shared thru and left lane and a separate right turn lane, so it would give enough lanes that we wouldn't have obstructed lanes from turning movements out there and allow a potential signal to be operating better out at that intersection. Also from an engineering perspective, given the fact that the quantities of that intersection rather than being bid separately they'll be lumped in with the rest of the bid quantities for the Burkhardt project. Actually the price should be lower than the \$145,000 that the bids came in previously.

President Mourdock: Okay, so that's really the key to what you are doing. If we have the engineering done in one package we're actually going to save on the construction costs?

John Stoll: Correct.

President Mourdock: Okay.

Commissioner Jerrel: Then that makes sense.

President Mourdock: Yeah.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: I'll let United know then.

Commissioner Jerrel: I'd appreciate that because it was not clear.

John Stoll: The final item that I've got also pertains to Burkhardt Road. Last week there was discussion about the frontage road and road extensions to be built out there and the four consultants who primarily do work out there are Bernardin Lochmueller & Associates, Morley & Associates, Sitecon, Inc. and Andy Easley Engineering. So if you would like I can send them a letter notifying them of the meeting next week.

President Mourdock: Please do and just FYI to the members of this Board, I mentioned that meeting as well to the members of the Area Planning Commission at our monthly meeting. You might also send a copy of that same letter to those people again reminding them. I simply offered them the invitation to come here.

Commissioner Jerrel: That's a good idea.

Commissioner Tuley: (Inaudible, mike not on).

President Mourdock: Yeah, they seemed very interested particularly since we just voted and revoted on one issue out there it was very much on everyone's mind.

John Stoll: That's all I have.

President Mourdock: Any questions for John?

John Stoll: Thanks.

President Mourdock: Thanks, John.

### **County Garage**

President Mourdock: Do you have any comments, Lynn, on the County Garage report? Okay, for the record we've received the County Highway Progress Report for the week May 2nd through May 8th. There is the Highway Report, the Bridge Crew Report and then also a Highway Report...I'm sorry, a Mechanics Report which we had not previously received from the period from May 5th through May 9th. Is there a motion?

Commissioner Jerrel: Move we accept the report.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Since the County Attorney is still busy looking at bids I would ask Lynn do we have anything on your Superintendent of Buildings report and/or Burdette?

Lynn Ellis: I passed out the update. There is a letter being passed out now from Burdette Park. I asked Joyce to fax this to me this afternoon. They...you all took action last week regarding the hiring of additional part-time staff out at Burdette for the pool. As a result of some of these individuals still being in school, in college, there is many of them that cannot be there 40 hours a week or 38 hours a week or whatever. They're asking that we authorize the hiring of five more persons to help cover that. This is still not their full staff. I mean, they'll have 100 people out there, but it's during the season. They are gearing up toward that. Right now they don't have enough people out there to do the work and cover it with all the training and that kind of thing, so they are asking that the Commissioners authorize them to hire five more staff persons at this time.

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: I will also pass out their weekly report.

President Mourdock: Lynn, when are you getting these reports in from them? Are they just coming in--

Lynn Ellis: Actually, I believe that was delivered on Friday, but I wasn't in the office on Friday and I don't think that Tony realized that was their report for the agenda. That, in fact, was received on time and should have been in your packet over the weekend. County Highway, they were having trouble getting the report done with persons being out and that kind of thing, but they delivered that late this afternoon. The copies from County Highway. I went by there this morning at 7:30 or whatever to try to pick it up because it wasn't ready on Friday and then it wasn't ready this morning.

President Mourdock: As a discussion topic, then, and this is not just for Burdette, but also for conceivably the Auditorium, the Garage and I guess even Lynn's report that she submitted here. Is it any less practical to have these ready...if we had them put together on a schedule so that they were delivered to the office on Friday, so that we get a chance to look at them before these meetings?

Lynn Ellis: They're supposed to be.

President Mourdock: How can we enforce that?

Lynn Ellis: I apologize. Our report was ready. It just was forgotten to be printed out and put into your packets. Again, I wasn't here on Friday, so I didn't have a chance to go through the packet to make sure everything was there, but it was ready on Friday as was the Burdette. I will continue discussions with County Highway. Milton is on vacation and so they--

President Mourdock: Even with Burdette and just looking at this for 10 seconds here I see a lot of the things that we talked

about last week very briefly telling them--

Lynn Ellis: Of reducing, right.

President Mourdock: --that we don't need this kind of detail. If it takes less than five minutes it isn't worth noting on a report. I guess maybe you could if you would, Lynn, draft a letter that the Board can sign to each of these department heads so that they get the stuff in on Friday. I think all of us generally try to look at this stuff over the weekend. I know I am in here on Saturday morning and it would sure make life simpler rather than get these handouts at the last moment. I understand from their point of view that they probably get fewer questions by doing it this way, but that's not exactly the point either.

Lynn Ellis: Okay.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, are you still in business there? I guess you are.

Joe Harrison, Jr.: I'm okay.

President Mourdock: Are you ready to do your report?

Joe Harrison, Jr.: Yeah.

President Mourdock: Oh, okay. The County Attorney's report.

Joe Harrison, Jr.: Why don't I start out with the bids that were opened. The first of which are the bids received on the Welfare to Work Gatekeeper Management proposals. We received two bids or two responses to the RFP, I should say.

1. Private Industry Council of Southwestern Indiana  
or PIC
2. Phillip Lieberman & Associates of Evansville, Indiana

Again, those two particular bids will be submitted to the task force for their review.

President Mourdock: Okay.

Joe Harrison, Jr.: They both look to be pretty extensive. The second matter involving a bid that was received involves the title search work. There was only one bid that was submitted.

1. Evansville Titles Corporation of Evansville

The bid contemplates doing 75 searches, 75 parcels that will be searched, at the rate of \$250 per search for a total sum of \$18,750. Again, that was Evansville Titles Corporation. The last set of bids that were received relate to VC97-04-01.

President Mourdock: Excuse me, Joe, before you get to those I think it is appropriate that we take the previous ones under

advisement if there is a motion to do so.

Joe Harrison, Jr.: Okay, I'm sorry.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: That's as to both?

President Mourdock: Right.

Joe Harrison, Jr.: Okay. The last would be VC...what was I just saying? VC97-04-01 and I believe...I'm not too sure what this particular item is, but there were five bids received and they are from the following and in the following amounts:

1. Deig Brothers Lumber & Construction Company, Inc.  
of Evansville  
\$155,917.00
2. J.H. Rudolph & Company of Evansville  
\$170,614.00
3. Phoenix Construction Company of Evansville  
\$188,984.50
4. Concrete Pavers, Inc. of Evansville  
\$189,555.00
5. Crane Construction and Excavating Inc. of  
Evansville  
\$193,381.15

Again, that was for various road repair projects within Vanderburgh County.

Commissioner Jerrel: I move that we take these under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: I've got a couple of other matters to bring up. The first of which is a Correction of Warranty Deed from the county to several individuals. This particular...the original deed relating to this piece of property was prepared back in 1995 and had an error in the legal description. West was left out of the plat legal in the legal description and this was discovered by the Knight Township Assessor's Office. They asked that a Correction Warranty Deed be prepared. It would have to be executed by the President of the Commission. The purpose really is so that they can go ahead and access the property and try to collect some real estate taxes. There's nothing different except that we are adding a west that was accidentally omitted two years ago. I've got the Warranty Deed and a copy of the same.

Commissioner Jerrel: Is there action that's needed on this?

Joe Harrison, Jr.: I would just ask that someone make a motion to approve the execution of that Warranty Deed and that will take care of it.

President Mourdock: For the record this is a Warranty Deed that would convey and warrant from Vanderburgh County certain properties to Lois Jeanette Dillman of Vanderburgh County, Darol Lee Watson of Vanderburgh County, Gerald Wayne Watson of Warrick County, Layne Terry Watson of Montgomery County, state of Virginia, Charles Arthur Wegel of Tazwell County, Illinois. The property is in Section 12, Township 6 South 10 West.

Joe Harrison, Jr.: Again, this is somewhere out off Lynch out in the Green River Road area.

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The next thing I have is--

President Mourdock: Excuse me, is this an original, Joe?

Joe Harrison, Jr.: Yes, and then I've got a copy, but the original obviously will have to be executed. No, I just prepared it. The next item, Pat and Richard you may recall this same matter coming up a couple of years ago, a lease, sublease and management agreement and an application for the renewal of an alcoholic beverage permit came before this body back in 1994, late 1994, for Bosse Field in connection with the Otters Baseball Team. The School Corporation has a lease agreement with the County Commissioners, with the County, and then a sublease back to the Evansville Otters Baseball Team and a management agreement between the county and the Otters Baseball Team. The alcoholic beverage permit is in the name of the county so they can serve beer at the baseball games. That's basically, I think, the reasoning for all these documents is because there is an alcohol permit in the name of the county so that beer may be sold out there during the Otters' season. The lease runs only from, I believe, June 1st of 1997 and it would go until the season is over for the Otters and then it starts up the next year and goes from June 1st of 1998 and goes until the season is over for the Otters and then again June 1st of 1999 and it ends when the Otters' baseball season is over, the Frontier League playoffs or whatever they may have whenever that season would be completed. It does not extend through the duration of any particular year it just runs during that period of time. I have...today this information was provided to me. Carl Heldt represents the Otters' Baseball Team and provided me with the information today. It's already been...the lease agreement has been signed by the School Corporation in the last several weeks, I believe. I've got a copy of all the documents. I have a copy of the previous documents and these are exactly the same except for the name of the Baseball Team has changed since they have new ownership at this time. The previous owner,

I guess, sold the team last fall and now they have new ownership and it would be with Old Time Sports I, LLC, d/b/a the Evansville Otters hereinafter referred to as "the Otters". So, again, there is a lease agreement that has already been signed by the School Corporation that would have to be executed by the Commissioners. Next there would be a sublease between the Commissioners and the Evansville Otters or the Old Time Sports I, LLC, a management agreement relating to the same and the renewal of the alcoholic beverage permit. We can take them one at a time if you want.

President Mourdock: Questions?

Commissioner Jerrel: No, it's a renewal of exactly what was done last year and the year before?

Joe Harrison, Jr.: Correct, except for we have a different team and it's a renewal alcoholic beverage permit as opposed to the initial application.

President Mourdock: Joe, you said that was done in late '94 which may explain why I don't remember it.

Joe Harrison, Jr.: Yeah.

President Mourdock: I remember we did something.

Joe Harrison, Jr.: It was done December of '94, so you weren't here.

President Mourdock: I guess I have two questions. Number one, is there any other situation that you're aware of where the county has, basically, an alcohol permit?

Joe Harrison, Jr.: The Auditorium.

President Mourdock: Number two, how are we for liability coverage?

Joe Harrison, Jr.: We've got...the document provides that indemnity and all sorts of hold harmless clauses that protect the county. It's the same protection that we had before and I am satisfied by reviewing the documents that we are adequately protected. The baseball team is providing us with sufficient coverage.

President Mourdock: Are the alcohol permits something that are fairly long-term because, again, in the two years and four months that I've been on here I don't recall one of those coming up?

Joe Harrison, Jr.: I think it was a two year term and this one will probably be another two year if it is approved. This started in June of 1995, so I think it expires in June of '97.

President Mourdock: But you said even at the Auditorium we have the same type of alcohol permit. Is that something that as long as you keep using it you have it?

Joe Harrison, Jr.: I know in the past we've had that permit and I don't know...I don't know if you know, Pat, how often it has come before the Commissioners?

Commissioner Tuley: That one I don't remember for whatever reason maybe just by the nature of what it is it may be a longer permit.

President Mourdock: Anytime I hear that type of thing my anti-liability hackles go up and I just get a little concerned.

Joe Harrison, Jr.: No, I understand that.

President Mourdock: As long as you are telling us you feel the indemnification is where it needs to be.

Commissioner Jerrel: How...that just makes me think of something else. How if people have and serve alcohol say at Burdette which is one of our facilities they have to get their own license?

Commissioner Tuley: Yeah, we don't have a permit there.

President Mourdock: No, but in this case we are actually the licensee so the paper trail is--

Commissioner Tuley: Back to us!

President Mourdock: --while there may be a few blockades of indemnification it still guarantees we'll be in lawsuit. Probably.

Joe Harrison, Jr.: Yeah.

President Mourdock: I mean, I understand what you are saying. There's language there that you feel protects us.

Joe Harrison, Jr.: I do, but we obviously can always be sued.

President Mourdock: Are there any other examples other than those two? Again, it is just a new issue to me. I hadn't heard this one.

Joe Harrison, Jr.: Well, I don't know what the Coliseum has.

President Mourdock: They probably wouldn't, wouldn't they?

Commissioner Tuley: I don't know about that one.

Joe Harrison, Jr.: I mean, I don't even know if they have anything. I was just thinking of--

Lynn Ellis: They sell beer.

Joe Harrison, Jr.: Do they? I mean, I don't know. I've never...so they must have something. I don't know if the Old Courthouse...obviously, I've been to functions over there where they serve alcohol, so I don't know--

Commissioner Tuley: Whoever the host is probably on those.

President Mourdock: Yeah, probably not a situation where the county is seen in the licensing.

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: So what I would...yeah, the only caveat I have is that I would like to have the originals. We've got copies that have signatures on them, I believe, as well. At least with the lease and if I could keep those copies or at least get them back tomorrow so that I can provide those to counsel for the Otters so he can come pick them up and submit this, I guess, to the Alcoholic Beverage Commission as soon as possible. If you all would, just the lease agreement first.

Commissioner Jerrel: I'd move approval of the lease agreement.

Joe Harrison, Jr.: Again, this is between the School Corporation and the Commissioners and the county.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Next of all would be the sublease between the county and Old Time Sports I, LLC, the Evansville Otters.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The third is a management agreement between the county and Old Time Sports I, LLC, the Evansville Otters.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The final documents for approval would be the renewal of the alcoholic beverage permit that it would be in the name of the Vanderburgh County Commissioners doing business as Evansville Professional Baseball Club.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: I guess I have one more item. It had to do with Burdette Park. It is our understanding that the miniature golf facility will now be...is now surrendered back to the county. The assignee, the one who was assigned the lease, does not wish to operate the facility so it is now back in the

county's hands.

President Mourdock: Okay. Any other questions for Joe?

Joe Harrison, Jr.: I think that's it.

President Mourdock: I have a question or a comment just to bring to your attention. I received a couple of calls this week on an issue that I know has been cooking in the city, but there is at least one instance in the county where the question is being raised whether or not a telecommunications company has the right under, I guess, their charter with the state to forego the normal building permit process to put up some of their cellular towers.

Commissioner Tuley: Are you talking about the one out there on the west side?

President Mourdock: Out on Harmony Way, right.

Commissioner Tuley: I don't know how much you've been involved in this and I've been getting those same calls. I left the Solid Waste meeting to go talk to Roger Lehman. At one point the company putting those up seemed to indicate that we had no jurisdiction, but they moved away from that tone to maybe we can negotiate this out and work it out. Roger has put a \$2,500, I think, penalty on them for working without a permit and then he went back and put a second one of them for \$2,500 for failure to stop working after that and that's when they to his knowledge at this point in time they have quit working on it.

President Mourdock: I think those were \$2,500 per day.

Commissioner Tuley: Per...per day? Okay.

President Mourdock: Yeah.

Commissioner Tuley: So there is a jurisdictional question that all the attorneys and legal people are trying to get together and determine. I mean, if you're up on it, Joe, go ahead.

Joe Harrison, Jr.: Well, I don't want to say too much other than I'm aware of the discussion that you're referring to and I do know that counsel for Area Plan is looking into this. Certainly, I have received a call in the past from the Building Commissioner's Office and if there is a point when we need to get involved we will be involved, but I am aware and I've been kept apprised of what's going on.

President Mourdock: The calls that I received while...I don't know how to say this other than bluntly. The people who are calling saying, oh, technically they shouldn't be doing it as if they had gone through the process the neighbors would somehow be pleased and that isn't going to happen.

Commissioner Tuley: No.

President Mourdock: Obviously, they just are upset because they don't want to see these towers close to them. They fear what it

will do to their property values. Clearly what we need to make sure of is that the procedures are being followed if they are inappropriate based on the zoning or whatever, then that certainly is valid means. I guess next week if you would maybe be prepared to tell us what you've learned.

Joe Harrison, Jr.: Yeah, if there are procedures out there that the county...if there are procedures out there at the local level, then I would presume that the county is going to want those procedures followed and will direct me or if it's in the city direct the city attorneys to proceed to make sure those measures are followed. I do know that there is research and the law has changed a little bit in the last several years with respect to cellular phone towers. Hopefully, if it comes to a head we'll do what we have to do if it involves litigation.

President Mourdock: Okay, very good.

#### Consent items

President Mourdock: We're at the consent items. Two...one last minute entry into the consent items just so you both are aware of them. One was in regard to an employee at the Safe House and an issue there as far as how the contract was being administered. We met with the Teamsters and have that resolved. The second would be to withdraw from the consent items an individual from the Auditorium because we have a paperwork snafu, if you will. We'll need to resubmit that and make sure the account is established before we pay people out of the account. I believe those are the only two exceptions to the consent items.

Lynn Ellis: I would like to add one more, please. The request from Family Resources for Burdette passes. I would like to ask that be removed as well.

President Mourdock: Be removed?

Lynn Ellis: Uh-huh.

President Mourdock: Okay.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: With the noted changes, I'll second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: Scheduled meetings. Joe, is it tomorrow that you're meeting with the people with the Barrett Law issues?

Joe Harrison, Jr.: Yes.

President Mourdock: One of those meetings, the one with the individual landowners, people from the area, will be at 1:00, correct?

Joe Harrison, Jr.: That's right.

President Mourdock: Okay, I'm going to attempt to be at that.

Commissioner Jerrel: Good.

Joe Harrison, Jr.: Okay, good.

President Mourdock: That's at your office?

Joe Harrison, Jr.: Yes.

President Mourdock: Any other meetings or comments regarding our calendar?

**Old business**

President Mourdock: Any old business to come before the Commission this evening?

Lynn Ellis: The comments on the personnel manual. Where are we on that?

Commissioner Jerrel: Well, June 2nd is going to be here in two weeks.

Lynn Ellis: Right.

President Mourdock: Sounds like...go ahead.

Commissioner Jerrel: Well, I was just going to suggest, I've looked at, you know, the general discussion that we had and the items that most people had concerns about and I have looked carefully at the Auditor's recommendations and I thought maybe Lynn and I could get together and go over all of those and circulate them so you guys...everybody could put down yeah or nay, so that we could come up with something that we could have ready to distribute on the 2nd.

Commissioner Tuley: On the 2nd? That's a good idea.

President Mourdock: Okay.

Commissioner Jerrel: We'll do that during this week.

President Mourdock: Okay.

Commissioner Jerrel: I'm reading all the claims just because I like to read this sort of thing.

Commissioner Tuley: Because you like numbers.

President Mourdock: Any other old business? That was a good point, Lynn. The resounding sounds when you asked the question usually means it's a good question, so I'm glad you did. Any other old business?

**New business**

President Mourdock: Any new business this evening?

Commissioner Tuley: The letter that I received from Mr. Goodman has been forwarded to Joe to review and he is going to review with some of their legal people over there which is along a personnel matter.

President Mourdock: Okay.

Commissioner Jerrel: The Auditor needs to get in that loop, too.

Commissioner Tuley: Right.

President Mourdock: Okay, that will be circulated then. Any other items of new business? Hearing none, I will ask for a motion of adjournment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: That's the one thing that everyone rushes to do.

Commissioner Tuley: No hesitation on that one!

President Mourdock: So ordered.

The meeting was adjourned at 6:30 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Lynn Ellis  
Suzanne M. Crouch  
Teri Lukeman  
Joe Harrison, Jr.  
John Stoll  
Phyllis Donahue  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
May 19, 1997**

The Vanderburgh County Board of Commissioners met in session this 19th day of May in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Richard Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting to order for May 19, 1997 of the Vanderburgh County Commissioners. There are agendas over on the table if you would like to see what we're up to this evening. We have a very full agenda. If you're going to be speaking to the Commissioners we would ask you to come to the microphone. Since we do all of our notes verbatim, please state your name and address for us. Because we do have quite a few items this evening we would ask if you could to keep your comments fairly brief. For those of you here for the Burkhardt Road corridor hearing, obviously, your point of view is very important to us and I would ask you not to make lengthy speeches, but please make sure you make your point known to us because we do want to take a lot into consideration there. If you would...well, let me make introductions first. At my far right is Lynn Ellis, who is our Superintendent of County Buildings; then we have Joe Harrison, Jr., who is the County Attorney; to my immediate right, Pat Tuley, County Commissioner; to my immediate left Commissioner Bettye Lou Jerrel; shortly to her left will be Bill Fluty, who is the Chief Deputy Auditor; and Ms. Charlene Timmons, who is our Recording Secretary. If you would, please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: First, Commissioners, in your packet you have the minutes from our meeting on May 12, 1997.

Commissioner Jerrel: I would like to move approval of those minutes.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: By way of information, the County Commission met in Executive Session today from 4:40 p.m. until 5:30 and at that meeting there were two basic subjects, county personnel matters and the initiation litigation or pending or threatened litigation against Vanderburgh County. We have those minutes and we will be signing those to certify.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: First on our list of action items then, we have Mike Shoulders with an auditorium update.

Mike Shoulders: I'll be brief tonight. I have three items. First I am going to let Rick Reising give an update on the environmental issues at the building over there. Rick.

Rick Reising: Thank you, Mike. I'll be very brief here. We did a Phase I on the auditorium complex for the renovation/demolition and cited approximately six areas of concern. Five of those were historical land uses from the subject property itself and the other one was the asbestos problem in the facility. Since we have addressed you last time we've conducted a Phase II limited subsurface investigation on the property. We put in 12 borings and two ground water monitoring wells. The excellent news is that we do not have any significant contamination with the project whatsoever. The good part of the asbestos analysis is after 47 bulk samples were out there that the main auditorium, the large area in the auditorium, does not have asbestos in the ceiling. I believe the architect is going to remove it anyway, but it won't have to be handled as asbestos containing materials. We came back and said we were trying to eliminate some more of the asbestos containing material based upon the cost of asbestos abatement by doing a point count. The Commission recently authorized us to collect eight additional samples and the results of those samples were that we still have asbestos containing material in the ceiling plaster in the three lobbies and in the basement and in the toilet in the basement and roof flashing. The roof is negative. I've met with John Stoll and talked about additional services that may be required as far as developing technical specifications for the asbestos work and UST's and things of that nature and have been advised just recently that this needs to be brought to the attention of the Building Authority also. So within probably the next opportunity that you meet I'll present a proposal for the specification work and not the remediation work.

President Mourdock: Okay. Any questions for Mr. Reising?

Commissioner Tuley: Good news.

President Mourdock: One quick one, Rick. You said that there is no significant contamination and I guess your comments about doing the point counts notwithstanding, does significant aside...I mean, is that comment aside from asbestos?

Rick Reising: Yes, that was a comment based upon the ground water and the soil samples over there. We had a couple of traces, but nothing over a standard or over a--

President Mourdock: Okay, based on what you have there is no remediation required?

Rick Reising: That's correct.

President Mourdock: Great.

Rick Reising: The underground storage tank that we drilled adjacent to those were clean and non-detectable so we expect that tank to not be a contamination problem either.

President Mourdock: Very good. Bettye Lou, did you start to ask a question?

Commissioner Jerrel: No, no.

President Mourdock: Okay. Thanks, Rick.

Rick Reising: Thank you.

Mike Shoulders: I have two other items. We will, just to let you know, in our cost containment, cost prediction area on the project we will be starting...next week we will be starting our third cost estimate cost update out of four. So we will start one next and then the last one is at really about 95% of the engineering drawings when we'll do the fourth one. We'll start that, I say, within a week to two weeks we will have another cost check and a cost estimate to submit to you. The third item, we have met with Jerry Schmits who is one of the county's project coordinators and we've talked about how we are going to determine the bidding of the contracts, the prime contracts on the project. Whether we would have single prime contract or multiple prime contracts. We don't have a report for you tonight, but we are studying that and the objective is to get the best competitive bid climate that we can generate. We will be looking at pros and cons of going with a single prime contract as, I believe...well, no. I was trying to think of a project that was done on recently, but I can't. We'll be looking at whether it's a single prime or multiply primes. Multiple primes could be anywhere from five contracts up to 20 or any number in between there. We will be continuing to monitor that and have a report for you on that probably also in a couple of weeks. Any questions?

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

Commissioner Tuley: No.

Mike Shoulders: Thank you.

Commissioner Tuley: Thanks, Mike.

President Mourdock: Thanks, Mike. Mike, I apologize for not getting back to you. I know you called my office today and I was tied up. Okay, thank you.

**Lynn Ellis - Burdette Park miniature golf course**

President Mourdock: Next on our agenda we have Lynn Ellis with a couple items on Burdette Park.

Lynn Ellis: Last week the Commissioners discussed the miniature golf course and no action was formally taken on that and I was concerned that the Commissioners needed to take action so that the staff out at Burdette could actually assume the responsibility of running the miniature golf. There will be some expenses incurred to refurbish and paint and that kind of thing and prepare the structure for use this summer as well as

the purchase of some equipment. The request is just for you to take formal action on that.

President Mourdock: Okay, just by way of summary, Joe, correct me if I am wrong, but there was a vendor who was operating that facility under contract with them. If they went into default it basically reverted back to us and notice was served to them and they acknowledge that they were in default, so, in fact, we have the legal right if not obligation to take the facility back. Is that accurate?

Joe Harrison, Jr.: Yes, that is correct although I have received correspondence from the lessee recently indicating that they're still interested in operating the facility. However, they don't have that right, so I think it would be appropriate for the Commissioners to take action if you so chose to operate the facility this year if that's what you want to do.

Commissioner Jerrel: Has there been a cost estimate of equipment and repair?

Lynn Ellis: No, ma'am. They were trying to determine exactly how much equipment was left. The building was under lock and key from the previous owners. They were instructed Friday to remove the lock from the building and put our own lock on it. So they were going to do that and see which equipment was left and which equipment had been taken away. It was thought that the golf clubs and balls and things like that should have been left and that would belong to the county because they were in arrears and had defaulted on their payment, but that has not been assessed at this time. I don't know how much equipment is out there, but they will be doing that assessment.

Commissioner Jerrel: So the motion would be that we approve Burdette Park taking over the operation and I am going to add to that, but a cost estimate needs to be presented to us before the purchases are made.

Lynn Ellis: Okay.

President Mourdock: That was a motion?

Commissioner Jerrel: That was a motion.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**Lynn Ellis - Burdette Park rules for passes**

President Mourdock: Next we have Lynn on Burdette on some rules for passes which has information outlined in the packets. I think the information is pretty well self explanatory. It's basically simply putting in writing what we've handled in the past sort of as folks have come to us from non-profit groups or others who wanted special passes to Burdette. I had asked Lynn to formalize something so that when the calls came they could be made by the Superintendent of County Buildings rather than come to the Commission.

Commissioner Jerrel: I'd move approval of the rules for free passes for Lynn Ellis to manage at Burdette Park.

Commissioner Tuley: Second.

President Mourdock: So ordered with the operative words "For Lynn Ellis to manage"!

Lynn Ellis: Yes.

#### **County Auditor - Award bid for Title Search Services**

President Mourdock: Next, County Auditor, and maybe Bill would like to address this to put you on the spot. We have in our packet award for Title Search Services. I don't know if you have anything to add to that.

Bill Fluty: We've reviewed the bid and are in agreement with these terms and would like to proceed.

Commissioner Jerrel: I would move approval for awarding the Title Search Services bid to Evansville Title Corporation. They've agreed to do 75 parcels for \$250 per parcel.

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### **Resource Agency for the Deaf & Hard of Hearing - Agreement for services**

President Mourdock: We have in our packets a contract with the Resource Agency for the Deaf & Hard of Hearing so that we can have signing performed when needed for different county agencies. The packet was in last week, you'll recall, but there was some information that was inaccurate with it as far as the dates that were added to that. Other than the dates I think it's the same contract.

Lynn Ellis: (Inaudible, mike not turned on).

President Mourdock: Okay, thank you.

Commissioner Jerrel: Based upon the corrected language, I would move approval of the acceptance of this contract. I'm trying to find the name. Thank you. Resource Agency for the Deaf & Hard of Hearing.

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### **EUTS - FY 1998 Transportation Enhancement Activity Application**

President Mourdock: Item H is for EUTS '98 Transportation Enhancement Activity Application. I saw Ms. Zigenfus come in the room a moment ago. It is in the packet. If anyone has any questions Rose can, I'm sure, address those.

Commissioner Jerrel: No, does this require an approval motion?

President Mourdock: Yes, it does.

Commissioner Jerrel: Okay, then I would move approval of FY 1998 Transportation Enhancement Activity Application.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered. Just for the record, let me read one part of the paragraph:

"Enclosed please find 10 executed copies of the TEA application for Evansville Pigeon Creek Greenway Passage Phase III. This application initiated by the city proposes the construction of a bicycle/pedestrian trail linking Angel Mounds Historic Site to Phases I and II of the Greenway Passage currently under construction. The EUTS Technical and Policy Committee has reviewed and approved the application at their April 27, 1997 meeting."

Commissioner Jerrel: I spoke with Leslie today about that application and is that the one for \$5 million? There would be \$1.2 million split, but that's good leverage if we can get \$5 million for an investment of \$62,500, so I did follow through on that.

President Mourdock: Okay.

Commissioner Jerrel: Did you so order?

President Mourdock: I thought I did.

Commissioner Jerrel: Okay.

### **Burkhardt Road corridor hearing**

President Mourdock: The next item on our agenda is the formal Burkhardt Road corridor hearing. I know we have several developers here this evening who would, I think, like to enter a comment or two into the record. I see Barbara Cunningham rushing to the microphone.

Commissioner Jerrel: Barbara, that would be nice if that--

Barbara Cunningham: Where do you want this?

Commissioner Jerrel: Maybe we could just put it right there at the door.

Barbara Cunningham: (Inaudible comments not made from microphone). To start out--

President Mourdock: At the microphone.

Barbara Cunningham: If some of you...Pat, I guess, is the only one that does remember 1994 and a lot of the people in the audience remember this. We had another--

President Mourdock: Excuse me, Barbara. Our sound system isn't what it needs to be, so you'll need to stay at the microphone.

Barbara Cunningham: Okay, in 19...oh, I have packets for the Commissioners that I want you to have.

President Mourdock: I can see we'll get good coverage tomorrow because the press has been taken care of! Okay, starting off, Barbara Cunningham.

Barbara Cunningham: Okay, the map here is a remanent from 1994 when the County Commissioners had another public hearing on the Burkhardt Road area and they at that time discussed what plans that they wanted to have for the corridor. Although our focus tonight is on transportation planning and access management for the Burkhardt Road corridor, these issues are heavily interrelated with land use planning. Land use and transportation decisions should be consistent with the Comprehensive Plan and relevant county policies and that is why we are tonight, relevant county policies. We all know the Burkhardt Road corridor is one if not the fastest growing corridor in the county. For ten years or more the county's Comprehensive Plan has projected commercial development for the southern portion of the Burkhardt Road corridor and a mixture of industrial, commercial and residential along the northern portion of the corridor. Prior to that time the plan recommended some industrial use and that's what you'll see here. This is the old plan. At that time where you are Mr. Woodward we recommended industrial use and I think it is even zoned industrial. That has changed now. At one time we were looking for an industrial big company to come in and use that, but that has changed too. Prior to that time the plan recommended some industrial use in the corridor with agricultural use for the remainder of the area. For more than 20 years the Comprehensive Plan has contained policies for supporting frontage roads and consolidation of commercial and industrial driveways and for limiting the number of curb cuts to avoid the creation of additional vehicle conflict points. The Burkhardt Road widening and Lynch Road extension projects have also been included in the Comprehensive Plan for 20 years. In July of 1994 a public discussion of the specific land use, transportation and utility plans for the Burkhardt Road corridor and the land east of I-164, north of Morgan and south of Lloyd Expressway was held at the County Commissioners meeting. The packets that the Commission members have been given tonight include a copy of the minutes from that meeting. Other information that has been provided to the Commissioners in their packet include copies of pertinent pages of the 1996-2015 Comprehensive Plan adopted in September of '96; the 1991 Comprehensive Plan; the growth management report for I-164, 1990; Division Street, 1987 which identified important links in a planned road network for this growing east side area. EUTS also completed the Burkhardt Road corridor study. I believe it was in 1991, wasn't it, Rose? As you can see, there has been a lot of planning done for this area and tonight is just one more step in the planning process. In my remarks to the County Commission at the 1994 meeting concerning the east side growth area I stated that before more rezonings occur the roads and other infrastructure needed to serve this area must be planned for and constructed to provide

good site access and avoid further traffic congestion. That statement still stands true today. Considering the fast rate of growth in this area and that the county is now improving Burkhardt Road in the multi-million dollar widening project, it is even more critical that this necessary infrastructure be planned for and constructed along with frontage roads and access via side streets as an alternative to driveways on Burkhardt Road. The maps, if I can explain just a little bit what the maps are. This is 1994 revisited. Rose and John probably will explain this one--

President Mourdock: Barb, if you would carry the mike with you.

Barbara Cunningham: It's easier to probably just stand here. The one against the podium is the proposed transportation plan and I think Rose has passed out some copies of that to those in the audience, so you have a copy of that. The one almost up against the door is the land use map just for that corridor. That isn't the whole...it doesn't go all the way north, south, east and west. I mean, it's all residential south; it's all commercial west of it; east of it there is still a lot undeveloped. East of Burkhardt Road there is still a lot of undeveloped area. The map that is in front of Mr. Harrison is the map from the Comprehensive Plan which is the future land use map of the year 2015. With land use out of the way and Rose is getting that so she can kind of explain that, I'll turn this over to Rose and John to talk about the planned roadway system along the Burkhardt corridor.

Rose Zigenfus: Do I have to stand at the podium?

President Mourdock: No, but if you would just grab the microphone and take it to you, Rose. That would be the easiest way. I think you've got enough cable to make it there. It doesn't shock people too often there, but there is a little short in there!

Rose Zigenfus: Maybe after what I say, yeah.

Commissioner Tuley: He has a buzzer that controls that shock!

Rose Zigenfus: There's just seven short things that I want to talk to you about along the Burkhardt Road area. First let me orient you just a little bit. This is the proposed Lynch Road area and the interchange. Burkhardt Road. In this direct Old Boonville Highway...I'm sorry, Morgan Avenue and the interchange I-164, Lloyd and come on back up to Burkhardt Road, so you have your bearings there. The seven things I want to talk about the first one is the major intersections along the corridor which we propose at some point in time will be signalized and will begin at Oak Grove Road because we think that's going to be a major east/west corridor intersecting with Burkhardt Road. Vogel Road already is heavily traveled between Green River and Burkhardt and we see that future extension as a necessity in this area to tie in with the Cross Pointe Boulevard extension that goes down to the Lloyd Expressway. Columbia Street we think needs to be extended from the east...or the west side of the highway to the east side and over into the Cross Pointe Boulevard intersection. The other signalized intersection would be Virginia Street. You

know where that also ties in with Cross Pointe Boulevard. So we see Cross Pointe Boulevard as a major thoroughfare north and south between Morgan Avenue and Lloyd Expressway and then there's Virginia, Columbia, Vogel and Oak Grove. Those will all be signalized intersections. The other signalized intersection that I haven't mentioned yet is the one to the Kmart/Wal-mart entrance. While that is not a major street, it is a major traffic generator. The intersections that are minor intersections beginning at the north would be Maxwell Avenue and then the intersection that would tie into the Waterford Park Subdivision. Can you see that on the map? It's shown right there. We would hope that would extended all the way to Cross Pointe Boulevard. Frontage Roads is the third item. Frontage roads are critical in this area and we think that we have a network beginning on the east side with Bob Woodward's development and tying that in straight down into Virginia Street. We think that will work very nicely. All of that land is, as I understand it, is owned by one property owner and as the developments occur we would expect that would be developed and meet with the policy statements. On the east side starting at Oak Grove we're looking for a frontage road to tie in and you can see that sets about 300 feet back from Burkhardt Road. It ties into Vogel and then continues on down Waterford Park Subdivision, ties into Columbia very nicely. At that point there's a break in the frontage road. There is some current development there. The cancer center...the oncology center is there, so we wouldn't have a direct tie-in, but several properties down you can see where the frontage road picks back up and ties into Virginia Street and then continues on down to the Kmart area. The median treatment for Burkhardt Road we feel should be one that prohibits left turns everywhere. We are not looking for a flush median, but some type of raised median just to allow access into these major signalized intersections. That would prohibit a lot of cross traffic and a lot of potential conflicts for accidents. We think that if Burkhardt Road does have a raised median you're able to control and channelize the traffic and still with the frontage road concept provide access throughout the area. Access points then to the minor areas that we're showing here, the Evansville Star Minor or the Nalley property that is up for rezoning in a couple of weeks, would be able to have then right turn in and right turn out so that they would be allowed access on Burkhardt Road, but no left turns in because there would not be the median crossovers into those areas just street access, major street access. Developer participation is critical to getting this network complete. We've been successful in the past in having developers participate in the costs and in building these internal road networks, so we look for that to continue in the future and any additional network that's not shown in this large area would happen as development occurs and we would try to keep the developer's needs in mind and still meet the transportation needs. I'll be happy to answer any questions if I can.

President Mourdock: Questions for Rose?

Commissioner Jerrel: Maybe the developers have questions.

President Mourdock: Developers, you will get your shot here in just a minute. Let us kind of work through the technical

presentation.

John Stoll: In conjunction with all these road developments we've got some of this under way already. Like Rose said, some of the access roads like up at Gateway Drive in the Woodward development are in and things like that, but the single biggest project naturally is the Burkhardt Road project. That is currently proposed to be a three phase project. The current phase is out for bid...I mean, has been awarded is from just south of Lloyd to just north of Virginia Street. The second phase would be from just north of Virginia Street to a point north of Oak Grove Road and then the final phase would be the intersection of Morgan and Burkhardt. The first phase, as you may know, has had numerous delays primarily because of right-of-way problems. The project was put out for bid last fall without having all right-of-way parcels secured in anticipation of trying to accommodate the accelerated schedules of the development at the northeast corner of Burkhardt and Lloyd. The Lloyd Crossing Development. Since that time we've had numerous problems in acquiring the right-of-way which has prevented us from being able to really progress the Burkhardt project as we had originally planned. The two parcels that have been the biggest problem one of those should be resolved this evening as far as the agreements that have been worked out between the county attorney and the developer's attorney, but that still leaves the parcel at the southeast corner of Burkhardt and Lloyd as being a major--

Commissioner Jerrel: Would you want to point that...could you point or let Rose so they can see?

Barbara Cunningham: The southeast corner.

John Stoll: The southeast corner of Burkhardt and Lloyd is still the problem because of the pending lawsuit that is out there in conjunction with the rezoning that has been denied by the city. We need this parcel in order to be able to put the box culvert in, divert the water from the ditch to the box culvert and then fill the ditch. Until we get on that piece of property we can't progress our job. Hopefully, this lawsuit issue will be resolved soon which would in turn help get the rest of our project moving ahead. The other piece that the county attorney has worked on the final agreements on ran from roughly Virginia Street up here to Oak Grove Road, so it was part of what we needed for Phase I and part of what we needed for Phase II which in turn Phase II should be a little easier in regard to the right-of-way issues. We'll have a good piece of it right from the start. Phase II the design is currently progressing with a field check slated for next month and plans are to be ready for bid by August, so hopefully this fall we'll be able to move ahead with that project and then Phase III the design is also underway on that. That runs from roughly about Maxwell up through the Morgan intersection. That will be a federal aid project so because of all of the INDOT review times that will take quite a bit longer, so we are hoping that it can be bid out early next year. In order to prevent some of the problems that we've had on the first phase we definitely need to have all the right-of-way secured before we go out for bid on these projects. Another pending project out here has been this Cross Pointe tie-in to Morgan Avenue. This involves the creation of a new at

grade railroad crossing which the state has approved the railroad petition on that. Right now the state and the consultant are working on agreements to basically make sure the signal heads don't obstruct the railroad flashers and vice versa and once that has been resolved then that project is basically completed as far as design and then the only issue that would remain would be the funding. Some of these other frontage roads that Rose was talking about like this one between Columbia and Vogel on the west side of the road, a developer is currently planning on putting that segment in which will be a benefit because that would line up with Tutor Lane which already exists and we'll have a good start for a frontage road out there. There are also some developers currently working on some of these shared access points down on the west side of Burkhardt down south of Columbia Street. That's the most difficult one to work with because the pieces of land are just too small. It could potentially result in numerous driveways, but we feel that with shared driveways we can end up with a better overall plan out there. The other major project would be to connect Cross Pointe between Virginia and Oak Grove which there is currently no plans available on that. There's no funding; there's no design. It's just in the very preliminary planning stages. Hopefully, with increased development out here and developer's cooperation we can get that in as well. That basically...well, there is one other project. Virginia Street. That one has been held up because of the same issues that have held up the Burkhardt Road project, the right-of-way problem. The storm sewers that drain Virginia Street have not been able to be installed because we don't have anywhere to outlet the storm sewer, but with the same right-of-way parcel that should be finalized this evening that should help bring this to a close and get the contractor back out there on Virginia Street. Hopefully, Virginia Street can at least be completed this summer. That's about it on the status of the ongoing projects.

Commissioner Jerrel: I have a question about the timetable on Phase I. If the lawsuit is settled and we know who we are dealing with to get the right-of-way on the southeast corner--

John Stoll: Yes.

Commissioner Jerrel: --so that we can, maybe for the benefit...to line up Burkhardt Road so that it's the same width on the south side as it is on the north side.

John Stoll: Right. Our project adds lanes on the east side of the current pavement, so in order to make it line up properly that's why we have to build a small portion of our project within city limits. The tapers and some double left turn lanes there on the south leg of that intersection will be built by the county even though it is in the city for the sole purpose of lining things up properly because we don't have enough money to build this project much less build within the city limits hardly.

Commissioner Jerrel: What's the best case scenario on time? If in a reasonable few weeks or a month or whatever we know where this property is and who the owner is going to be or what the owner can do with the property, how long would it take Phase I

to be completed?

John Stoll: I've not got a specific time frame from the contractor as of yet. They basically pulled off the job because they couldn't progress any more than what they've got done. What they got done was basically building a temporary driveway for the developer's entrance and they've got the box culvert installed from about the north right-of-way line of the Lloyd Expressway up here to about the south right-of-way line of Virginia Street. Since they've pulled off the job I haven't spoken with them in regard to any time frames simply because they really don't know until everything is finalized whether or not they'll be able to get any significant portions done for the remainder of this year or whether or not we're looking at completion early next year.

Commissioner Jerrel: It's kind of a hurry up and wait arrangement.

John Stoll: It has been. We were going on a fast schedule last fall to try and expedite the job and we knew that we didn't have the right-of-way and we never dreamed that the right-of-way would result in all the problems that have come about between the numerous agreements associated with the parcels of right-of-way to the lawsuit and things like that. That's really put things in a bind as far as getting anything completed out there.

Commissioner Jerrel: These little lines on the property on the west side of the street are...those are were you would propose shared curb cuts or shared...like this?

John Stoll: Right. Those are proposed to be shared driveways at this location right down here. The reason those were proposed to be shared driveways was because the parcels are so narrow and we wanted to try and eliminate as many curb cuts as possible so basically we could about cut the number of driveways in half by going with this shared driveway concept and by granting the shared driveway we felt that we could get some cooperation from the developers to build the frontage road, the access road, out behind their parcel of property.

President Mourdock: Did I hear Rose say that those driveways are limited? They're right turn out and left...right turn in and right turn out only?

John Stoll: Right. If the median is installed, a raised median.

Barbara Cunningham: If you adopt the raised median concept.

President Mourdock: Which is what EUTS is recommending.

John Stoll: We currently have a raised median planned right now on the Phase I of the Burkhardt project that stops at about the north property line of Kmart. It probably would have been extended further than that, but once you get north of that point there are still some residential properties. In order to try not to eliminate access to the residential properties the median

was not extended beyond the north property line of Kmart on the original plans.

Commissioner Tuley: John, is there any problems there on that southwest corner of Lloyd and Burkhardt as well?

John Stoll: Yes, there is problems there as well. The property was sold recently so the whole offer process had to start over once again. We thought we were going to be condemning it with another owner back when the offer was made several months ago. They reviewed it and then they sold the property. The sale of the Williamsburg Apartments was finalized on April 30th so a new offer is being presented to the new owners at this time. So that was another delay that we saw. That one was not as critical as the other ones out there on the southeast corner of Burkhardt and Lloyd and the right-of-way north of Virginia simply because we don't have to have the Williamsburg parcel in order to fill the ditch.

President Mourdock: Does the plan ever call for an overpass at Burkhardt and Lloyd?

Rose Zigenfus: That's a state issue. We've already (inaudible, comments not made from mike).

President Mourdock: Okay.

Commissioner Jerrel: Did you mention the mitigating CMAQ funds? You know, when could that be done?

President Mourdock: John, if you would...whoever is going to speak use the mike.

John Stoll: The Morgan and Burkhardt intersection?

Commissioner Jerrel: Yeah.

John Stoll: Yeah, that's being designed right now. That should be put out for bid next year. The review times are what slow that down versus the Phase II which would go from Virginia to Oak Grove. We just were subject to all the federal aid design review times and things like that so that slows it down quite a bit, but it will be out for bid next year.

President Mourdock: Why is there, and the road is unnamed, but basically you have the frontage road from Waterford Park to Virginia and then over another...what would that be? Probably 800 feet or 1000 feet you have a second road. Why is that road there? We've got this frontage road and then we've added another one here.

Rose Zigenfus: This is just a conceptual plan. This is what we would like to see out there.

President Mourdock: So you would continue conceptually a series of those--

Rose Zigenfus: Depending on what the developer needs were and how we could work it in.

President Mourdock: Okay, okay. Any questions for our technical team from those of you in the engineering business or traffic management business or developing business? Yeah, you need to come to the microphone.

Commissioner Jerrel: Maybe Joe might want to take the mike and point to something.

Joe Ream: My name is Joe Ream and I'm the developer for East Park in between Vogel and Columbia and 460 feet north of Columbia. I'll make it quick. I've got two things to say and one is action speak louder than words. We're going to turn this in tomorrow to build a frontage road in between Vogel Road and Columbia.

Commissioner Jerrel: That would be this one?

Joe Ream: Uh-huh. My question for the staff is on this part between...I'm going to kill myself...in between Columbia and Vogel if you could see fit to kind of push this in the middle we could bring this up into the middle and line them up.

Rose Zigenfus: We would like them to line up.

Joe Ream: Okay, well we'll make a commitment right now that we'll center this in between Vogel and Columbia.

President Mourdock: That almost sounded like a commercial, Joe! Okay.

Commissioner Jerrel: Sounds good.

President Mourdock: The plan works, what can we say? Okay, very good.

Commissioner Jerrel: We've got another spokesman.

President Mourdock: Yeah, please.

Ken Newcomb: My name is Ken Newcomb. I'm representing Johnson Oil Company on a parcel that is on the northwest corner of Virginia and Burkhardt Road. The plan...I submitted and broke this down into writing that you can keep here and our plan basically goes along with exactly what you're proposing.

President Mourdock: Would you state the location again? I'm sorry I was writing.

Ken Newcomb: This is the northwest corner of Burkhardt and Virginia. It's the Nalley property that Rose said is up for a site review or subdivision review. It is currently zoned.

Commissioner Jerrel: That's Burkhardt where the cars are up at the top.

Ken Newcomb: Now, in the case like Mr. Ream that was just up here on the parcels to the north of that, that's a very good plan, but we have one property owner there to contend with. On the parcels where we are looking at here on Virginia and

Burkhardt, there is four different property owners there with Johnson Oil currently under control of the corner property. Now our proposal is basically to do what, I think, everybody has recommended here, but it's hard to get everybody else to agree to this. I mean, when you've got three and four different property owners out there that say that they would like to have a different plan or the frontage road is not far enough back or it's not close enough up front and I would just like you to keep that into consideration here especially when we're going for our site review here in the next week or so. We have proposed to do exactly what is planned here and put in the frontage road along Virginia Street and use our combined entrance on Burkhardt to allow the adjoining property owners access and keep that as a right turn in and right turn out. I think it would only be enforceable that way if the Commissioners when these other adjoining property owners come in is to allow them or commit to them to do the same thing because when you have four or five different property owners in theory this plan is great, but not everybody always agrees on it. Anyway, that's all I have to say at this point.

President Mourdock: Questions for Mr. Newcomb? I'll just add a response that that's one of the purposes that we're having this tonight is so that the three of us can see the plans and the interest and certainly the direction from the staff as well. As long as there are even numbered years on the calendar I suspect you're always going to run the risk of seeing changes in attitude as to how these things should be developed, but that's what we're trying to be is consistent. Just one question, and after your presentation this may seem very late, but on this this is Burkhardt, north is up on this sheet. Is that right?

Ken Newcomb: That's correct.

President Mourdock: Is this just a little artist's liberty showing the bulge coming out this way?

Ken Newcomb: That eliminates...well, I'll let Jeff Marshall answer that. He's the engineer and the architect that designed that.

President Mourdock: See what I am saying?

Jeff Marshall: My name is Jeff Marshall. We're the architectural firm of Joiner & Marshall representing Johnson Oil Company out of Columbus, Indiana. We sort of pressed this issue when we made the application because we knew we had an offer on a piece of property and we had to pursue with either going with this parcel of land or not going with it, so we've sort of pressed the issue with respect to the development of this parcel. In our discussions with the planning department we did find that there was a great issue with Burkhardt. Our proposal was and our discussions were that it would be best if we had frontage roads. These really don't act totally like frontage roads in the classical sense. They're not a strip road that runs along with the property, but they're an interior road that helps access up and down these parcels and I think it's probably a better plan or a better approach to a plan than even a frontage road would be. Our proposal and the artist's liberty

was just to show a right turn onto Virginia to see if we could get the county to spend some more money, but it was really at my liberty that I did that. We didn't have a lot of documentation relative to the development plans at that point in time and what that was was a concept plan to show how a development plan such as this could work with access both off of Virginia and off of Burkhardt right turn in and right turn out and still allow development along these parcels. Though it does force some access points up north of these properties, I think that the approach in concept is a very good concept. If there are difficulties with development plans in the future I think some things can be bent as long as we understand that the primary focus for these are the accesses on and off of Burkhardt.

President Mourdock: Okay. Let me ask you a question, if I may?

Jeff Marshall: Sure.

President Mourdock: As a developer, realizing you're with one specific type of business, but the frontage road that we're showing here on the east side of Burkhardt, does the width between Burkhardt and that proposed frontage road afford you any particular advantages or disadvantages as a developer?

Jeff Marshall: Basically what happens is that 300 foot if you take that 300 or 320 feet or something like that and square it off you end up with a box that approximates an acre. So, it's basically a city block deep by going about 300 or 320 feet, so development-wise for the type of development we do it's great. If you're going to do a large commercial center or something like that that would be totally something different, but small developments when you are talking about office buildings, small office complexes and so on and so forth it's probably a pretty decent depth especially for commercial frontages along Burkhardt.

President Mourdock: So as you've designed your site that you gave to us, you don't see that it's necessary, and this is going to sound like a trick question and I don't mean it to be that, but your also going west 300 feet before you go north into the property. You didn't see it as a requirement that your entry road be only 150 feet off of Burkhardt or anything like that? That wasn't going to significantly impact your business?

Jeff Marshall: This is an oil company.

President Mourdock: Right.

Jeff Marshall: Of course we would like our access right on the corner and have nothing but asphalt from one property corner to the other. In actuality though, as long as we have our accesses on Burkhardt and then an access off of Virginia we can control what happens on that site and get a decent approach to both the people that are going to be utilizing these types of locations. Probably one of the hardest properties to develop is a gas site. We have to get tanker trucks on and off the site and we also have to get, you know, our commuter traffic on and off the site. When you wake up in the morning you are not saying I'm going to go to the Bigfoot to get gas this morning. I'm going to Kmart

or something like that and you pass these locations and that's where you stop, so even though it isn't on the corner this is a very good design approach as long as we can have the accesses on both frontage roads.

President Mourdock: Okay. Other comments by the engineering groups here or developing groups? Pat, any comments?

Commissioner Tuley: No, I just think it's important...turn this on. It's important that we have this continuing dialogue. I don't think anybody would question what's going on out there now in terms of the problems we're encountering right now. As John explained, some of them were things that we did not anticipate would happen, but I think if we see these proposals and this is what our intent is to do as long as we can stick to the plan as presented and everybody knows going into it this is what we're after I think it will work better for all of us. That's really the only comment that I've got.

President Mourdock: Okay. Bettye Lou, comments?

Commissioner Jerrel: Go ahead, Bob.

Bob Woodward: Thank you. My name is Bob Woodward. We're developing some of the land along Burkhardt and I'm pleased with what we see. The elimination of curb cuts is painful because it does cut down on profitability and we understand that and we accept it. The only thing that I am going to make a plea this evening and it's very difficult because I do not want to be detrimental to anyone, but as we develop our large pieces of property and we give up our curb cuts and we give up our entry roads to cut them down to the lowest number possible, I just ask that you use that same formula so that we have parity with all other pieces of property. I think right turns in and right turns out are very acceptable and fine, if we truly want right turns in and right turns out to be the rule of thumb that we're going to allow all along Burkhardt. If we're...I'm not talking about a piece of property. Every property deserves an entry. There's no question. We simply cannot block off entry or zoning to a piece of property unless the county or the city or the agency that's responsible is willing to make the purchase and compensate the landowner for the devaluation that we would cause by lack of zoning or by lack of curb cut, but once we're past that and everyone does have reasonable entry into the property, then I think we need to look very carefully at right turns, left turns or whatever they maybe so that everyone shares in those equally as we go along. Just one last comment and it's about Ms. Zigenfus. We don't always agree and the same with Barbara, but their door is always open and I do appreciate that and being able to talk with them and with you Commissioners and particularly John Stoll.

Barbara Cunningham: John, too. Mention John.

Bob Woodward: Oh, I did, yes. Yes, at the very last. Absolutely. Thank you.

President Mourdock: Thank you.

Commissioner Jerrel: The only comment that I have is one that relates to safety. I think that the developers are being very helpful and I do appreciate our planners, but I think we need to bear in mind that what we're going through now is a very difficult time because our timetable isn't working the way we want it to because of extraneous influences, so we need to control whatever factors we can to keep this area from become a true traffic disaster and being unsafe. I went out there Sunday morning, Sunday at noon and Sunday afternoon and I can assure you it takes some skill to move about that area.

President Mourdock: Okay. I guess my closing comments on this would be that for the past two years, two years and three or four months, one of the maps that Barbara gave us in our packet here, one of the older maps I've kept posted on my wall in the Commission Office, and if it didn't agree with that plan I've tended to vote against it and what I intend to do now that we have a new plan is to stick with that same policy. Sometimes having a plan is to acknowledge that it is not the perfect plan, but it is the plan. I think the more consistency we show the better off we are. I had someone not long ago when we were talking about the U.S. 41 development say to me we don't want an east side to north side and I thought that was an interesting comment because what that person was saying very simply was there was a lot of traffic congestion out there and for heaven's sake let's not make the same mistakes that we've made in the past without adequate frontage roads or without being consistent, so that is certainly what I intend to do. The last thing, I know we've had developers speak and engineers here, I just want to note also that Jack Corn is with us this evening. Jack is on the Area Plan Commission and also works hard with the EUTS Board and we appreciate you coming, Jack, to hear the comments. Yes, Barbara Cunningham.

Barbara Cunningham: I just have one question. Do we have a commitment to the median? I mean, are you all in agreement with the median? The raised median. The reason I asked that is as we review the plans we need to know so we can limit...so they are limited to the right turn in and right turn out.

Commissioner Jerrel: I would like to ask you, are the three of you in agreement and your staffs that that is what we ought to be doing? John?

John Stoll: I believe Rose and Barbara are both in agreement on that. The only problem that it presents is in the short-term when the residential properties are still out there that does create a problem for somebody to access their house. In the interim between the times that those properties all go commercial and there is a residential property out there that's the only short-term problem with it, but I think we're all in agreement that would be the best thing to keep traffic moving once the whole project is completed.

President Mourdock: Okay. Pat, do you have a comment?

Commissioner Tuley: Well, it just sounds like to me that we could plan for it and design for it. It's just that we would not actually implement it until such time as those were no

longer residences. I think the idea is to keep that traffic flowing as smoothly as possible and yet not deny the people the right to recoup their investment by making it difficult for people to get in and out of there, so it's a combination of the two that have to work together. I've got to sit here and listen to the people who work with this every day who know a whole lot more about that than I do and if we've got all three of our technical people saying that I think that is something we ought to give strong consideration to.

Commissioner Jerrel: What kind of a timetable are you talking about? You're saying that you would like for us to commit to the concept so that you can proceed?

Barbara Cunningham: So we can proceed with the rezoning process where we have to (inaudible comments not made from mike) you need to join up with this property adjacent to you because there's just going to be this right turn in and right turn out. Like you stated before where the Commissioners do not want to see a multitude of curb cuts every sixty feet. I think what we need is we need the developers to come with plans that show how they're going to handle the traffic.

President Mourdock: My comment on that, Barbara, is very similar to what Pat has said a moment ago which is as long as the technical staff and our own engineer is telling us that to be consistent with the plan means that we minimize traffic cuts realizing that there are still some residential that we need to deal with, but I think we would agree that over the long-term development going commercial we see that as part of the plan.

Commissioner Jerrel: Is that somewhat of a motion?

Commissioner Tuley: If--

President Mourdock: It's pretty iffy for a motion because of the timing involved.

Barbara Cunningham: That's good enough.

Commissioner Jerrel: Is that good enough?

Commissioner Tuley: Yeah.

Commissioner Jerrel: I think we all agree.

President Mourdock: Okay. I would ask if there...are there any other comments to the group as a whole? Lastly then, I guess I would pose the question does this Board feel it appropriate to vote or to entertain a motion along the lines of agreeing with and working as a guideline the plan that is before us this evening that calls for those frontage roads as presented by Ms. Cunningham, John Stoll and Rose Zigenfus?

Commissioner Jerrel: I so move.

Commissioner Tuley: I didn't hear any real objections from any of the developers, so I'm looking for any more insight or any more input. I mean, we've got to move the traffic and we want to do it and I know, Bob, you did talk a little bit about right

turn in and right turn out and limited--

Bob Woodward: I'm curious as to what the decision is on that. Are we talking about allowing right turn in and right turn out to the properties all along Burkhardt?

Commissioner Tuley: Limited access to a certain degree, I think, is what they are saying within this plan.

President Mourdock: Yeah, I think--

Commissioner Tuley: Every lot every single place is not going to have a right turn in and right turn out on to Burkhardt Road.

Commissioner Jerrel: Specifically, as I understood your description, it's specifically the west side section that has so many small lots. That was the issue.

Bob Woodward: That would be the only ones?

Commissioner Jerrel: Yeah, that's not...yeah, that doesn't affect the rest of it, but it affects that one section and that's--

Commissioner Tuley: Because of the smallness of--

Commissioner Jerrel: Yes, the smallness of the lots.

Commissioner Tuley: And the number of owners.

Commissioner Jerrel: Isn't that what you're...that's what I took it to mean.

Commissioner Tuley: Okay.

Barbara Cunningham: There we are trying to have shared access.

Commissioner Jerrel: That's right.

President Mourdock: Minimized cuts.

Commissioner Jerrel: Right. No, that's the only area

(Inaudible comments made from several people in audience)

President Mourdock: Just from the west side.

Commissioner Jerrel: It's just principally the west side of the street in that section where the very small lots are located.

Commissioner Tuley: Are we amending our motion to be very specific about that west side? This is what's bad about trying to get into some kind of a motion.

President Mourdock: Yeah, maybe it is inappropriate to have that motion because the plans will come out. I think it is the consensus of this Board to work with that plan.

Commissioner Tuley: To work with that idea.

Commissioner Jerrel: That's fine.

President Mourdock: Perhaps we'll just let that sit as that. Yeah, I will formally withdraw that motion. Okay, we will move to other items on our agenda. We very much thank you and any time please feel free to utilize staff or to give us a call and communicate your concerns. Thank you very much.

**Dennis Scott - Scott Heavy Equipment**

President Mourdock: The next item on our agenda is a Mr. Dennis Scott. Is he present today? Mr. Scott.

Dennis Scott: I'm Dennis Scott--

President Mourdock: You might want to wait just a second until they--

Commissioner Tuley: Clear the commotion.

President Mourdock: Okay, we'll continue now with Mr. Dennis Scott, is that correct?

Dennis Scott: Yes, that is correct. I'm Dennis Scott from Madisonville Scott Heavy Equipment. Recently we bid on providing a machine for the Commissioners. Basically, there was three bids on the machine. Our machine was bid in at \$192,808.49. Southeastern Equipment bid another machine at \$219,165.90. Carlisle Equipment in Louisville brought in another machine at \$236,331.00. We were very surprised to find out that we didn't receive a purchase order for the machine. We were informed that our machine didn't meet specs and OSHA requirements which we took great exception to. Our machine meets all the requirements of this bid and we've researched it. There is no grounds for this machine to be rejected and we feel like that through some errors in the purchasing procedures that our machine has been excluded. I really don't know why and it's distressing to me and to Badger Equipment Company because we represent a company that is state of the art in telescopic excavators. They're very upset and we are too. Basically, you know, we're \$42,000 and change cheaper than the bid that was accepted and our machine meets all the specs. I don't understand how this can be.

President Mourdock: Let me just by way of historical perspective tell you that our Superintendent of County Buildings came to us in late March, I guess, from the Purchasing Department. She was there at the time, so she had made the recommendation to us and I will ask Lynn to clarify what happened there.

Lynn Ellis: Okay, County Highway staff and myself reviewed the bids that were submitted, the three bids that were received. Based on the recommendation from County Highway we submitted an agenda requesting that we make the purchase from the high bidder. That was based on several issues. One, apparently the staff at County Highway incorrectly assumed that the gross vehicular weight rating was the same as the vehicle weight itself and so Scott Heavy Equipment's contention that they meet the rating criteria is correct. The equipment will be used to

lift pipe that weighs in excess of 5,000 pounds. It is believed that the piece of equipment proposed by Badger will not do that without tipping over and that we would cause our employees um...um...

President Mourdock: Put them at risk?

Lynn Ellis: Right, there would be risk associated with that and so there are several issues that are at question. There are some things that we still feel like they do not meet. I can itemize those or address them however you wish, but there are seven or eight items that we feel like are still of concern.

President Mourdock: Okay. I'll turn to the county attorney for a second. Joe, do you have a recommendation here or are you hearing a lot of these facts for the first time and if so would it be proper to take this under advisement until we had more information? I just heard Lynn say there is apparently a lot of other...were those specified bid items, Lynn?

Lynn Ellis: Yes, sir.

President Mourdock: Specified bid items that the staff, the garage staff, feels this particular machine doesn't meet. I understand, Mr. Scott, that you believe that they do meet those? That's the point of contention?

Dennis Scott: Yes, the bid specifically stated lifting capacity at 10 feet. Our machine exceeds that capacity. The specifications that we bid on were written off of the literature that our machine basically advertises. Every piece of information that was requested on the bid we met it.

President Mourdock: Okay, alright.

Dennis Scott: We feel like we were low bidder and we should get the bid.

President Mourdock: I would suggest and I'd be glad to take another suggestion here, but it sounds to me that perhaps Mr. Scott needs to confer with the County Attorney, Mr. Harrison, and also Joe needs to confer with Ms. Ellis to make sure we've got all the facts coming from both sides here.

Dennis Scott: Whether our machine is better in every respect than to a competitor's machine is really irrelevant because we meet the advertised bid data and, you know, I can't see where the problem is. If it meets the letter of the bid I can't understand why we were refused to start with.

President Mourdock: Without question you deserve to understand what all the facts are and the three of us that have to vote on this need to know what all the facts are too and what I am suggesting is maybe a method that we can all find out what all the facts are.

Dennis Scott: Can I request that the purchase order that has been issued be put on hold in some fashion? We're burying ourselves deeper in the hole as we go along.

President Mourdock: I understand your question. Let me ask what the status of that is or, Joe, do you--

Joe Harrison, Jr.: Lynn may know that status. That's possible, but I don't know what the status is.

Lynn Ellis: The anticipated delivery of the equipment is the middle of June.

President Mourdock: So it is on order at this point?

Lynn Ellis: Yes, it's been ordered for approximately five weeks. I mean we can notify Carlisle that it's on hold. He can't stop the processing of this at this point, but we could do that and just advise them of the problems. I had not been in communication with him at all until this issue is resolved, but I can do that.

President Mourdock: Okay, well we certainly want to get this resolved, Mr. Scott, and as I say, we're sitting here hearing some facts. Obviously, we do more than deal with this type of--

Dennis Scott: Yeah, well, I would like to bring up a point or two that I kind of wonder about in the procedures. The county road foreman or whatever entity or position that decides they're going to bid on a spec if they bid out a particular specification on a machine and the bid comes in and meets it I don't understand why it has to go back out to see...you know, there ought to be an audit taken. I know we went through a post-bid audit that when it meets the requirements I don't understand. It's like it has gone out to somebody's opinion about whether, well, do you want this machine or do you want another machine. I don't see how that fits into the parameters of the bid procedures.

President Mourdock: Okay, alright. You've made your point with that argument and what I would, again, suggest is perhaps you can contact Mr. Harrison. I'm sure he'll be glad to give you his office number and you can give him a call and, Joe, communicate with Lynn and find out all the facts and report back to us next week if you would.

Dennis Scott: Thank you very much.

President Mourdock: Thank you.

### **Ozone ordinance**

President Mourdock: I know we have any group or individual, but before we do that one more item to sort of sneak into the agenda here. We had discussed the ozone issue several times and, Joe, I understand that you have some information for us this evening.

Joe Harrison, Jr.: I've got a copy of the draft of the Evansville City Ozone Ordinance that's been submitted for review. The county will need to at some point pass a similar ordinance with similar recommendations. The county's ordinance would affect the area outside the city limits of Evansville within the county, but not including Darmstadt. Darmstadt will

have to also pass a similar ordinance for their particular area. This is because there will be some penalties and regulations imposed that all will have to or those affected will have to abide by. I've got those ordinances and will submit those to the Commissioners for their review. I will continue to be discussing with city officials and their counsel the progress being made with the state and also keep advised of the federal changes that may occur within the next several weeks concerning ozone regulations. The first step will be to have the county draft an ordinance that would be similar to what has been proposed by the city and we'll be doing that hopefully here in the near future, but at least we have a starting point to go from right now.

President Mourdock: Okay, near future is the only thing I hear that I don't like. I want a date. I mean, we've had this thing going on for more time than I like.

Joe Harrison, Jr.: I think that we could do it sooner than the city, but I think ours is going to have to be the same as the city's.

President Mourdock: Sure.

Joe Harrison, Jr.: There is no reason why we can't have one next month at least for further review by this body, but I don't know if I would want you all to adopt it if it is going to be substantially different from the city's.

President Mourdock: Can you confer with Kevin Winterheimer?

Joe Harrison, Jr.: Yes.

President Mourdock: Okay. Can you confer with him prior to the first Monday in June so that the first Monday in June which would be--

Joe Harrison, Jr.: That's the 2nd, I think.

President Mourdock: --June 2nd, we can have a presentation as to language with the idea being that on the 9th, the following week, we could possibly have a first hearing?

Joe Harrison, Jr.: Yes, I can do that.

Commissioner Jerrel: Well, now you know June 2nd we're meeting at noon.

Joe Harrison, Jr.: Right.

Commissioner Tuley: Right.

Commissioner Jerrel: For the personnel policy. I mean, that wouldn't preclude us from doing that at all.

President Mourdock: Yeah, we would basically just be receiving data that day.

Commissioner Jerrel: You could advertise first reading.

**Vanderburgh County  
Commissioners Meeting  
May 19, 1997**

Page 25

President Mourdock: Question, I think, Charlene is asking about advertising the noon meeting.

Charlene Timmons: You would have to advertise that twice beforehand--

Joe Harrison, Jr.: Right.

Charlene Timmons: --and I don't think you would get that done if you didn't have it until the 2nd for the 9th.

President Mourdock: Wait a minute. All we're going to do is receive information on June 2nd.

Charlene Timmons: Right, but you wanted a first reading on June 9th and you wouldn't have time.

President Mourdock: Ah! Okay. When would we have time?

Commissioner Jerrel: We would have to have it published for June 2nd though.

Charlene Timmons: Not to receive.

Commissioner Jerrel: Well, what if we...oh.

Charlene Timmons: To have the first reading you would have to probably go the week after the 9th.

Joe Harrison, Jr.: The 16th.

President Mourdock: Okay.

Charlene Timmons: Because you have to do it twice.

President Mourdock: So if we receive information on that ordinance or proposed language on June 2nd, then we could discuss it at the June 9th meeting, but the first official hearing would be June 16th?

Charlene Timmons: Yes.

Joe Harrison, Jr.: Sounds fine.

President Mourdock: Okay. I'm going to write those dates down. I'm going to write them in chalk if I need to behind me here.

Joe Harrison, Jr.: Just so that you know that we may have to come back and amend it at some point, but that's okay. We've done it before.

President Mourdock: A law that hasn't been amended is a new law.

Joe Harrison, Jr.: Correct.

President Mourdock: Okay, any other comments about the ozone situation? Again, I'm sorry to vent frustration, but I want to see this thing through.

**Any group or individual wishing to address the Commission**

Kent Baldwin: My name is Kent Baldwin and I'm from Scott Heavy Equipment in Madisonville. This wouldn't be any other issue, but it is concerning the issue of bid number VC97-04. I just wanted to clarify a point that was made just a second ago. The lifting capacity as stated in the bid specification request, a portion of which I have, the lifting cap is over side at 10 feet above ground and at a 20 foot radius a minimum of 4,400 pounds on rubber tires. Our machine meets that specific capacity. In talking with Lynn after we received the bid summaries for the bid, she expressed that the machine specified around a specific need of lifting a pipe or group of pipes of which I had no information as far as the pounds, the weight capacity, or the actual weight of the pipes. She did however make it aware the second go that the pipe was above 5,000 pounds so perhaps it was incorrectly spec. That's sort of irrelevant, but we do support the fact, along with Badger Equipment Company, that we do meet all the specifications and OSHA requirements, you know, as stated. That's really all I wanted to clarify.

President Mourdock: Okay, thank you. Any one else wishing to address the Commission tonight?

**John Stoll - County Engineer**

President Mourdock: Department head reports, John Stoll.

John Stoll: The first item I've got is a recommendation to approve the plans for Keystone, Section 5. This is just a continuation of all the other streets that have already been built out in Keystone Subdivision. It's asphalt streets with curb and gutter and it is recommended that the plans be approved.

President Mourdock: Any questions?

Commissioner Jerrel: I move approval of the Keystone plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item I have is a sidewalk waiver request for Oaklynn Park Subdivision. This sidewalk waiver request was originally brought up in December of 1994 and at that time the recommendation was to forward the sidewalk waiver to the School Corporation for their comments. Due to miscommunication it was never brought back to the Commissioners for a vote, but the locations shown on that map are in orange are where sidewalks currently exist. The developer is wanting a sidewalk waiver that will require him to build sidewalks on the east side of Clover and the north side of Elmridge, east side of Jenny Place, south side of Nicole Drive, north side of Elmridge Drive and the east side of Jenny Place as shown on the map. Basically, it completes a loop around the interior of the subdivision and there will also be sidewalks on both sides of Clover Drive there on the east leg of that loop. That's above and beyond what was

originally discussed back when the original waiver was presented back in 1994, but it's two sidewalks short of being completed on that leg, so I would recommend that the sidewalk waiver be approved and this conforms somewhat to what the School Corporation was asking for because they had requested sidewalks on both sides of any streets where they have pickup points, but there are no pickup points in here so it would meet whatever guidelines that they have.

Commissioner Tuley: Based on John's recommendation, I'll move approval of the request.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next, I've got a recommendation to award contract number VC97-04-01, concrete repair of various streets to Deig Brothers in the amount of \$155,917.00. They were the low bidder on the project.

Commissioner Jerrel: I move approval of the Deig Brother bid.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next, I've got a request for street and storm sewer acceptance. It's Fox Hollow Subdivision, Section 2. This acceptance request is for 528 feet of Churchill Court, 192 feet of Churchill Road, 137 feet of 12 inch pipe, 125 feet of 15 inch pipe and all these items were completed in accordance with the approved plans. We have received the as built plans and recommend that everything be accepted except for the storm sewers be accepted subject to us getting the \$524 for the \$2 a foot fee.

Commissioner Tuley: Move approval as presented.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The final item is also a street acceptance request. This is for 539 feet of Elizabeth Lane in Covington Heights, Section 4 and 597 feet of Covington Drive in Covington Heights, Section 4. These were also completed properly and it is recommended that they be accepted for maintenance.

Commissioner Jerrel: I move approval as presented.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next week I'll also be bringing in the storm sewer acceptance request for that same section of Covington Heights. That's all I've got unless you've got any questions.

Commissioner Jerrel: No, I don't think we said when you were in here, but that was a good presentation. It was very informative. I wish you would have been here Mr. Wortman.

John Stoll: He was.

Commissioner Jerrel: Oh, was you here?

John Stoll: He was hiding behind the podium here.

Commissioner Tuley: He was hiding.

Commissioner Jerrel: I didn't see you. Where were you sitting?

Curt Wortman: Right here.

President Mourdock: He's been here the whole time?

Commissioner Jerrel: I was really going to chastise him for not being here and here he was here along.

John Stoll: Yeah, he was here.

Commissioner Tuley: He was staying out of the line fire and now you put him out in the open!

(Inaudible comments made from audience.)

President Mourdock: You're right and I just now realize that. I apologize. Councilman Wortman sat here through the entire presentation and he is also a member of the Area Plan Commission. My apologies, Curt. You sit right next to me all the time in the APC and we compare notes. Okay, there was nothing else, John?

John Stoll: Okay.

President Mourdock: I think we can move through the rest of these within five minutes, so let's go ahead and finish our actual agenda.

### County Garage

President Mourdock: We have a County Garage report that has been submitted for the record. A progress report from May 9 through May 15 and for the Bridge Crew a progress report for the same dates and the mechanic's report from May 12 through May 16.

Commissioner Tuley: Move acceptance of the report for the record.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr. - County Attorney

President Mourdock: County Attorney's report.

Joe Harrison, Jr.: I have one matter to bring up and it involves the purchase agreement between the county and Gershman Brown and Citizen's Trust Company which is the trustee of the William S. Hirsch Trust regarding the purchase of the right-of-way that John Stoll referred to earlier along the east side of Burkhardt Road running from Lloyd basically...I'm sorry. I'm sorry, from Virginia up to, basically, Oak Grove and up to that area. Marco DeLucio is here on behalf of Gershman Brown. We've reviewed the documents. They are fine. There were a couple of changes made. Mr. DeLucio made changes and has brought the document over. The county will be paying \$250,000 for this right-of-way which will enable the county to proceed with the widening of Burkhardt and this right-of-way has been needed for the project to move. I would recommend approval and I've got copies of the document in front of me here. Here is the original.

Commissioner Jerrel: I move approval of the purchase of the right-of-way plan that was just presented to us.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered. Is there a signature page, Joe?

Joe Harrison, Jr.: Yes, there is and it's on the 7th page and then the original...what I would like for you to do is I've got three copies. I think I might have you sign just one...two extra copies.

President Mourdock: I'll tell you what, since you are holding the copies let me give all these back to you and have Lynn include them in the signature file so we get them all signed.

Joe Harrison, Jr.: Okay, and then we're going to have to give the original back to Mr. DeLucio so the other parties can sign the same and get it back to us.

President Mourdock: Okay. Anything else, Joe?

Joe Harrison, Jr.: That's all I have tonight.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn Ellis, Superintendent of County Buildings.

Lynn Ellis: Just two things. There is a meeting that we were notified on. A couple of meetings that the state is conducting regarding the flood relief again. They are notified here, so if any residents have the need to get flood relief they can contact the Commission Office for those dates and places. The second thing I have is the Senate Enrolled Act that I am going to provide you with a copy of that we got today, I believe, so I'll give you a copy of that.

President Mourdock: Is that 477 on reorganization of county government?

Lynn Ellis: Yes, 477. The purchasing one was accepted and was signed by the governor and I have requested a copy of that and should be getting that this week.

President Mourdock: Okay, very good.

### Burdette Park

President Mourdock: We have in our packets also information on Burdette Park. Just for information, I spent quite a bit of time on Friday with Joyce Moers and Steve Craig and feel they have a better handle on what we're looking for by way of weekly reports. That came up as an issue last week you'll recall.

Commissioner Tuley: Yes.

### Consent items

President Mourdock: We have in our packet also consent items regarding employment changes, travel requests, Weights and Measures reports, a declaration of surplus property by Sheriff Hamner.

Commissioner Jerrel: I would like to move approval of the consent items.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### Old business

President Mourdock: Any old business to come before the Commission this evening?

Commissioner Jerrel: Just one item, if you don't mind. I don't know whether it is old or new, but I would like to move that you send a letter to the joint departments that are under the jurisdiction of the County Commissioners as well as any departments that are under our jurisdiction and are not joint to submit their budgets to us a few days in advance of when they are due so that we can have a chance to review them.

President Mourdock: Do...excuse me, go ahead.

Commissioner Tuley: I'm sorry, I was just going to say second.

President Mourdock: Okay. I will say so ordered and will be glad to write that. Do you have a date in mind?

Commissioner Jerrel: Well, the 13th is on a Friday. If we could get them by Tuesday or Wednesday, so that would be the 10th or 11th. Just so we have a chance to look at them before they are turned in.

President Mourdock: We'll assume there is no symbolism to getting budgets on Friday the 13th!

Commissioner Jerrel: I don't know, I hope not.

**New business**

President Mourdock: Any new business to come before the Commission this evening? Alright, with that we will have a very brief adjournment and reconvene in a moment for rezonings. We have some signatures that we need to do and we'll be right with the rest of you folks. I need a motion for adjournment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:10 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Bill Fluty  
Charlene Timmons  
Mike Shoulders  
Rick Reising  
Barbara Cunningham  
Rose Zigenfus  
John Stoll  
Joe Ream  
Ken Newcomb  
Jeff Marshall  
Bob Woodward  
Dennis Scott  
Kent Baldwin  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
May 27, 1997**

The Vanderburgh County Board of Commissioners met in session this 27th day of May in the Commissioners' Hearing Room of the Civic Center Complex at 5:55 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the May 27, 1997 meeting of the Vanderburgh County Board of Commissioners. At my far right is Lynn Ellis, Superintendent of County Buildings; to her left is Joe Harrison, Jr., County Attorney; to my immediate right Pat Tuley, County Commissioner; to my left Bettye Lou Jerrel, County Commissioner; to her left Suzanne Crouch, who is the County Auditor; and to her left Charlene Timmons, our Recording Secretary. Please join us for the Pledge of Allegiance. If you did not pick one up, there is an agenda over on the table to my right and if you wish to address the Commission, because all of our minutes are taken from tape verbatim, we ask that you come to the microphone and state your name and address.

**Approval of minutes**

President Mourdock: The first thing I would ask from the Board is approval of the minutes of the last meeting that were submitted to us and that meeting being the Commission Meeting of May 19, 1997.

Commissioner Tuley: Move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: The second item, we have or had earlier this evening from approximately 4:45 until 5:45 an...I'm sorry, let me check the time on that. From 4:15 until 5:45 we had an Executive Session of the Vanderburgh County Board of Commissioners during which the initiation or litigation of pending and threatened litigation was discussed as was county personnel matters and we will sign and certify that the meeting did take place to those topics.

**Contract - Indiana State Board of Animal Health for Bovine Brucellosis and Tuberculosis Eradication Program**

President Mourdock: Next on our agenda we have in our packet the County Auditor's report and that's the report involving the Indiana State Board of Health, wherever it went here. Suzanne, do you have anything to add to that? It's to approve a contract with the Indiana State Board of Animal Health.

Suzanne Crouch: Yes, that's the contract for brucellosis and

tuberculosis eradication. It's the same contract that you had last year and the previous year and the terms are the same as prior years.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move approval of that contract.

Commissioner Tuley: I will second.

President Mourdock: I will so order and we will not have a quiz as to what brucellosis is. Does anyone know?

Suzanne Crouch: Something with the cows.

President Mourdock: Yeah. I could explain it. That's why I went to Bolivia a couple of years ago.

**Lynn Ellis - Safety Committee/Insurance Claims**

President Mourdock: Okay, the next item on our agenda then is Lynn Ellis with the Safety Committee and insurance claims.

Lynn Ellis: I submitted a request that we appoint...or the Commissioners appoint a Safety Committee. In the personnel manual through the latest reviews I discovered that was the safety officer for the county and so the insurance agent contacted me regarding the safety issues and I would recommend that the Commissioners appoint persons to serve on a Safety Committee. I would recommend that staff from Sheriff's Department, County Highway, Burdette, Engineering and any other offices that the Commissioners see fit to include, but I would recommend that those offices be included especially since some of them have the highest rate of claims for the county.

Commissioner Jerrel: I believe we do have...Jack Crawford was appointed earlier this year. Is that right, Pat? Do you remember it?

Commissioner Tuley: Yeah, Jack handles safety out at the highway.

Commissioner Jerrel: I did speak to you once about doing some safety drills down here and that would be wonderful if you could address that when you meet. So I would move approval of the appointments and I don't know what the suggestion would be on how to select them, but I do move approval that we appoint a Safety Committee.

Commissioner Tuley: Let me interject real quick. If it involves other department heads or at least elected officials I think we ought to include their offices and let them decide who that person would be.

Lynn Ellis: Right, the persons proposed would just...that the Commissioners would need to appoint would be those departments falling under their jurisdiction. The Sheriff's Department would obviously need to be included and I wasn't sure if the Commissioners wanted to have an appointment from each elected

official or if there was some restriction for the size of the office or the amount of claims that office might have and the impact that their office would have on the insurance requirements. Some offices greatly impact the county's insurance program and some offices have little or no impact on the claim process.

Commissioner Tuley: Could I second your motion with the suggestion that maybe Lynn draft up those departments or offices that should be represented on that committee?

Commissioner Jerrel: Yes, I would accept that amendment.

President Mourdock: Okay, I will so order and then also add, if you would, Lynn, to send the letter out to each of those department heads for them to nominate the people that they're going to put on that committee and also define for them the mission, the task, the goal of the committee so that they have something other than just another meeting to go to. Tell them what it is that you expect of them and if it is, as Bettie Lou was suggesting, having training exercises for whatever or how did you word it...? Safety response?

Commissioner Jerrel: Well, we need safety drills here, but in reviewing the claims there are a lot of claims that related to back injuries and things that you could do some instruction, educational instruction, at the workplace. Like the Highway Garage has, I think, film that they show and things that you can use to help reduce those. Things that would be...did you get a review of the kinds of typical accidents, Lynn?

Lynn Ellis: No, that will come in the breakdown that they are submitting at a later date. They're going to go into more detail with the report.

Commissioner Jerrel: Then you could direct your efforts in meeting those areas that are the most prevalent and typically it's back injuries.

President Mourdock: I would also add then, Lynn, why don't you send a copy of that letter and ask also for our insurance agents, Torian Hofmann & Dillow, to provide somebody to serve on that committee. They might be the best ones to help identify what the sources of costs are.

**Sheriff's Department - Operation Pullover Grant Application**

President Mourdock: The next item in our packet is from the County Sheriff's Office for approval for Operation Pullover, a grant request that's being made.

Commissioner Jerrel: I would like to move approval of this grant application. It provides a budget of \$4,320 in salaries, \$200 for four child safety seats and \$5,830 for mounted radar. I would like to ask a question after--

Commissioner Tuley: I'll second.

Commissioner Jerrel: Okay, may I ask a question?

President Mourdock: Sure.

Commissioner Jerrel: How do you keep track of that, Suzanne? They say that the money, the \$4,320, is to be paid towards the salaries, but I just wondered. We pay the salaries out of a line item. Would you mind to take a look and see how that line item is spent?

Suzanne Crouch: Yes.

Commissioner Jerrel: I think that gets in there--

Commissioner Tuley: Do you set up like a cash card account or something for that?

Commissioner Jerrel: I don't think so.

Suzanne Crouch: Well, it says that there is no county appropriations and I would presume that meant no county funds. I did look at that.

Commissioner Jerrel: Accept I don't see how...see we pay--

Suzanne Crouch: I assumed it was in addition to.

Commissioner Tuley: That's what I was...it's off-duty police officers.

Suzanne Crouch: I'll be happy to check that and get back to you.

Commissioner Jerrel: Yeah, I just would like to check to see how that is done.

President Mourdock: There was a motion and a second so I will say so ordered and we'll all do better knowing there is more radar units on the street.

**Health Department - Lease with EHA for Satellite Health Clinics**

President Mourdock: We have from the Health Department the approval of a lease between the Housing Authority of the City of Evansville and the Health Department for space to provide for health services. Joe, have you reviewed this lease?

Joe Harrison, Jr.: Yes, it was entered into a couple of months ago and I added signature lines for the Commissioners to sign off on that particular lease. I think you may have the page that has...no, there should be another--

Charlene Timmons: It's in the signature file.

Joe Harrison, Jr.: It's in the signature file.

Lynn Ellis: Yes.

Joe Harrison, Jr.: There's a next page to that. It's fine.

Commissioner Jerrel: I don't have that do you?

Lynn Ellis: I believe just the signature copy included the signature page.

Commissioner Jerrel: Okay, then I would like to move approval of the Housing Authority lease with Vanderburgh County Department of Health.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Environmental Management Consultants - Contract**

President Mourdock: We have in our packets a contract with Environmental Management Consultants and if this sounds vaguely familiar it is in regards to the auditorium and essentially, and, Joe, correct me if I am wrong, but when this originally came to us the identified party to execute on behalf of the county was basically both Vanderburgh County Commission on behalf of the County and the Evansville Building Authority. The question that was raised from the Building Authority was whether or not it is likely or reasonable that this contractor should be required to report to two masters, if you will, and obviously I know we've discussed here and Joe is working on a complete document as far as the transfer of the building and responsibilities to the auditorium, but at least in the interim it was thought the simplest way to handle this particular contract for some of the asbestos work that was discussed last week was simply to have it done in the name of the county and not the Building Authority and the county. Is that accurate?

Joe Harrison, Jr.: Yes, that's correct and the Building Authority is comfortable with that.

President Mourdock: Right.

Commissioner Jerrel: Okay, then I do move approval of the contract presented for us to enter into with Environmental Management Consultants for the auditorium renovations.

Commissioner Tuley: I'll second.

President Mourdock: So ordered and actually it was the Building Authority that initiated that.

Commissioner Jerrel: Right.

President Mourdock: Who wanted to be taken off.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual wishing to address the Commission tonight on any issue? If it's a drainage issue, we've not yet gone to the Drainage Board segment of our program tonight, but if it's something other than drainage you are free to come to the microphone.

Unidentified: I've got something.

President Mourdock: Okay.

Eldon Maasberg: My name is Eldon Maasberg and I've got a letter here that was sent to my dad back in 1972. I live on Lutterbach Road and at that time as Surveyor, Sam Biggerstaff, wanted to yank out a 48 inch culvert which...I should of had eight copies of it. Here is one if you want to see it.

Commissioner Jerrel: Okay.

President Mourdock: That works out great.

Eldon Maasberg: I've still got the original one in my pocket.

President Mourdock: That's probably wise.

Eldon Maasberg: Anyway, because the culvert has never been yanked out it is starting to settle and a couple of neighbors are wanting to farm Lutterbach Road now. I do not want Lutterbach Road closed. I do not know whether the County Commissioners have closed it yet, but some farmers have took it on themselves to start farming. At this point, as this box you can see on the writing from UPS they always go to the south end of the road and then if I call the Sheriff or the medical people they will always go to the south and then come my way afterwards. I would like to see the road put back as a road and maybe...they always rock the south end and never the north end. It seems like the north end of Lutterbach Road is not on the map for some unknown reason, but yet you can see it on the map that it goes through, but most of the people...I mean, as you can see, and this ain't the first one, we get at least several of them a year and if I call the Sheriff they'll come out, but they'll always go to the wrong end of the road every time. I was wondering how we could solve this problem of getting a new culvert in and, you know, making it where it works? That pretty well takes care of what I want.

President Mourdock: Okay.

Eldon Maasberg: Thank you.

Commissioner Jerrel: Do we have a phone number for you, Mr. Maasberg?

Eldon Maasberg: It's 963-5044.

Commissioner Jerrel: Obviously, we need to ask some questions because we need to talk to the Surveyor and find out if this is an accepted road and get...I mean, we can get that information and get back with you.

Eldon Maasberg: It was still open yet as of last year.

Commissioner Jerrel: Yeah.

Eldon Maasberg: The culvert is sinking in and like I said, when that letter was sent to my dad in '72 he told Mr. Biggerstaff that he would like to either replace it or a larger one, but he wasn't going to let it be yanked out. Now it's getting old and

it's starting to go down. It needs to be replaced, but the neighbors would rather see the road closed. I would like--

President Mourdock: You wouldn't?

Eldon Maasberg: I don't. There is about ten people living on this road and you will have a bridge coming up on the bottom side of my farm which if this gets closed close both of them as far as I'm concerned which is Maasberg Road and you got a bridge crossing Buente Ditch that is on the agenda coming up and you will be working with me on that bridge. Thank you.

President Mourdock: Okay, you bet and thank you, Mr. Maasberg. I made a note here. I know, I think, both the other Commissioners did as well to talk to John Stoll who is our County Engineer. Every March we have our county road hearing, a preliminary hearing, and then a final hearing in May and certainly that is not to say that you are going to have to wait until next March to hear from us, I'm not saying that at all, but let us take this under advisement. We'll get with John and see what he reports back as far the current status of the road and what we might do.

Eldon Maasberg: Well, they have not been out and graded that end of the road for right at a year and during the snow we did put a semi down in the bottom of the creek which is Maasberg Ditch.

President Mourdock: Okay.

Eldon Maasberg: So it is a narrow road even in front of my house.

President Mourdock: Alright, thank you for the information. Any one else wishing to address the Commission this evening? We will move to department reports. John Stoll, County Engineer. Is John around?

Commissioner Tuley: I saw him in the hallway with somebody.

### County Garage

President Mourdock: We'll skip John for a moment then. In the meantime while Lynn Ellis is sprinting across the lobby to get John we will accept from the Vanderburgh County Garage, the Highway Department, their weekly progress report which we have for a period from May 16th through May 22nd.

Commissioner Tuley: Do you have anything more than--

President Mourdock: I just have the progress report.

Commissioner Tuley: Yeah, but you don't have the bridge crew or the mechanics?

President Mourdock: No.

Commissioner Tuley: I don't either. We'll ask Lynn. Lynn, we have in our packets the progress report of the Highway Department, but not the bridge crew or mechanics? Did you get those reports?

Lynn Ellis: No, I didn't.

President Mourdock: Alright, would you call out there tomorrow and find out where they are, please?

**John Stoll - County Engineer**

President Mourdock: Now we will go to the County Engineer's report with John Stoll.

John Stoll: The first item that I've got is a request for proposals for the construction engineering of the Fulton Avenue Bridge and another RFP for the bridge inspection. The bridge inspection is due again this fall, so this will get us a consultant on line and ready to go by the time the next inspections are due. For the Fulton Avenue Bridge the design agreements did not call for the construction engineering to be done by the same consultant so we need to get this RFP out so we can have a consultant ready to go whenever we get the money for that bridge project. I put in that agreement, in that RFP, that the money is expected no sooner then federal fiscal year 1998 and that there is no guarantee on it even at that point, so this will just avoid...this will just help us avoid one more step when the money does become available. I need the Commissioners' signatures on those two RFP's.

President Mourdock: Okay. Any questions of John on this?

Commissioner Tuley: No.

President Mourdock: If not I would--

Commissioner Jerrel: Would you like to read it?

President Mourdock: This is a request for proposals for bridge inspection services:

"Vanderburgh County, Indiana hereby requests proposals for bridge inspection services for the 1997 inspection and the 1999 reinspection of all Vanderburgh County bridges. This project entails the inspection of 144 bridges 20 feet and greater in length."

Commissioner Tuley: I'll move approval for the RFP.

Commissioner Jerrel: Second.

President Mourdock: So ordered. The second RFP, John?

John Stoll: That's on the Fulton Avenue Bridge for the construction engineering services.

President Mourdock: You didn't intend for this one to be included under this motion though did you? I heard you speaking generically about the RFP for the bridge inspections, but it wasn't specific to this.

John Stoll: That one was the one that the money wouldn't be available until federal fiscal year '98 at the earliest as far

as construction engineering goes.

Commissioner Jerrel: The inspection is available now?

John Stoll: Right, that is federally funded every two years.

Commissioner Tuley: These are just requests. That's all they are.

Commissioner Jerrel: I move approval of the RFP for the bridge inspection.

John Stoll: No, that would be the--

Commissioner Tuley: No, that's what I did.

Commissioner Jerrel: Is that what you're asking?

John Stoll: No, this is the Fulton Avenue construction engineering.

Commissioner Tuley: What we are doing now is the Fulton Avenue Bridge.

Commissioner Jerrel: Okay, and that's the one that will not be available until '98 at the earliest?

John Stoll: At the earliest.

Commissioner Tuley: Right.

Commissioner Jerrel: Alright, well, I'll move approval of the Fulton Avenue Bridge project that we advertise for engineering.

Commissioner Tuley: I'll second.

President Mourdock: So ordered and that was just formally for construction engineering services for the Fulton Avenue Bridge over Pigeon Creek.

John Stoll: Both of those RFP's call for the proposals to be in to the Commissioners by June 30th.

Commissioner Jerrel: Question.

John Stoll: Uh-huh.

Commissioner Jerrel: It appears, at least last week when I was in Indianapolis I was hearing a lot of discussion about the funding that is going to be available and, you know, there was the discussion of it appeared more of the funding was available for the northern section of the state in the first part of the biennium and that we were included, but ours doesn't become available until the second, you know, half of the biennium. I also heard that a lot of projects aren't going to be ready and those that are ready are going to get, you know, for instance the Air Quality Mitigation money is going to have to be...I've heard as much as \$2 million might be lost if it isn't...are there any other intersections that we need to do something on

that we could get ready? I think there is going to be money that will have to be turned back.

John Stoll: I can't think of any right off the top of my head, but I can look into it and see what we can come up with.

Commissioner Jerrel: We need to think what can we be ready to do if money becomes available in other parts of the state because I think that's going to be the circumstance here.

President Mourdock: Two words come to mind, Burkhardt Road.

Commissioner Jerrel: Yes.

President Mourdock: Anything on Burkhardt Road?

John Stoll: Most of those will be addressed, at least up to Morgan Avenue through pending projects.

Commissioner Jerrel: What about the intersection work that he is talking about. I mean, I'm putting words in your mouth.

Joe Harrison, Jr.: He's talking about at Morgan.

Commissioner Jerrel: I'm talking about at Burkhardt and Lloyd.

Joe Harrison, Jr.: And at Burkhardt and Morgan. We're going to get the state funds on that.

President Mourdock: And Burkhardt and Old Boonville.

Commissioner Tuley: Those are already in the system.

President Mourdock: I'm talking about Burkhardt all the way up to Lynch.

Commissioner Tuley: North.

Commissioner Jerrel: We know Morgan is already approved.

John Stoll: Right.

Commissioner Jerrel: What about the Lloyd? Won't there be intersection work done there?

John Stoll: Yes, but since it's already been contracted out it didn't go through any of the federal reviews so we wouldn't be able to get that retroactively on that project. We originally proposed trying to get some CMAQ money on that and given the time frames that the developer was going to be moving in on that site, we couldn't get that in the same...in a timely manner to be able to try and get the Burkhardt Road project moving, so that is why the CMAQ funds were dropped at Burkhardt and Lloyd.

Commissioner Jerrel: Would it be worth making a call up there though and just talking to them about just, you know, if you've got a contact or are there any opportunities for us between now and October 1st?

John Stoll: For CMAQ only or for any funds in general?

Commissioner Jerrel: Well, anything, but CMAQ money is...you know, they may have some and I know they don't want to turn it back in to the federal government. Richard's idea of Burkhardt, anywhere on Burkhardt, if we can do it. If we can use it and I don't know they might even let us get creative on the south side of Burkhardt.

President Mourdock: What do you mean on the south side? South of where?

Commissioner Jerrel: Of the Lloyd.

President Mourdock: Oh, down in the city's portion.

Commissioner Jerrel: You know, it helps all of us.

President Mourdock: Sure, right.

John Stoll: I'll see what I can find out.

President Mourdock: What I was thinking of further north on Burkhardt and this is maybe a bit of a pipe dream, for a pun...I can't believe I said that! Thinking of drainage and things further north, even north of Old Boonville Highway and up there all the way to Lynch, I don't know if there is anything coming up where that would work or not.

John Stoll: I'm not sure if they would approve that simply because they have a tendency, if I remember right and I would have to check with Rose, but they don't approve just expansions, add travel lanes and things like that, so I don't know if anything up there between Morgan and Lynch would be eligible right off the top of my head because in working with the Burkhardt/Morgan intersection they wanted you to address an existing congestion problem and that's the premise that Morgan and Burkhardt was approved on. I don't know of any well documented congested intersections north of Morgan on Burkhardt. We all know they're going to come, but I don't know if they will approve of the premise that it is going to happen.

President Mourdock: We all had the same thought go through our minds simultaneously. Two other words, Cross Pointe Boulevard.

John Stoll: That was tried already to try and get that connected and they would not fund that. Rose submitted a proposal to actually build Cross Pointe. At that time it was from Virginia all the way up to Morgan and that was not approved because they wouldn't approve totally new construction either.

Joe Harrison, Jr.: What about just that intersection there at Cross Pointe and Morgan?

John Stoll: That may be a possibility. I'll check on that.

Commissioner Tuley: What about Lynch and Oak Hill that we talked about last week?

President Mourdock: Oh, yes, another good one. Lynch and Oak Hill.

Commissioner Tuley: What are we going to do? I mean, we know what we are targeting there at Lynch and Oak Hill and it's pretty bad through there anyway. Is there any way to improve that?

John Stoll: The north and south legs will be reconstructed somewhat in conjunction with the Lynch project.

Commissioner Tuley: As part of Lynch? Okay.

John Stoll: It's not real extensive. It's more just getting things lined up properly and extension of the left turn lanes and things like that, so it's not double left and additional right turn lanes and really extensive capacity improvements. I don't know, that might be a possibility as well. I'm not sure what the long-term traffic projections are for there on Oak Hill,--

Commissioner Tuley: Oh, I think we're going to find out real quick.

John Stoll: --but on Lynch they're in excess of 30,000.

Commissioner Jerrel: I do too.

President Mourdock: Yeah, I think 25,000 a day was the number that was in the EUTS' information at the zoning meeting last week.

Commissioner Jerrel: I think we just need to start thinking. If it's there we need to be--

Commissioner Tuley: Down the road.

Commissioner Jerrel: --aggressively seeking it.

President Mourdock: I agree, Bettye Lou, with your thought that the state isn't going to want to give that money back and if there is a project ready to go they would much rather change their own rules and spend the money rather than see it lost.

John Stoll: Okay.

President Mourdock: Any other items, John?

John Stoll: Yeah, I've got several more. First I would like to request going before Council to appropriate \$2,484 to the Red Bank Road railroad crossing improvement and \$2,400 to the Mill Road railroad crossing improvement. The Red Bank request went in several months ago and at that time there was no unappropriated money in the Road & Street Fund to pay for that and now there is some unappropriated funds that would cover that, so that is why that wasn't acted on previously. The Mill Road railroad crossing, that was one we just did receive an invoice from INDOT. Our 10 percent is \$2,400 to cover increased costs of the construction of the signals and gates that were

installed out there on that CSX railroad crossing out there between Kratzville and St. Joe.

Commissioner Tuley: Move approval of the request.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is an agreement between the city and county for the construction of Burkhardt Road. Since the construction is by Vanderburgh County but it will be within city limits we need an interlocal agreement to cover the fact that we will be funding all of the costs of it before the construction is started, so I had the County Attorney review this and it's acceptable and I recommend that it be signed.

Commissioner Jerrel: Is this sort of like when we did Green River Road only we had to pay the city?

John Stoll: Yes.

Commissioner Jerrel: Only this time they're not paying us?

John Stoll: It's 100 percent ours unfortunately.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: When you do this the only thing about it is the public doesn't know where those lines stop or start.

Commissioner Tuley: Nope, that's right.

President Mourdock: Go ahead.

John Stoll: The next item that I've got is a request for acceptance of storm sewers within Covington Heights Subdivision. The developer has submitted the \$2 a foot fee for those storm sewers and they've been inspected by inspectors of my office and it is recommended that they be accepted for maintenance.

Commissioner Jerrel: Move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Did you say Covington?

John Stoll: Covington Heights, it's Section 4.

Commissioner Jerrel: Yeah.

John Stoll: Next I've got a sidewalk waiver request for the Burkhardt-Lynch Business Park. This is the industrial park that

is proposed at the southeast corner of Lynch and Burkhardt and the developer submitted that letter today asking that the sidewalks be waived throughout the subdivision. There was no request for sidewalks from the Subdivision Review Committee and since we typically haven't required sidewalks within industrial parks, it is recommended that the waiver be granted.

Commissioner Jerrel: Move approval of the waiver to put sidewalks in.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item that I've got is in regard to an item that is on the consent agenda. There are about 20 deeds for the USI Interchange for the county to transfer this right-of-way to the state so we can finalize the transfer of that project entirely into the state's hands. The reason it is just now occurring is because we've been going back and forth with the state and Bernardin Lochmueller has been preparing the deeds and it's been a long drawn out process, but we think we've got everything the state wants to see in order for that transfer to occur.

Commissioner Jerrel: Say that again. It's a transfer from where?

John Stoll: It's the right-of-way that we acquired for the interchange construction. All those pieces of right-of-way were acquired in the county's name and now since the state will maintain the interchange we need to transfer all of that over to INDOT so they can maintain it.

Commissioner Jerrel: Okay, I move approval of the transfer of the right-of-way of the overpass from the county to INDOT.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Charlene Timmons: Can I ask a question?

President Mourdock: Sure.

Charlene Timmons: Okay, I understand that those need to be submitted back to the state as unrecorded deeds. Is that correct?

John Stoll: Correct. They asked, and I verified it again last Friday to make sure that they wanted the unrecorded deeds for their attorneys to review and we're going to submit a bunch of other paperwork for each of those parcels to the state. Once they review it, then they will come back and have it recorded.

Charlene Timmons: Okay, thank you.

President Mourdock: Anything else, John?

John Stoll: That's all I have.

President Mourdock: Before you leave the gentleman in the back row is Eldon Maasberg and he brought before us a question about Lutterbach Road and whether or not that road should be vacated. He does not wish to see that, but apparently some of his neighbors are interested in it. If you would, before you get done you might swap phone numbers so that you can swap information later.

John Stoll: Sure, no problem.

President Mourdock: Thank you.

John Stoll: Thanks.

President Mourdock: Any other questions for John?

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe Harrison, Jr., the County Attorney's report.

Joe Harrison, Jr.: I've been working on a draft of an ozone ordinance and I hope to get at least a copy for you all to review maybe next Monday if not...I was asked to have it by the 9th, but I am going to see if I can get it to you by Monday just to contemplate and give me your input and then we can make more changes as we have to down the road.

President Mourdock: You did get the draft from Kevin Winterheimer?

Joe Harrison, Jr.: Yes, and I am going through that right now. There's going to be a lot of surgery that has to be done on the document, but you all can provide me with some more input and hopefully we will get it done soon.

President Mourdock: Okay.

Joe Harrison, Jr.: Other than that, that's all I have.

President Mourdock: Okay. Any questions of the County Attorney?

**Randy Giles - Vanderburgh Auditorium**

President Mourdock: Randy Giles with the Auditorium.

Randy Giles: My name is Randy Giles with the Vanderburgh Auditorium. What I just handed you all was in response to a letter that I received from Commissioner Mourdock on May 16th for some items regarding the renovations. There is a typewritten report from myself and attached to the back of it...I only had three copies, so just the Commissioners got the booklet from Veazey Parrot & Shoulders. That is preliminary specs of the furniture that they are going to buy for the renovated facility.

President Mourdock: You mention a typed list and I just, obviously, am seeing this for the first time, so I've got a typed list on the back and what we have from Veazey Parrott & Shoulders is what?

Randy Giles: That's the new furniture. The preliminary specs of what they are going to buy new. What I have in my list, Part 1 is a list of the assets that we currently have in the building and what I would recommend doing with those. Kind of our personal feelings from auditorium management that you asked for. I think there are about seven or eight, maybe nine pages of those included with some storage information that I feel might come into play. Part 2 goes into staffing during renovations, what tasks we feel need to be done after January 5th when the public use of the building ceases. Part 3 you asked me to look into the future a little bit and give some opinions about the year 2000. I went into that and then the very back page there is some additional items that I think maybe I can provide some input or we need to maybe address in the very near future that were not asked for in your letter.

President Mourdock: Alright, there is a whole bunch of information here, Randy. I appreciate it.

Randy Giles: No problem.

President Mourdock: The inventory list that you've worked up in here, was your starting point or maybe your finishing point for this part of the fixed asset list that the County Auditor compiled last year?

Randy Giles: I called Bill Fluty initially and the main part of their list is items over \$1,000, so we had to do basically just physical inventory in addition to that. I met with Charlene Buente regarding the new list. I just kind of crisscrossed. It's more or less just a physical inventory. That was the first call I made.

President Mourdock: Suzanne, was your list...was that the floor for your's? It was only \$1,000?

Suzanne Crouch: Yes.

President Mourdock: Okay.

Randy Giles: There is a couple of items that you'll see when you come in there that are still be evaluated. The walk-in cooler and the ice machine they've got the kitchen consultants currently looking at that, so I spoke with both of the Buente's, Mr. and Mrs., from the architects and also Bill Conner the theater consultant. It's all in there so...

President Mourdock: Okay, any questions or comments for Randy? I presume we just need to take all this under advisement.

Randy Giles: Yes, if you have any questions feel free to call.

President Mourdock: Okay, thank you very much.

Randy Giles: Thank you.

**Burdette Park**

President Mourdock: Burdette Park. Lynn, I think you have a couple of things to talk about.

Lynn Ellis: Yes, there is a written report from Burdette Park with their crew. There is a request to go to the County Council next week to request an increase in the pay for the security guards out at Burdette and increase the rate of pay from \$13 per hour to \$20 per hour. This would be more in line with what those personnel are receiving from different agencies in town when they are asked to work after hours.

Commissioner Jerrel: I would like to have the body entertain a motion...I mean, I'll make the motion to increase that from \$13 to \$20. I was at Lynch and Burkhardt and city police were working that, but apparently they are having trouble getting officers because they can get a good deal more when they work those big shopping centers.

Commissioner Tuley: I'll second your request or your motion.

President Mourdock: So ordered. Before we leave that subject matter, Bettye Lou, do you know offhand the line item that needs to be dealt with there or do we need to do anything different before Council?

Commissioner Jerrel: Yes, we do need to do something different and I have discussed that with Lynn. Did you look in the salary ordinance book?

Lynn Ellis: Yes, there is a line in there and I prepared a memo to Sandy to request permission to appear before the Council for that increase for the approval for that.

Commissioner Jerrel: See, the `97...you saw that in there?

Lynn Ellis: Yes. I asked her about going to the Job Study and she said that was not necessary, but it was necessary for the Council to approve it because they have been classified for Job Study, it is just asking the Council to approve the increased rate of pay.

Commissioner Jerrel: Right.

Lynn Ellis: The memo is in the signature file and I will get that back from Charlene to submit so that it can go to the Council next week.

President Mourdock: Is the line item currently sufficiently funded to do this?

Commissioner Jerrel: They take it out of the extra help account-

Commissioner Tuley: Within Burdette?

Commissioner Jerrel: Huh?

Commissioner Tuley: Within Burdette's budget?

Commissioner Jerrel: Yes, it is paid for out of there, but the thing that we need to have it on record since we are changing and it is in the--

Commissioner Tuley: Since it's being increased.

Commissioner Jerrel: It's described in the job ordinance.

Commissioner Tuley: Let me ask just a question on that same matter. This is for when we hire them for holiday weekends or special events or whatever right?

Commissioner Jerrel: Yeah. Really, a lot of what has been accomplished by working with the Sheriff's Office and opening the gate so that they can go in and out and patrol is helping. That part of it is a good result. Now the shortage of people that want to work for our rate is the bad side of it.

Commissioner Tuley: Yeah, but this should take care of that.

Commissioner Jerrel: Right.

President Mourdock: Just following up on that then, that begs the question if, in fact, this still doesn't...if this rate isn't attractive we need to be considering where we go from there.

Commissioner Jerrel: That's right.

President Mourdock: Because I have a feeling that it may not be given the demand otherwise.

Commissioner Jerrel: Then we may have to go back to hiring people, paying them less than this and the problem is identified and they call the Sheriff's 911 number and they come as a regular response to the jurisdictional area.

Commissioner Tuley: If they don't want to work for that then I'll change professions!

Commissioner Jerrel: Yeah, by their own rules we're part of their patrolling and if there is a problem out there they need to respond to it.

Commissioner Tuley: I don't think at that rate, if that's pretty much the going rate, I don't think you'll have lack of volunteers, so to speak.

Commissioner Jerrel: Yeah.

President Mourdock: We'll know shortly.

Lynn Ellis: A few of the deputies are working out there for the less pay just because they like Burdette and it is out of respect for the park and just a commitment. They just have this

struggle with the rate that the other deputies are able to receive. They sometimes only end up with two persons able to work.

President Mourdock: Let me go back to Pat's question of a moment ago then just to be sure I understand. I heard Pat use the term holiday weekends or special events. Is that the only time these folks would be there?

Lynn Ellis: No, sir. They are every weekend.

President Mourdock: Okay.

Lynn Ellis: The deputies work Friday night and Saturday night. The proposal is from the Sheriff's Department would be to continue...yes, it's during the summer during the park's peak season. The proposal would be to work deputies two per night on normal weekends, non-holiday weekends and then on holiday weekends work four deputies during the day shift and two at night. The thought is and what has occurred out there before is with the number of deputies seen during the day then it reduces the activity at night because they have seen them all day and so there is less problem at night as a result of the presence out there. That would be the request and it has been done in the past.

President Mourdock: Anything else on Burdette, Lynn?

Lynn Ellis: Yes, there was just the description of the signs that will be installed out there and they are working on those this week and should be up by Saturday. The Sheriff's Department will be reviewing these procedures with their staff. They should be installed by Saturday. I have several other things, are you ready for me?

President Mourdock: Yeah, but before we leave Burdette Park, just to advise both of you, I had a meeting last week, I think it was Tuesday or Wednesday, at Burdette again with Steve and Joyce and kind of had the theme of the meeting be what's underneath Pat's name there of trying to define how Burdette would be used as more of a full year facility or whatever. One of the topics that we discussed and spent quite a bit of time discussing was just the idea what it is they want the park to be. What becomes obvious in any discussion like that...was that your tape?

Charlene Timmons: Not me.

President Mourdock: Okay, what becomes immediately obvious in that discussion is whose park is it anyhow because any of the three of us or Joyce or Steve or whomever can say, well, this is what it ought to be, but the fact is none of us really know what the public is looking for. I had some discussions with them as to how we might begin to access that. I don't have any recommendation this evening on how we would proceed with it, but I think Lynn has made a couple of calls just to try and see if we can find some way to pull some information together. So perhaps as soon as the next meeting...next week is the special meeting, but perhaps the following week we can deal with that.

Lynn Ellis: There is a report. Did you see that? I gave you a report on that last week.

President Mourdock: Oh, no, I haven't seen it.

Lynn Ellis: It was in a packet that I left Friday, so we should be able to have something by the 9th or 2nd or whatever.

President Mourdock: My feeling is Burdette Park like a lot of other spots in county government, I guess, we've got to have a plan of some sort and get a good feel as to where we want it to go and some expert opinions because if we don't we won't know how to make a good sound decision.

Commissioner Tuley: I think it's important and you have indicated to get some outside input because we all can have our own ideas, but it's going to be in our narrow scope of view. I think the approach that you are taking so far, what little bit that I just heard, sounds reasonable.

President Mourdock: Okay, Lynn, the thing that you said you stuck in my box, did you circulate that to Pat and Bettye Lou as well?

Lynn Ellis: No, that was just a copy of the quote that they sent. I can certainly do that.

President Mourdock: Okay.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Alright, what else did you have on your agenda?

Lynn Ellis: Okay, one thing is we received a certificate of liability for the Commissioners regarding the Safe House, so I'll give that to Charlene to include in the contract and let Joe make sure that it is okay. There was a memo circulated to you regarding the personnel manual and as we are doing that on the second, I believe you all received a copy of the draft. I would appreciate your comments if you have any by 9:00 or 10:00 a.m. on Friday so that we can incorporate those into the final addition for Monday at noon, so we only have a few hours then on Friday to get that ready and then begin to copy that so that we can distribute that Monday. If you have any comments if you could get those back to me right away. I also gave you a packet regarding the ordinance for Burdette Park. I made suggestions for changes and Joe Harrison is working on that ordinance and should have that ready tomorrow. I would request that even though there is an ordinance in place that can be used for Burdette Park, I would like to have a public hearing on June 9th and 16th in order to have revisions incorporated into that ordinance. There are changes that need to be made to it.

President Mourdock: Have you looked at that, Joe? Have you seen that packet or seen the existing ordinance?

Joe Harrison, Jr.: Yes.

President Mourdock: It is my understanding that everything in

that ordinance is basically just dealing with an individual's conduct at the park?

Joe Harrison, Jr.: That's correct and there are some additional items that need to be put in an amended ordinance. I believe Joyce and Lynn and some others have come up with those other rules that need to be set forth. As far as what we can do is we can get the ordinance, proposed ordinance, published and indicate that a public hearing will take place with respect to the ordinance and then you'll have to have two readings on it.

President Mourdock: Okay, that kind of begs the question of the discussion of a moment ago. Would it be possible to clarify in an ordinance that...I'm just thinking out loud here...that someone other than a Sheriff's Deputy has enforcement power at the park for the issues within that ordinance? In other words, instead of paying 20 bucks an hour is it possible that we could hire a security firm at something less than that and through the ordinance give them enforcement powers equal to what the Sheriff's would be at the park?

Joe Harrison, Jr.: I believe the current ordinance that...we wouldn't change that language. The current ordinance as far as enforcement says:

"All county parks shall be operated and maintained under the supervision of the Board of County Commissioners pursuant to (code cite). The Vanderburgh County Sheriff's Department and the Board of Commissioners and County Park's Manager as well as the park's employees and agents shall in connection with the duties imposed by law diligently enforce the provisions of this subchapter."

President Mourdock: What does that mean?

Joe Harrison, Jr.: It means they can enforce:

"A violation of any of the prohibitions in this section shall be a violation of this subchapter and shall be punishable pursuant to §10.99."

Commissioner Jerrel: Let me ask you the question. If I am...now the Sheriff had one viewpoint of that if someone on...one of our agents, an employee, and we've given the rules and they have been violated that person can cite them, but they feel the Sheriff has to come out and do it.

Joe Harrison, Jr.: Right.

Commissioner Jerrel: But if adequate documentation and witnesses are available there might be able to be a citation issued by people on staff.

Joe Harrison, Jr.: Yeah, that's a question that I am going to have to look at. You know there is a question about who can issue any type of citations and typically it's got to be a law enforcement personnel in a situation like this if you want it to

go to the Vanderburgh Superior Court, Misdemeanor Division which is where someone who is issued a citation will have to go and the judge will determine what the fine is. Typically if it's the other way around where an individual from the department issues a citation, then it might be that the County Attorney would then have to file an action in small claims or something to enforce. That's typically the way it works. If you have law enforcement issuing the ticket--

Commissioner Jerrel: It goes direct.

Joe Harrison, Jr.: Yeah. That's up to you all, but typically when one has to go in front of a judge on a citation issued by a law enforcement personnel that tends to have a little more weight in the eyes of the one who gets the ticket. If the person doesn't show up in court there is a warrant possibly out for their arrest and all sorts of good things could happen. Typically that's a more stringent situation.

President Mourdock: That may be a real good liability reasons not to do what I am suggesting there.

Joe Harrison, Jr.: Right, correct. For instance, you know, when there is curfew violations within the city, you know, those aren't issued by personnel from the department stores they're issued by city police or the Sheriff's Department. Individuals who violate those ordinances or that ordinance have to show up in court.

Commissioner Jerrel: There are probably things that the employees could do though in reference to behavior at the pool.

Joe Harrison, Jr.: Right.

Commissioner Jerrel: You know, if someone has been acting in a way that's been a danger they could just forbid them to come in any more.

Joe Harrison, Jr.: Sure.

Lynn Ellis: They do.

Commissioner Tuley: That's right.

Lynn Ellis: The staff out there does as much as they can, but the point the Sheriff made was that no one but a deputy has arrest powers and we have part-time personnel working security Sunday night through Thursday night, but he cannot arrest anyone. He can't do anything. He can't carry a gun.

President Mourdock: That was my question though. If by ordinance somehow you get them that authority.

Commissioner Tuley: They don't have any police powers I don't believe.

Lynn Ellis: No, the Sheriff would have to deputize them. The only way to do that from the Sheriff...at least what he has indicated to me is that he would have to deputize someone and he

wouldn't do that.

Joe Harrison, Jr.: We're getting into the...this particular issue I'm looking at a number of county ordinances involving Weights and Measures, the Health Department and others and I am trying to determine if we want to go one way or another with some of those ordinances and I'll talk to you all down the road, but there may be some things that we may want to change so that we can have the Prosecutor possibly consider prosecution of some of these people who violate some of these ordinances as opposed to maybe the County Attorney because there are state statutes that refer to that situation. That's just something we may want to think about down the road.

Commissioner Tuley: As we continue these discussions let's think about something that Lynn said earlier about those four Sheriff's deputies during the day and what it does psychologically. You know, I've got a guy in my face that can write me a ticket and summons me to court or I got a guy sitting here that if I don't settle down is going to take me to jail. That guys got a lot more control of the situation.

Commissioner Jerrel: Right.

Joe Harrison, Jr.: Again, certainly those who work out there, as she said, if there is a situation arising that is a problem the park staff can say, hey, you better go or we are going to do this, this or this. That's the next step and then if it doesn't get resolved then they have to call the authorities.

President Mourdock: Alright, good discussion.

Lynn Ellis: There were two arrests made this weekend. Okay, I have two more items, I think. One is personal and I was asked to do this when I started and had not yet done it until now. The Job Study is meeting this week and Sandy Deig asked me to submit something to transfer my time from the city, the joint City/County Purchasing Department, to the county. There is just a...there is not anything in your packet, but there is a thing in there for signature transferring my three years with the City/County Purchasing to the county.

Commissioner Jerrel: This is the only time something like this is permitted. We don't normally transfer city time, but this was one of our joint funded departments.

President Mourdock: Make a motion is probably appropriate.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second just with the comment as long as we are--

Commissioner Jerrel: Are consistent?

Commissioner Tuley: --consistent and across the board and it is a city/county joint funded department that's appropriate.

Commissioner Jerrel: Sandy said that was the only time that has

been done in the past.

President Mourdock: There being a motion and a second I will so order.

Charlene Timmons: Before we go any further, can we go back to the Burdette Park thing? Are you guys wanting me to advertise that for a hearing of June 9th?

Commissioner Jerrel: What kind of hearing?

Charlene Timmons: I think that's what Lynn is wanting, is it not?

President Mourdock: Yeah.

Joe Harrison, Jr.: If I get you the ordinance tomorrow would that give you enough time to advertise.

Charlene Timmons: It has to be tomorrow by noon because it is Wednesday already.

Commissioner Jerrel: The newspapers control all of this!

Joe Harrison, Jr.: I will get it done. I'll just have to do it. I'll get it to you by noon. I'll get it to Lynn or you by noon.

Charlene Timmons: Okay, then I need permission to advertise.

President Mourdock: Yeah, and we would need that in the form of a motion.

Commissioner Jerrel: I'll move approval to advertise.

Commissioner Tuley: Second.

President Mourdock: I will so order the motion and second for the advertising of the special ordinance hearing for the ordinance for Burdette Park.

Joe Harrison, Jr.: Yes, and the hearing would just be a part of the regular meeting that we have on the 9th.

President Mourdock: Thank you for keeping us on our toes, Charlene.

Lynn Ellis: The final thing, I think, I'll have to go back through my notes again, you have in your packet a memo regarding abandoned railroad structures. Included in that is a draft ordinance from Gibson County. I don't know the Commissioners' desire for this, but there is this for you all to consider and possibly adopt so that Vanderburgh County doesn't come up with the same kind of problems regarding abandoned railroad ties and roads and the condition that they are left in, so we can hold the railroad company liable for these structures.

President Mourdock: I think at this point, and let me give a little background, I spoke with Mr. Jim Elliott who is very active up in Gibson County with this issue and he's with the

Gibson County Farm Bureau. They've seen a number of railroad tracks abandoned poorly and as a result it has given the county additional cost up there and also had some negative effect on overall appraised values of some farmland and such. He called simply saying if you guys ever get in this situation you might want to have an ordinance put in place to consider how all this happens and probably good planning on our part. I don't know at this point if there is anything that we need to do other than perhaps take it under advisement. Joe, if you would report back to us with any thought you may have on it.

Joe Harrison, Jr.: Sure.

Lynn Ellis: Right, his concern did include knowledge of potential abandonment of ties that do run into Vanderburgh County from surrounding counties. Because of his involvement he was a little urgent in his request, but that is as Richard said because of his in-depth involvement in this process and the problems they've been left with.

Commissioner Jerrel: Just under new business it just occurred to me, I saw an article in the paper about an architect being hired to develop plans for a new building for the Sheriff at the Auditorium?

Commissioner Tuley: Huh?

Joe Harrison, Jr.: Build a substation.

Commissioner Jerrel: Yeah, I saw the article and, you know, we pay I think it's about \$125,000 a year for rent on the substation and I didn't know if you two knew about that.

President Mourdock: I didn't.

Lynn Ellis: There is one thing, I had given you all a memo before concerning House Bill 1158. Suzanne, this impacts your system purchase. The date, Joe just brought to my knowledge or attention, is for July 1 of '98 not '97. So the existing purchasing law will stay in place until July of '98 not '97, so that's not good but there we are. It gives Joe more time to review it. He likes that.

President Mourdock: Anything else?

<b>Consent items</b>
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President Mourdock: Consent items in our packet involving employment issues, travel issues and issues from the Health Department including two surplus vehicles and also the Local Emergency Planning Board appointments.

Commissioner Tuley: I have a question. An employee at the auditorium that we discussed last week, is that satisfactory?

President Mourdock: I'm sorry I couldn't hear you.

Commissioner Jerrel: Say that again.

Commissioner Tuley: I'm sorry. The employee last week that was

discussed regarding the auditorium.

President Mourdock: I don't know that we have a choice at this point.

Commissioner Jerrel: Well, I don't know--

Commissioner Tuley: Okay, that's what I--

Commissioner Jerrel: --what the insurance company said. Is that...?

Commissioner Tuley: Yeah, I think at that time we didn't act on it based on that. I don't know unless someone else on this Board knows, I don't know.

President Mourdock: At this point there is not a whole lot we can do.

Commissioner Jerrel: Right.

Commissioner Tuley: Well, if that's the case, then I'll move approval of the consent items.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: We have a list of scheduled meetings attached and as Lynn mentioned the a Personnel Committee tomorrow. Again, as a reminder our meeting next week will be at noon on Monday in this room for the personnel policy review.

Joe Harrison, Jr.: It will be any other matters that come up. It's a regular meeting, but I guess we're going to focus on that.

President Mourdock: There will be no Executive Session before that.

Commissioner Tuley: Or after? This thing says 4:00 p.m. there is an Executive Session.

Commissioner Jerrel: No.

Commissioner Tuley: I just saw that.

#### Old business

President Mourdock: Any old business to come before the Board this evening?

Commissioner Tuley: I've got some new business.

#### New business

President Mourdock: New business to come before the Board?

Commissioner Tuley: I've got one item here. I've got a letter from Mike Madriaga, Supervisor of Athletics, Physical Education and Driver Education for EVSC.

"The Evansville Athletic Council respectfully request that you consider waiving the rental fee for the sixth annual Sports Appreciation Picnic to be held at Burdette Park on Wednesday, August 6, 1997.

Arrangements for using Bishea Building on that date have been cleared with Mr. Steve Craig, Park Manager. Thank you.

Sincerely,

Mike Madriaga"

History, I think we have done this probably for all the previous five or at least since I've been here we've done it.

President Mourdock: Lynn, several weeks ago you drew up a list of criteria for the use of Burdette Park. Does this meet your criteria as outlined in that policy? The Evansville Athletic Council, which is a non-profit I presume?

Commissioner Tuley: I think so.

Lynn Ellis: As long as they are non-profit then they could receive up to two passes.

Commissioner Tuley: No, no.

President Mourdock: You're right, that was on passes. I'm sorry, I'm sorry.

Commissioner Tuley: This is a reduced...or free use of a building.

President Mourdock: Yeah.

Lynn Ellis: That would take special commission approval.

President Mourdock: Yeah, okay. Commissioner Tuley just made the recommendation that we act as we have in the past for the Bishea Building for the Evansville Athletic Council for...what was the date?

Commissioner Tuley: August 6th.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered. Any other new business?

Commissioner Tuley: That's the only new business that I had.

Lynn Ellis: You have a letter that you wanted to mention.

President Mourdock: Thank you. You're referring to Torian, Hofmann & Dillow? I have a letter that I need to pass on to John Stoll. He will be back in here momentarily. A couple of gentlemen from the Loss Control section of Penco inspected the intersection of Millersburg Road and Green River Road on Tuesday, May 20th. This formal report will be sent to us by June 10th. His report will state that corrections are necessary to improve the safety at this intersection. The copy of the County Engineer's letter of response has been sent to Mr. Peters. I guess two points. Number one, I will forward this on to John. Number two, this could be another classic case of what we were talking about earlier where we have an existing intersection that may require some funding that otherwise may be--

Commissioner Jerrel: That's right.

President Mourdock: Largely that's FYI. Any other old or new business? A motion for adjournment prior to Drainage Board?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:00 p.m.

***The Vanderburgh County Board of Commissioners meeting was reconvened at 7:09 p.m.***

President Mourdock: Very briefly we are going to call back into order the May 27, 1997 meeting of the Vanderburgh County Commission to correct a slight problem that we have with some administrative business.

Commissioner Jerrel: I would like to move under the consent items that the pink slips that have been initialed as being accurate be included in our motion to approve and those that need to be reviewed because of notations that Lynn Ellis reviews those and we act on those after they've been approved as corrected.

Commissioner Tuley: Second.

President Mourdock: So ordered. With that bit of bureaucracy taken care I'll ask for adjournment again of the Commission meeting.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:11 p.m.

**Vanderburgh County  
Commissioners Meeting  
May 27, 1997**

Pages 29

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
John Stoll  
Eldon Maasberg  
Randy Giles  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

---

Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
June 2, 1997**

The Vanderburgh County Board of Commissioners met in session this 2nd day of June in the Commissioners' Hearing Room of the Civic Center Complex at 12:03 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good morning, is appropriate. Thank you for joining us for the June 2nd...right?

Commissioner Jerrel: Second.

President Mourdock: June 2, 1997 meeting of the Vanderburgh County Commissioners. As all of you who are in the audience know, we're going to use--

Charlene Timmons: I'm not sure, go ahead.

President Mourdock: The little arrow says it's now off.

Charlene Timmons: It's now on.

President Mourdock: Alright. We will use this as a special hearing on the Vanderburgh County employee personnel policy. I trust Commissioner Tuley will be joining us in just a moment. In the meantime, if you would, join us for the Pledge of Allegiance. For our official roster at the head table today, our Superintendent of County Buildings, Lynn Ellis; County Attorney, Joe Harrison, Jr.; County Commissioner, Pat Tuley; Commissioner Bettye Lou Jerrel; County Auditor, Suzanne Crouch; and Charlene Timmons, our Recording Secretary. If you've not yet picked one up on the table we have an agenda for this meeting and also, Lynn, if you have not done so we need to make sure we have a sign in sheet for all those who are in attendance. Because our minutes are taken verbatim, if you wish to comment to the Commission on any issue you must come to the microphone and state your name or office, please. Again, that will help us as we have our notes recorded.

**Approval of minutes**

President Mourdock: Action items this afternoon, the first thing on our agenda is the approval of minutes from our past meeting of May 27th.

Commissioner Jerrel: I would like to move approval of the May 27th minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Department of Metropolitan Development - Earle Sanitary Sewer**

President Mourdock: We have in our packets a resolution from Department of Metropolitan Development regarding a resolution

concerning the acquisition of easements for the Earle, Indiana Sanitary Sewer Project. Mike Robling.

Mike Robling: Yes, for the Earle project it required nine easements. We have obtained four of those and have a promise of the fifth. John Stoll has met with these people on several occasions. We are not making any progress negotiating with getting easements for free. Before any action can taken regarding condemnation we have to have an offer tendered for at least 30 days. The resolution you have before you authorizes Richard Mourdock to sign these offers. We are essentially offering 25 cents a square foot for the area of these sewer easements.

President Mourdock: Did I understand you, Mike, I know when we spoke last you had two people who were not in agreement and now there is only one? Did I hear you just say that?

Commissioner Tuley: Three.

Mike Robling: No, there are four.

President Mourdock: Oh.

Commissioner Tuley: I thought you said three of them aren't.

Commissioner Jerrel: I would like to move approval of the resolution of the Vanderburgh County Board of Commissioners concerning the acquisitions of easement for the Earle Sanitary Sewer Project as received offering 25 cents per square foot. Is that what you said?

Mike Robling: Right.

Commissioner Jerrel: To Eloise Burress, Thomas and Cathy Bredhold, Michael and Carol Bridges and Leslie and Carol Lantaff.

Commissioner Tuley: Second.

President Mourdock: So ordered. If that doesn't work we would then be in a position to begin condemnation proceedings. The next issue on the agenda is also a Department of Metropolitan Development issue which is an amended agreement with Three I Engineering Services. Again, Mike Robling at the microphone to tell us what that is about.

Mike Robling: Yes, this amendment includes two small items. One of them is \$694 which is required to do the re-engineering of a segment of the Earle Sewer to accommodate the golf course underpass that BSH Development was putting in. You've already amended the construction contract to allow this change and I had gotten this letter from Three I sometime after that occurred. It also includes the addition of \$750 which was for staking to stake out the easements that you are now attempting to acquire. It was thought that would assist in the negotiations with those property owners so that they could see actually what was involved in their front yards. That \$750 had been approved verbally by President Mourdock.

Commissioner Jerrel: I would like to move approval of the resolution of the Board of Commissioners authorizing an amendment to the agreement for engineering services for the Daylight Sanitary Sewer Project which includes BSH Development redesign, \$694, and staking of sewer easements, \$750, for a total of \$1,444.

Commissioner Tuley: Second.

President Mourdock: So ordered. Thank you, Mike.

Mike Robling: Do you have copies of these for signature?

President Mourdock: I believe we have them in our signature file. Do we not, Lynn? If you have them with red signature tags on them maybe we don't.

### **Burdette Park - Miniature golf fees**

President Mourdock: Okay, the next item is Burdette Park regarding the miniature golf fees. Lynn, do you have some comments in that regard?

Lynn Ellis: Yes. Burdette was given permission by the Commissioners to assume responsibility for the miniature golf course located on Burdette Park grounds. As a result, the staff has put together the formula here, the rates for persons to take advantage of the miniature golf and those are proposed here. The urgency is because the season is beginning, so I would recommend that the Commissioners approve the rates as stated. They are in line with surrounding miniature golf courses.

President Mourdock: Is the facility ready to go now? Do you know?

Lynn Ellis: Not quite. They've done the painting and they are working on the concession area to bring it into compliance with the health regulations. It's very close to being completed.

Commissioner Jerrel: I would like to move approval as recommended by the personnel at Burdette Park. The regular rates would be \$3.00 per person eight years or older, \$2.00 per person seven years and under, \$1.00 per person Friday nights 3:30 p.m. until closing. Group rates 50 to 200 \$2.00 per person, 201 to 500 \$1.75 per person, 501 to 999 \$1.50 per person, 1,000 to 2,000 \$1,200 unlimited play with arm band, 2,001 and over \$1,500 unlimited play with arm band. Hours of operation Monday thru Thursday 11:00 to 8:00, Friday 11:00 to 10:00, and Saturday and Sunday 11:00 to 8:00.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Rose Zigenfus - Request for INDOT to hold public hearing concerning S.R. 66**

President Mourdock: Next on our agenda we have a request from the Director of the Evansville Urban Transportation Study, Rose Zigenfus, to formally ask INDOT to hold a public hearing for the

widening of State Road 66. That meeting, obviously, is for INDOT to schedule at their convenience, but we need to formally make that request.

Commissioner Jerrel: I would like to move approval of a hearing that has been requested by INDOT concerning added travel lanes on State Road 66 from Green River to Epworth Road.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### County Personnel Manual

President Mourdock: Now we are at the section regarding the county personnel manual. As a general statement, at least it is my feeling, and I would ask my Commissioner cohorts to comment one way or the other, but it is my feeling that the comments that we take today would in essence be taken under advisement and that all the comments made need to be incorporated with each other and that we come back within 35 days or so to have a formal draft.

Commissioner Jerrel: Commissioner Mourdock, we have a hearing scheduled on the 9th, so if there are any questions they need to get them in now in the next few days because this incorporates all of the issues that we felt would at least be workable. That's another thing to consider.

President Mourdock: For that to be the first hearing we would need to schedule it as such and at this point we have not done so. Correct, Charlene?

Charlene Timmons: No.

President Mourdock: Okay. By way of procedure, I would suggest probably the easiest way is to start at the beginning and kind of go through it section by section. Again, if you are going to speak to any specific issue in the personnel policy you must come to the microphone and state your name and office. Otherwise it will be--

Commissioner Jerrel: Commissioner Mourdock, to help the things that have been changed are highlighted. That should help. They've been highlighted.

President Mourdock: But I am not sure that everything that is in the newest draft, the draft that Lynn just distributed, is highlighted. Is that correct, Lynn?

Commissioner Jerrel: No, it is. I think it is. Unless it's a--

Lynn Ellis: There are sections, at least one that I am aware of right now was not highlighted that has been changed.

Commissioner Jerrel: Which one is that so we can get it?

Lynn Ellis: Drug free workplace.

Commissioner Jerrel: Which number is that?

Lynn Ellis: It's 1.4 on Page 3.

Commissioner Tuley: Question. I've two of them here. One that was sent to my house Friday, is it different than the one that is presented today?

Commissioner Jerrel: Just those things that you asked me to change and Commissioner Mourdock asked for changes on those that, you know, we talked about.

Commissioner Tuley: Right.

Commissioner Jerrel: Those are the only changes.

Commissioner Tuley: I just want to make sure I am following the right copy then.

President Mourdock: Okay, I am going to work through the last copy that I had and I am going to note changes and, again, make comments about what the suggested changes were. Then we will see what the responses are to those. Again, for lack of a better way to do this we are going to start at the beginning. I'm going to use this one that raised the questions. I think the questions will be taken care of in that one.

Commissioner Jerrel: Okay.

President Mourdock: Okay, the first one in the second paragraph in Section 1.1--

Commissioner Jerrel: They're looking at these. They don't have the other ones.

President Mourdock: But it is still the second paragraph in 1.1.

Commissioner Jerrel: Okay, so that they know.

President Mourdock: In Section 1.1 regarding Use and Revisions, there was a question made referencing Section 6.1 at one time and there were some who felt that the language in the second paragraph which is basically employing an At-Will hiring relationship that some question whether or not that was correct. Having seen no other comments to that I would assume that the County Attorney has ruled that this is truly an At-Will contract...not contract, but an At-Will document.

Commissioner Jerrel: I did speak to Mr. Casey and his office about that.

President Mourdock: Okay. The next item that I had highlighted...let me add, the summary of the highlighting that I had is a result of the meetings that all of you had at one time or another. I'm not sure who these comments necessarily came from, but they are trying to incorporate everyone's comments into one document. Section 1.3 is what is generally known as the Management Rights Clause. I believe that is highlighted. Joe, perhaps you would have comments regarding that.

Commissioner Jerrel: (Inaudible comments made away from mike).

President Mourdock: I'm looking at the third copy then.

Joe Harrison, Jr.: Yeah.

Commissioner Jerrel: Where is...you haven't seen--

President Mourdock: Joe, do you want to comment about Management Rights?

Joe Harrison, Jr.: There was apparently in the process some changes made to that paragraph, but essentially the paragraph is similar to the 1.3 that's in the current personnel policy. Basically, it's the same. The only changes that a couple of the numbers were deleted because they were repetitive, but other than that for the most part it is similar to what is in the current personnel policy which would be on Page 2 and Page 3 if you have one of your books, current county personnel books.

President Mourdock: Any comments? Under Section 1.4, Drug Free Workplace, there were several comments made. The language that you have before you is the compilation of those comments. Certainly before the question whether or not alcohol should be included has now been incorporated. Under Section 1.4.1, Drug Testing, any changes in that language? I don't believe there are. We have a Probable Cause section which is stating that if it is reasonably concluded by a supervisor that someone is under the influence of drugs that there is language there to deal with that situation. There is a suggestion that has not yet been incorporated into the copy that you are looking at that I would read and personally recommend. This language isn't necessarily finalized, but the concept is what we are really looking to discuss. Section 1.4.3, Random Drug Testing. Random testing of employees for drugs...this is not in your documents so don't look for it.

"Random testing of employees for drugs may be performed on a periodic basis. The county shall not discriminate by department, level of employee or any other manner. If and when such testing shall occur the selected employees or employee shall be informed as to the place of such drug testing and must report during normal working hours at such location within four hours. Failure to report for testing may be considered as a cause for termination. All such random drug testing shall be paid by the county."

I don't know if the County Attorney has any comments about that. That language came from me not from him.

Joe Harrison, Jr.: I'll have to take a look at that obviously and whether or not that would apply to all county officeholders and offices or whether certain...or whether you would want that applied to those who maybe operate certain types of machinery. As a whole, I will look at it as it would be affecting everyone for the county and also if that is something that we can do, then we will determine where that should be placed. Whether it should be under drug testing or whether it should be under

something separate called random drug testing.

President Mourdock: Okay, any comments on that issue? Under Section 1.5, Sexual Harassment. Again, the last comments that I see are simply a couple of punctuation changes. Paragraph 1.6, Americans with Disabilities Act, obviously a federal mandate. Item 1.7, federal requirements. Under Section 1.8, Veterans Preference. There was a comment made in about the third line from the bottom that County government shall be allowed preference points totaling 10% of the total number of points a person must have served on duty. It appears that right between points and a there should be a period. That's two sentences, not one. A person must have served on active duty in the arm forces.

Commissioner Tuley: I've got a question about that though.

President Mourdock: Okay.

Commissioner Tuley: What point system do we go by? Is there a point system that we use in our application process?

Joe Harrison, Jr.: Well, this is a federal statute and I'm not too sure anyone knows although this is the law. I've looked at this before and I am not too sure when it was adopted. Probably during World War II. It's just something you have to have in here and I'm not too sure that it is utilized that often, but if it is we'll have to utilize it.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: This is the...exact language from the statute has to be used.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: It could be worded differently, I'll agree there, but I will get some more information on the point system. In the statute it doesn't have it all set forth, but we are going to have to get it from some other source. We'll find it maybe from Veterans Services.

President Mourdock: Good question. On Page 7, 1.9, Labor Relations, is untouched. Section 1.10 on County Contracts, a slight verbiage error to correct the formal name of the Board of County Commissioners. It should be Board of Commissioners of Vanderburgh County.

Commissioner Tuley: Question there, too, then. Something just came to mind. What about Council? Do they not have the right to enter into an agreement for personnel evaluation as opposed to the Commissioners?

Commissioner Jerrel: The only one they enter into is with their Job Study Ordinance.

Commissioner Tuley: Right.

Commissioner Jerrel: We can add that or make reference to it.

Commissioner Tuley: Make an exception or reference to it. Yeah, I didn't catch that earlier.

President Mourdock: Yeah, that's a very good point then. We would need an exception to that. Lynn, did you get that?

Lynn Ellis: No, I'm sorry.

President Mourdock: What the discussion was Section 1.10, County Contracts. Pat raised the question whether the Council was thereby prohibited from making contracts. Bettye Lou pointed out that the one exception that ought to be listed is for Job Study.

Joe Harrison, Jr.: Well, there are specific statutes that deal with specific offices and if they have the power it is set forth in their particular statute. I wouldn't--

Commissioner Tuley: Change the wording to reflect that?

Joe Harrison, Jr.: No, I think what you could say is--

President Mourdock: Would you review that for us then, Joe--

Joe Harrison, Jr.: Yes.

President Mourdock: --and then let us know which one it should be?

Joe Harrison, Jr.: Yes, but the Commissioners have the authority to enter into and negotiate county contracts period pursuant to whatever the statute site is. I've given it to Lynn, but there are other offices that do have some authority on certain things and the law is what it is unless it isn't.

Commissioner Tuley: Makes sense to me.

President Mourdock: For this we pay for huge legal advice! Okay, Page 8, Employment Policies. Now we're getting to the hot buttons right? It has been suggested that the second paragraph also have after the words local laws 'and approved by the job study'. Moving down to the paragraph under the subheading Applications. The sentence is shaded which I presume means it was added.

"Applications are in the County Auditor's Office and made available to elected officials, department supervisors and applicants upon request."

Commissioner Jerrel: They're in County Council, Auditor and Commissioners.

President Mourdock: Ah, okay. A yet newer copy. Let me restate that one. The newest sentence says:

"Applications are in the County Auditor's Office, County Commissioners Office and County Council Office and made available to elected officials, department supervisors and applicants upon request."

Page 9...yeah, at one time applications were going to be retained in active files for 45 days. The new wording is 90 days and that applications would be returned to the Auditor's Office prior to being placed on the payroll. Employment Categories, Section 2.2, new language:

"Officeholders and department heads will receive a list of exempt and non-exempt positions under their juris-diction."

Lower in the page, 'Work' is defined as time spent on the job for work actually being performed. This is not earned time such as vacation, sick time, personal or compensatory. On Page 10, Subheading 1:

"Public safety and emergency employees may accumulate up to 480 hours."

Cheryl Musgrave: Go back to 2.2, 'Work' is defined as time spent on the job. Does that mean, suppose you have a four day work week because one of the days is a holiday. Does that mean an employee cannot earn comp time or overtime that week unless they work more than 40 hours? In other words if they came to work all the four work days and they stayed three hours late one night that's not considered comp time?

Commissioner Jerrel: Yes it is.

Cheryl Musgrave: Not the way this is worded.

Commissioner Jerrel: Well, no, what we mean is if you have a vacation day you can't claim that week's...you can't use any unearned time to add overtime to. Any overtime must come with a working day. Doesn't that make sense?

Cheryl Musgrave: No.

Commissioner Jerrel: Only overtime earned on a working day would result in either pay or compensatory time. In other words--

President Mourdock: In other words, it doesn't count how many hours in a week it's how many hours in a day?

Commissioner Jerrel: Yes. It's just that if you have a vacation day you are not earning comp time on a vacation day.

Cheryl Musgrave: If you come into work that day?

Commissioner Jerrel: Well, that's different, but it doesn't say that. You can only earn comp time or overtime if you are at...if you are working. That is on the job actually being performed. Working, not on vacation.

Commissioner Tuley: We're trying to take a confusing issue and I think we are making it more confusing.

Commissioner Jerrel: Well, but that just makes sense. Is there anybody in here that doesn't see what that means? You just don't earn it...well, you can earn it any day that you are

physically working, but you can't earn it on a vacation day or a holiday.

Commissioner Tuley: Unless you actually physically come in and work.

Commissioner Jerrel: Those issues have come up.

Commissioner Tuley: Then it's not a holiday or vacation day.

Commissioner Jerrel: If you are there working it's not counted as that.

President Mourdock: Let me try to restate that and make sure we are all on the same base level here. If you are working on a vacation or a holiday, then those issues count, but if, in fact, you're not working and it's on vacation or holiday then they do not count.

David Byrne: Maybe this will help clarify it. Marsha Abell, the Clerk, and I attended a FLSA conference as did two representatives from the Auditor's office. I think the one way that they helped clarify it for us was there is the matter of actual hours worked and actual time you are being paid. It was explained to us under federal and state law that the threshold is 40 hours and the holiday time that they are being paid for a holiday cannot be counted towards accumulating comp time during that week. So if they work 40 hours within those four days with a holiday they would get straight time until they went over the 40 hours.

Commissioner Jerrel: That was just last week?

David Byrne: Yes, last Wednesday.

President Mourdock: For the record that was David Byrne. Okay, Page 10.

Commissioner Jerrel: We can get that law for you.

Commissioner Tuley: No, it makes sense. My comment was before you get over eight hours it is something that is negotiated through a union contract.

Commissioner Jerrel: That's right.

Commissioner Tuley: That's where it comes from and not the federal law.

President Mourdock: We are going to go briefly back to Section 1.10.

Joe Harrison, Jr.: If we could go back to Section 1.10 under County Contracts. I grabbed the statute here and this is what I would recommend be included and it's on Page 7, I believe. It would be as follows and then for Charlene:

"The Board of Commissioners have the sole authority to enter into contracts on behalf of Vanderburgh County,

except to the extent that these powers and duties are expressly assigned to other elected officers by state statute."

So that would take care of you period.

President Mourdock: Okay, where are we, Page 10?

Commissioner Tuley: Nine. I assumed we were on nine, but we're on 10 actually.

President Mourdock: Page 10, I noted the public safety and emergency employees under subparagraph one. That's the only change I am showing. Page 11, there is a new line in the last section of 2.2 which says:

"Temporary employees are paid at the initiation salary set forth in the Salary Ordinance."

Under 2.4 the first words of the second paragraph in that section should read:

"Officeholders/department heads shall maintain an accurate personnel file for each employee."

Page 12, several additions. Under Applicant/Personnel Files there is a new Item 3 which is 99A's for each employee and also Number 4, grievances, disciplinary action and other information. The rest is a new section. Basically:

"The County Auditor shall maintain an accurate personnel file for each employees. The personnel file should reflect each employee's history and contain the following items:..."

...and then there are seven items listed. Oh, the question is what is a 99A? It sounds like an IRS form to me. Is that a withholding form?

Commissioner Jerrel: Do you want to explain what a 99A is, Suzanne? I mean, they want to know.

Joe Harrison, Jr.: Is that the leave time? Is it the hours that you have listed.

Suzanne Crouch: The 99A's are the employee records that you keep showing how much time they took required by State Board Accounts.

Loretta Townsend: The yellow sheets?

Suzanne Crouch: Yeah, right. Just a copy.

President Mourdock: Okay, 2.5, Access to Personnel Files. The fourth line with 'reasonable advance' and then 'written' is inserted. Under section Personnel Information Changes, the last line:

"Name and address change forms are available in the County Auditor's Office."

Section 2.7, Orientation:

"New employees must have an appointment form (pink slip) processed and signed by the County Commissioners before they may physically begin working."

The last paragraph, the last line on Page 12 is referencing the Auditor's Office shall provide the new employee with a copy of the Vanderburgh County Employee Handbook and then a new paragraph:

"New employees must on or before their first physical working day have completed all the necessary paperwork with the Auditor's Office with regards to deductions, benefits, etc."

Page 14 has comments regarding Outside Employment and Requests for Information. Let me go back one second on Outside Employment. Joe, we have a line in there that says...it's in the third paragraph, the second part of a line says:

"The employee may be asked to terminate outside employment if he or she wishes to remain employed with the county."

My comment is this is a real legal question. Is that something that is even possible and if not then does that language belong there?

Commissioner Jerrel: Which one is that?

President Mourdock: Right there. Do you see the spot I was referring to, Joe?

Joe Harrison, Jr.: It's in the second paragraph?

President Mourdock: Yeah.

Joe Harrison, Jr.: Yeah. Let me take a further look at that. That's in the current policy, correct?

President Mourdock: Yes.

Joe Harrison, Jr.: I mean, I can see where there are reasons to have that in there, but let me just look at the language okay?

President Mourdock: Okay. Page 15, Salary Administration. The first change on that page is under Section 3.2, Work Hours.

"Employee work schedule is the discretion of the officeholder/department head."

Under Section 3.21...yes, Councilman Sutton?

Royce Sutton: On the one we just covered, 2.1 on Page 14.

President Mourdock: Is that the one on Outside Employment?

Royce Sutton: Un-huh, on Outside Employment. When it makes, I

guess, several references to the county, who is the county in this particular context? Is it the County Commissioners? The officeholder or department head? What body?

President Mourdock: Who is making that judgement? That's a very good question.

Commissioner Jerrel: That was asked numerous time during the meeting, but I think if you read Management Rights under Page 2 those are mostly inferred rights that relate to this and it wouldn't be...it's always been the County Commissioners that have made that decision.

Royce Sutton: I guess maybe in the context of that, I don't know if we ought to make that clear maybe in this particular instance.

Commissioner Jerrel: In the case of the legal opinion, less is better. In reading the minutes of the previous personnel policies. That's the way it was written, but that was the reason and the connotation.

Royce Sutton: Well, okay. I'll leave it at that, but like I said, I don't know if the officeholders or department heads...I don't know if that is clear for them. It's just a suggestion.

President Mourdock: Your suggestion is simply that language be cleaned up to say that the hiring of that employee or termination in this case is clearly the responsibility of the officeholder versus the language of the county?

Commissioner Jerrel: The officeholder would never...I mean, the County Commissioners would never initiate something outside of those offices over which they have direct control except at the suggestion of the officeholder. I mean it's the officeholder--

Royce Sutton: I think that's the general understanding--

Commissioner Jerrel: Sure it is.

Royce Sutton: --but maybe that is not what it specifically says.

Commissioner Jerrel: Again, less is better and if there is no reason for the Commissioners to ever be dictating hiring and firing in somebody else's office.

Royce Sutton: I'm not implying that. I'm just saying to make it clear.

Commissioner Jerrel: Well, there wouldn't be any reason for us to do it. The final release, if an officeholder wants it, will want it done by this body so that those pink slips are done right and if we are sued they are protected. That's the reason this is the final body that rules on the pink slips which release people.

President Mourdock: Maybe that is the way to address your question. Maybe it's just sticking in the final act, if you will. As Bettye Lou says, and I know we would all agree, that

pink slip that would come through the Commission Office is ultimately the termination device and that is always going to be in the state statute at this body's discretion. Maybe somehow that language can be put in there. You have a very...go ahead.

Commissioner Tuley: The pink slip. This is a question for Joe while he is doing all this other research. If a tree falls in the forest and nobody hears it it didn't fall right. What if we don't sign those pink slips? If we don't have the hiring or termination for each of these individual officeholders what happens if we don't sign those pink slips? Are they not hired or not fired?

Joe Harrison, Jr.: I guess they continue to get paid!

Commissioner Jerrel: Are you recommending that?

Commissioner Tuley: I'm just...it's a question. It's a question.

Commissioner Jerrel: I think it gives us some protection. Just like at our last month's meeting there were some errors that were discovered and we even developed a new way of having those checked by two or three different individuals so that we don't make any mistakes and I think that was a good exercise that we went through, but if that wasn't done you could see the inconsistencies that could develop. That way we're sure that they are cleared by the Job Study on the amount, by the Auditor's Office. I mean, we've got two or three groups that clear them before they get to us.

President Mourdock: But there are several things we are clearing and, again, this is a legal question. If we don't act on it clearly that person is no longer building time with the county. They are not working hours, but going back to Joe's interpretation you're saying technically they would still be an employee at that point. They're not getting paid in the sense that they are not working hours.

Joe Harrison, Jr.: Yeah, to me the signing of the pink slips is a paper trail for the county. That officially notifies the Auditor to take the person off the county rolls for payment and for insurance purposes and for everything else. Hopefully, there wouldn't be a situation where the Commissioners don't want to approve a pink slip unless there are grounds for that. Otherwise, I would think that more often than not those pink slips are going to be approved and that will officially take the person off the county rolls.

Commissioner Tuley: Or put them on it.

Joe Harrison, Jr.: Or put them on if it's a new hire. That is what the Auditor's Office looks for for their office. Isn't that correct, Suzanne?

Suzanne Crouch: That's right for benefits or stopping of them.

Joe Harrison, Jr.: As far as Mr. Sutton's question as far as the county is concerned, you know, the county is everyone in this

room. You know, you're all county, but as far as the pink slips are concerned when you are talking about that final determination that would come through this Board after the recommendation from your particular department or your particular office as to whether one is to be hired or let go or whatever or put on leave or whatever.

Commissioner Jerrel: Has this ever been...I mean, as far as I know that's the way it has always been done.

President Mourdock: I think, at least in 29 months I've been here, that's the way it has always been done. You said before, well, it would never happen and if less is more in a contract that's true, but the word never is a long time and that's true also. I could see a situation and I am going to try to skirt the specifics, but I can see a situation where a county employee is so far askew of what the general public at large may think is acceptable of an employee and yet for some reason the officeholder has a great loyalty to that person and yet still this Board might want to act. It might make perfect logical sense for us, for this Board, to do so and yet the officeholder may not want to do so, so I think it's a valid question. I mean, the procedure is clearly defined, but the more often than nots keep you out of lawsuits. It's the nots that take you into them.

Commissioner Tuley: The whole point of the question is we've gone at great lengths to express the autonomy of each of the elected officeholders yet then we say there is a pink slip and unless it comes by this desk it didn't happen. That's not true. Or is it true?

Commissioner Jerrel: Well, I think what we are saying is it's true because it protects the county with a paper trail that more than one person has looked at to verify hours if they're hired--

Commissioner Tuley: Then the point, I guess, will be our only job is verification of the information obtained on there.

Commissioner Jerrel: Accuracy.

Commissioner Tuley: That's it. It's not approval or disapproval of any other shape other than review of the information contained in it.

Commissioner Jerrel: Is that the way it has always been, Pat?

Commissioner Tuley: This question has come up before, but I just see it that more and more the officeholders are saying, you know, we're elected just like you Commissioners are and we have certain rights and responsibilities as well. I just want to make sure there is a clear line on those pink slips. It came up one time before and I won't name the office, I don't think they are even here anyway. It was about somebody wanting to hire somebody and the Commissioners at that time, and this was before me, said you can't do that. Well, I found out that they can. They can hire who they want.

Commissioner Jerrel: I think we...we are not changing

procedures.

Commissioner Tuley: Okay.

Commissioner Jerrel: I'm not comfortable changing something that has been in effect for a long time as long as it's conducted fairly.

President Mourdock: Okay. Discussion so noted. Page 15, Breaks, at the discretion of the officeholder obviously not required by law. Page 16, after Item H under the Job Classification something was added which is after Chief Deputies 'and other positions not listed in A through G above'. The same page, last paragraph, Vanderburgh County Personnel Committee and then just the words 'job study' was added. David Byrne.

David Byrne: Yes the Clerk in the Clerk's office. I noticed in reviewing the membership of the Personnel Administration Committee, otherwise known as the Job Review Committee, there is no unclassified representative on that committee.

Commissioner Jerrel: Which group? Is the committee in the middle of Page 16?

David Byrne: Uh-huh. The Vanderburgh County Personnel Administration Committee.

Commissioner Tuley: The Job Study Committee he is talking about.

David Byrne: Job Study Committee, a.k.a.

Commissioner Jerrel: Okay, now what are you saying?

Commissioner Tuley: He's questioning the make-up. There is no one on there--

Commissioner Jerrel: Currently, the current make up?

David Byrne: Currently there is no representative of the unclassified employees.

Commissioner Jerrel: Who is on there now?

David Byrne: You have POLE, PAT, you have all the positions listed, COMOT, Democrat, Republican officeholders, but there is no unclassified employee currently on that membership.

Joe Harrison, Jr.: I'm just curious. They're not a part of...they wouldn't be subject to the authority of the Job Study.

Commissioner Jerrel: He means the committee itself.

President Mourdock: But I think your point is still valid, is it not?

Joe Harrison, Jr.: Yeah.

Commissioner Tuley: How would they--

Joe Harrison, Jr.: They're unclassified so they are not subject to their powers.

David Byrne: In the same case--

Commissioner Tuley: Sandie, is there anybody other than Chief Deputies who are unclassified?

President Mourdock: Sandie, you need to come to the microphone.

Commissioner Jerrel: You want to come to the microphone?

Sandie Deig: Sandie Deig. We do have some attorneys and a few other employees, but they are a minority. The reason it is set up like that the County Council adopts that ordinance and places the people, but they weren't included in the past because they're such a small group of unclassified people.

President Mourdock: Okay, thank you. Any further discussion?

Joe Harrison, Jr.: To me that would be a County Council decision if they wanted to include--

Commissioner Jerrel: Uh-huh.

President Mourdock: Okay.

Betty Hermann: The time they voted the first time they decided not to and--

President Mourdock: Betty,--

Commissioner Jerrel: You want to come up?

President Mourdock: Yeah, if you would to state that.

Betty Hermann: Betty Hermann, County Recorder and I am on the committee and at the time that this was decided when the Job Study started because of the few that were involved they decided not to.

President Mourdock: Okay, thank you. Page 17. Under Section 3.7 the first paragraph, federal and state laws requires the County 'Auditor' has been written in to keep an accurate record of time worked.

Commissioner Jerrel: I don't know if this is the correct place to say anything about it or not, I think it's probably later on. One thing that we decided might be a good idea financially for the county and also professionally to keep the records accurate is to put a line item in the County Council's budget. Line item 1990 is Temporary Replacement, and we thought we would put a line item number in the County Council's budget 1971 and include money in it and use that line item for the final paycheck. That's why it is important that the timekeeping be accurate because if we are going...in other words, the final payment will come like the city does, you know, two weeks or whatever it is after your last day. That will be taken care of in a line item

budget that Council will have and that will mean that officeholders won't have to wait until somebody has been gone and worked out all their time or that they can't hire somebody or they have to get an appropriation for a temporary. I mean, every one of you have talked about that from time-to-time, so we thought the best way to handle it would be to put a line item in the County Council's budget and put an amount of money in there and then it will be clean and the last day will be the last day. The final check will come like the city two weeks after release. I maybe shouldn't be saying that now, but that's why the record keeping is so important.

President Mourdock: Okay. The County Attorney has a comment going back to Page 15 under the Work Hours and specifically Section 3.21.

Joe Harrison, Jr.: Yeah, under Breaks I would make a recommendation that the second sentence be knocked out of there:

"However, breaks that are not taken cannot be used towards employee's eight hour workday."

I would keep that.

"Breaks are at the discretion of the officeholder/department head and are not required by law."

Period. Knock out that next sentence.

Commissioner Tuley: Was the word 'Auditor' added in 3.7?

President Mourdock: I'm sorry, where are you, Pat?

Commissioner Tuley: Timekeeping.

Commissioner Jerrel: Yeah.

President Mourdock: We're back to which page?

Commissioner Tuley: 3.7, Timekeeping. So the highlighted is the change?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: It just read the county?

Commissioner Jerrel: Uh-huh. Is that what is shown on 99A?

Commissioner Tuley: I may come back to that one.

Commissioner Jerrel: Time, is that where time is recorded? Well, say that. He has a question on why the Auditor instead of the county.

President Mourdock: Cheryl Musgrave.

Cheryl Musgrave: What federal law and what state law requires the County Auditor to keep an accurate record of time worked?

President Mourdock: You're referring to 3.7 still?

Cheryl Musgrave: Correct.

Commissioner Jerrel: Is it the form 99A?

Cheryl Musgrave: I'm asking. I don't have an answer.

Commissioner Jerrel: Well, it's a State Board of Accounts form. Isn't the...oh, they can't hear you.

Cheryl Musgrave: I asked--

President Mourdock: Is that microphone on, Charlene.

Charlene Timmons: It is on.

President Mourdock: Okay.

Cheryl Musgrave: What federal law and what state law required the County Auditor to keep this time record? I would just like the citations.

President Mourdock: I'm not an attorney. Page 17, first paragraph under item 3.7. I'm not an attorney, but federal...why did you chuckle, Joe? Federal law requires all employers under the Fair Labor Standard Act to keep accurate records, so I don't know that was a specific federal law meaning that there is a law of government employees or county employees.

Commissioner Jerrel: We can just take out federal and state laws required and just state that the County Auditor should keep an accurate record because if we are going to pay out it has to be an accurate record that we've got recorded.

Joe Harrison, Jr.: That's what I would say.

Commissioner Jerrel: I mean, we need to have the numbers. We don't want to be trying to dig up records, that's all it is.

President Mourdock: Okay.

Commissioner Jerrel: You can strike--

Jayne Berry-Bland: Jayne Berry-Bland, Treasurer. My question on this same issue is how do we know that their records are accurate? I mean, in the past we've had some trouble with what we say maybe an employee should be paid if they are being paid out or leaving. I mean, if there is a discrepancy who do we go to? Do we go to the Council? Do we come to the Commissioners if we have a problem with what an employee is being paid out upon leaving is what I am talking about?

Commissioner Jerrel: Do you have--

Suzanne Crouch: I think in the past the officeholder or the employee either one go to the Commissioners.

President Mourdock: Okay, well, in the past is alright that's a good sentence, but since we are now saying the County Auditor in the future...before those records, am I correct, Suzanne, were largely the individual officeholders as worded in this sentence?

Suzanne Crouch: Well, some...no, no. Pink slips, you know, if you go back to the section the pink slips or anything that has to do with payroll with insurance or with, you know, --

President Mourdock: Benefits?

Suzanne Crouch: --benefits we need to have documentation in our office.

President Mourdock: Okay.

Suzanne Crouch: So the officeholder in the past has always kept track of their time and then provided a copy of that to the Auditor's Office.

Commissioner Tuley: So is that what we are saying here? That we are going to continue?

Suzanne Crouch: That's my understanding is that the officeholder would just provide copies of their time as they are doing now.

Commissioner Tuley: Is that the way you officeholders are interpreting that and reading that?

Several inaudible comments made from audience.

Suzanne Crouch: Well, that's correct. The 99A's, a copy would be provided, that's new, but in terms of reporting the amount of time your employees use that will continue. That has not changed.

Jayne Berry-Bland: Okay, you're going to make double the work so not only do we have to turn in a payroll slip for every employee every two weeks, then we are also to give you the 99A's once a year or...?

Suzanne Crouch: Once a year. Probably after the beginning of the year. That could be something that, you know...I have a question. On the bottom of Page 17, the paragraph that:

"County employees shall receive credit for eight hours worked on all official holidays unless such employee is suspended or on unpaid leave during such holiday."

There was some discussion earlier on Page 9 about work being defined. In that section it defined earned time as vacation, sick, personal...I'm sorry. Unearned time as vacation, sick, personal or comp. It didn't as holiday I think because the past personal policy recognized that holiday pay was actually earned pay and I don't know why that was. This is...are you following me? The policy now is fine, but it is somewhat not in tune with what you said earlier. If holidays are not to be recognized as time worked then that section needs to be changed. I don't know

about the other officeholders. Maybe you all have some feeling on that? Well, FSLA or FLSA, I can't ever get it right, defines time. Now the county can give more than what the Fair Labor Standard Act. Is that not correct, Joe? I mean you can give more benefits you just can't give less.

Joe Harrison, Jr.: Sure.

Suzanne Crouch: So the least is that holidays are not recognized as paid, but in our office, I don't know about other offices, holidays are days that are actually designated by the county, so it is nothing that we have a choice on. So when I have a Recording Secretary who works over in a week when there is a holiday she is not compensated for that time if this is changed and if that's what you want to do that's fine.

Commissioner Jerrel: No, we pay for 2,080 hours a year under all normal years and it's 2,077 or something on those short years, so the hourly rate is figured on a 40 hour week based upon 2,080 hours and that's how it is arrived at. Well, let Joe look at this because we'll get the Fair Labor Standards. Have Jim Casey get a copy of that and make sure that we're...I mean, we want to be in compliance, but we're not trying to remove any money from anybody. The record keeping is important.

President Mourdock: Suzanne, going back to your comments about Page 9. We were saying that work is work and it's not earned time, I mean, we're not using earned time for vacation, sick, personal or compensatory towards those other things like overtime. Are you suggesting--

Suzanne Crouch: All I am saying is right now it is not contradictory. It's in line.

President Mourdock: Okay.

Suzanne Crouch: Page 9 is in line with Page 17, but your remarks, I think, were that holiday was not recognized as time worked or time earned. The remarks that you were making.

President Mourdock: Okay, it's recognized as time owed, but what we were saying was that time was not counting towards unless people were working it towards the other benefits.

Commissioner Jerrel: We were looking in terms of comp time.

Suzanne Crouch: But that's my point in comp time.

President Mourdock: Okay, well, thank you. We will work to clarify that one. Page 18. A new section under Section 3.9:

"The county officeholder and/or department head shall schedule exit interviews at the time of employment termination to afford the opportunity to discuss such issues such as employee benefits, conversion privileges, repayment of outstanding debts to the county or return of county owned property. Suggestions, complaints and questions may also be expressed."

I guess my one comment on that, Joe, would the wording not be better, the county officeholder and/or department head 'may' schedule exit interviews or do we want to say 'shall'?

Joe Harrison, Jr.: That's your decision.

President Mourdock: Officeholders, obviously if we say 'shall' that is something you're--

Commissioner Tuley: Required.

President Mourdock: --required under the policy to do. If we say 'may' it is at your discretion. Any strong feeling one way or the other?

Cheryl Musgrave: Why would you want us to?

President Mourdock: Well, it's up to you to do it. Why do we want you to do it? That's kind of my question as well. I mean, is this Board saying that the officeholder absolutely, positively must do that or do we care? If we don't care then it should be 'may'?

Loretta Townsend: If you don't say 'may' and it's not under very good circumstances there may not be one to have an interview.

President Mourdock: Right.

Commissioner Tuley: If it's a termination, you're not going to get the other party there anyway.

President Mourdock: So it sounds like they want 'may'.

Commissioner Tuley: Scratch.

President Mourdock: Right, so it is 'may'.

Loretta Townsend: That interview may have been enough.

President Mourdock: You may be tired of talking to that person by that time. Further down in that same section other wording:

"An employee's termination date may not be extended to include accrued and unused time (such as sick, personal, vacation, or compensatory). The employee's termination date shall always be the last day worked.

Payment for accrued time at termination will be issued in a separate check from the accrued payment line item (1971) within the County Council budget.

All appointment/release forms (pink slips) must show the employee's last working date."

Commissioner Tuley: That's good.

President Mourdock: Pretty cut and dry. Jayne is saying yes. Very good. We did one thing right. Page 19, under Resignation. We're back to that same point again and we are going to change

what is written in as 'shall' to the word 'may' regarding exit interviews.

Unknown from audience: Where is this?

Commissioner Tuley: Page 19.

President Mourdock: Page 19, second paragraph under Resignation. Also, under that same section the wording added:

"Employees are required to come to the Auditor's office to sign all necessary paperwork with regards to benefits on or before their last physical working day as reflected on the release form (pink slip).

Final paychecks, which include accrued time, will be processed on the next payroll from account 1971 within the..."

...that should be in brackets...

"...County Council budget and will be available for pickup at the County Auditor's office on the next regularly scheduled pay period."

Did you have a comment, Bettye Lou?

Commissioner Jerrel: Uh-huh.

Joe Harrison, Jr.: Do you want that to say period or payday or...?

President Mourdock: Yes, that should be day, I suppose.

Joe Harrison, Jr.: Payday at the end of that sentence?

Lynn Ellis: Otherwise you could have an employee coming on the first day--

President Mourdock: Right.

Lynn Ellis: --of that pay period and the checks aren't available at that point.

President Mourdock: Okay, make that 'day'. Longevity Pay, Section 3.13. There is a sentence suggested there:

"Employees in a bargaining unit have their wage package covered by contract language."

Is such language necessary? I mean, the contracts are what the contracts are.

Commissioner Jerrel: Except that they are not covered and the others are covered under the Job Study in most instances.

Joe Harrison, Jr.: I don't think it hurts to put that in there.

President Mourdock: Page 20 is as is. Section 20...I'm sorry,

Page 21. Yes, Sandie Deig.

Sandie Deig: (Inaudible comments not made from mike.)

President Mourdock: Sandie Deig points out on Page 20 under the Longevity pay schedule that Step 1 which now reads six months of service...okay, she withdraws the comments. I withdraw the comments. Okay, back to Page 21. Vacation Earning Schedule, we have added in under the table there, Years of Continuous Service after six months, five working days.

Commissioner Tuley: It's just that there needs to be some clarification on that. We had a long discussion about this the other day. This was in the policy before and then it got taken out and the reason it was taken out was there was some confusion, and when I was County Treasurer I was confused of it myself. An employee would come in after six months and say according to the policy I've got five working days, boom, they got their five days. Then they hit that one year period and they say I've got ten more working days and they got it. That's not what this intended to read, but that is the way it reads and I don't know how we word that so someone doesn't come in after one year and have three weeks vacation.

Commissioner Jerrel: Well, I think it's clear. One of the things that we have to do, and, again, less is better. The department heads are the ones that are going to have to decide if it is, in fact, the vacation scheduling is appropriate for your office. You're going to know. You're not going to carry over. You're going to make sure that person gets their five days in and you're not going to schedule vacations so that their three weeks, if their first year is February, you are going to make sure they take that five days in that first year because it says that the vacation should be taken during the pay year. I mean, I think you complicate these things all over the place and they're your office employees. You hired them. They're your new employees and you're giving them the benefit if...well, Charlene is an example. She could work the whole year, the biggest part of the year, the first year, and not be eligible for any vacation. So by giving five days to someone that has worked that time...it's what was in there before--

Commissioner Tuley: How long do you work before you get a vacation?

Alan Julian: Six months (inaudible comments not made from mike).

Commissioner Tuley: Six months? He's on vacation, is that what someone said? I'm not trying to be combative and I don't want to cheat somebody out, but I also know that is easy to misunderstand.

Lynn Ellis: What if it is reworded to say after one year five working days. Years two through five, ten working days, so that there is another category added so that you don't get into Pat's scenario of someone, and probably rightfully so, demanding 15 days because of the way it's written.

Commissioner Jerrel: Why don't you all come up with something.

Joe Harrison, Jr.: Or just another option if you just want to hear recommendations, maybe you say after a year and a half you get 10.

Commissioner Tuley: You get 10.

President Mourdock: So that after one year you get five.

Joe Harrison, Jr.: Yeah, up to one year you get...yeah, between six and a year you get five, but after a year and a half...

Commissioner Jerrel: So the people that are like Teri wouldn't be eligible for any of that...I mean, Lynn wouldn't be eligible the first year.

President Mourdock: Okay.

Commissioner Jerrel: Well, come up with some language, Pat.

Commissioner Tuley: Okay.

President Mourdock: Take that one under advisement as well.

Commissioner Tuley: We'll work that one out.

President Mourdock: Page 22, Section 4.1, under Vacation Benefits. New language which says:

"For accounting purposes, vacation time will be reflected at the beginning of each calendar year. Any employee terminated from employment prior to the completion of that calendar year shall receive prorated vacation time. Any employee having a negative vacation balance at termination will have their final paycheck adjusted accordingly."

Lynn Ellis: Suzanne, going back from Page 22 to the discussion of the comp time. This paragraph has been added under vacation and sick and everything regarding the prorating and leave, but it doesn't address that for comp time and payout and whether it can be carried over and that kind of thing. I just discovered that this weekend when I was looking at it. We might want to look at that and see if that paragraph or something similar needs to be added.

Suzanne Crouch: That might be a question for the County Attorney because I think comp time is treated differently, so there maybe a little changing on the words.

Lynn Ellis: Yeah, I didn't know. I mean, there is no discussion of whether it can be carried over. I know that the personal days and vacation days cannot.

Suzanne Crouch: I think comp time legally you can't end that. I mean, you can't terminate that at the end of the year. It has to carry forward.

President Mourdock: Okay, any other comments on that wording

from that paragraph 4.1? Chief Hamner.

Ray Hamner: Sheriff Hamner from the Sheriff's Department. I'm not sure I understand what you are saying here on accounting purposes for vacation time to be reflected at the beginning of the year. In other words you want us to go to the beginning of the year for timekeeping or what?

President Mourdock: Suzanne, your language.

Suzanne Crouch: Yes.

Ray Hamner: For what purpose?

Suzanne Crouch: Well, within our office we have to do the payroll benefits for 800 plus full-time employees. To do for calendar year, one, is easier to track for 800 full-time employees, but secondly for budgeting and to be consistent with County Council's past practices for...and Sandie may elaborate on how Council treats the step increases and longevity. Do you mind?

Ray Hamner: I understand how it is in the Job Study and the Council treats those. We just recently spent a lot of money going to an accounting package for timekeeping and we seem to track ours quite well and we get the payroll to you. I don't know that our system is what is antiquated as much as the Auditor's Office may be antiquated.

Suzanne Crouch: Maybe can we get together and maybe compare systems?

Ray Hamner: I would love to because I sure don't want to go backwards.

Suzanne Crouch: I don't want to do it wrong either.

Ray Hamner: Thank you.

Suzanne Crouch: Thank you.

President Mourdock: If I may, what system are you using, Ray?

Ray Hamner: Do you know the name of it, the system?

Eric Williams: It's all custom designed.

Ray Hamner: It was custom designed for our department for timekeeping and also it tracks civilian and sworn officers' vacation time. Everybody in our department, 162 people, and it picks up on their longevity and the whole nine yards, so we just recently went to that and I hate to go backwards.

President Mourdock: I understand that and we don't want to go backwards if we can avoid that.

Ray Hamner: I would appreciate any consideration.

Suzanne Crouch: I'll give you a call--

Ray Hamner: Sure.

Suzanne Crouch: --so we can compare.

Ray Hamner: Okay.

Suzanne Crouch: Thank you.

President Mourdock: Thank you. Good comments. Page 23 under Holidays, the very last words in that subsection:

"...scheduled hours worked for that calendar year."

To further clarify that, that sentence should read:

"Straight time or base rate pay is the employee's annual salary divided by scheduled hours worked for that calendar year."

I would suggest maybe the word 'worked' be removed from that. Is it scheduled hours worked for that calendar year or just scheduled hours?

Commissioner Jerrel: Well, that's the 2080 hours I was telling you about.

President Mourdock: In other words 'worked' should be removed.

Joe Harrison, Jr.: Yeah.

Commissioner Tuley: Take 'worked' out.

President Mourdock: Yeah, 'worked' is past tense implying they've already been worked.

Commissioner Tuley: Been done, yeah.

President Mourdock: Page 24. Under Section 4.3, Family and Medical Leave. Much of this section, obviously, is again federal law, but in the next to the last paragraph we've added some wordage so that the paragraph now reads:

"All requests for leave of absence must be submitted in writing on an appointment form (which is to say a pink slip) to the department head and thereafter given to the Board of County Commissioners for determination and final approval/disapproval."

For what it is worth, that seems to be working as a system and therefore we're just formally recognizing it. The same page, 24, Sick Leave. On the first paragraph we've added a word to define probationary employees as not be eligible for sick leave. Then--

Joe Harrison, Jr.: If I could--

President Mourdock: Sure, go ahead.

Joe Harrison, Jr.: Just a comment maybe. After benefit I would

put a period.

"Regular full-time employees are eligible for this benefit."

Period. Then:

"Part-time, temporary and probationary employees are not eligible for this benefit."

President Mourdock: Okay. Also then on the next paragraph:

"Full-time eligible employees shall be entitled to receive regular pay for illness or injury at the rate of nine days each calendar year without loss of pay. An employee employed only a portion of the year shall be entitled to six hours per month."

The six hours per month being new language. The next paragraph is new:

"For accounting purposes sick time will be reflected at the beginning of each calendar year. Any employee terminated from employment prior to the completion of that calendar year shall receive prorated sick time. Any employee reflecting a negative sick balance at termination will have their final paycheck adjusted accordingly."

Page 25. Yes?

Cheryl Musgrave: I just want to make sure that Sheriff Hamner's comments regarding the years are taken into consideration on that paragraph, too.

President Mourdock: Okay.

Sue Hartig: Sue Hartig from Legal Aid. I have a quick question about sick leave. If probationary employees are not eligible for sick leave and if they are sick during their first 90 days they have to be on unpaid leave?

Commissioner Tuley: Uh-huh.

Commissioner Jerrel: Uh-huh.

Sue Hartig: I thought we had talked about that. How would they end up at a negative balance? I thought some of our office talked about going ahead and allowing the person to use the sick time as long as it evens out at the end of the year.

President Mourdock: They couldn't have a negative balance until they are eligible and they are not eligible as probationary.

Commissioner Tuley: They're accruing it, but they can't use it, is the way I read that. Correct?

President Mourdock: Okay, Page 25 under Section 4.4, the first paragraph under Item F, not Item F, but immediately below it:

"Sick leave benefits will be calculated based on the employee's base rate (an employee's annual salary divided by scheduled work hours for that calendar year)."

We're missing a parentheses which I guess should be at the end of the sentence.

Commissioner Tuley: You're changing that 'ed' again?

President Mourdock: Yes. Well, yeah, either delete 'worked' or make it 'work'.

Commissioner Tuley: Right, but we should be consistent as you say.

President Mourdock: Yes, I do say that, don't I? That haunts me. Page 27, Bereavement Leave, second paragraph:

"Additional unpaid funeral leave will be at the discretion of the County Commissioners."

Commissioner Tuley: Oh, okay, let's go back. Upon request of the department head or elected officeholder.

President Mourdock: Okay, upon...yeah, that's a good line.

Commissioner Jerrel: Where are you now? I was getting money.

President Mourdock: Under Section 4.8, Bereavement Leave. The copy we have says:

"Additional funeral leave will be at the discretion of the County Commissioners."

The suggested change is 'upon request from the officeholder/--

Commissioner Tuley: Slash, department head.

President Mourdock: --department head. I think the County Attorney is right on this one. Under that same section we're going to delete the fact that evidence of the fact of death may be required.

Commissioner Jerrel: That was in the other one.

President Mourdock: I don't think we need that. We won't be taking temperature readings. Page 28, under Section 4.11, Personal Leave. Again, I suspect the same language that the Chief brought up before is pertinent here.

"For accounting purposes, personal days are reflected at the beginning of the calendar year and in the event that the employee is terminated those days shall be prorated at one day per quarter. Any employee reflecting a negative personal day balance at termination will have their final paycheck adjusted accordingly."

Page 29, Leave of Absence Without Pay. The first paragraph...I

don't have the original, but I think it said just 'county'.

"A leave of absence should be taken for reasons which are in the best interest of the county and/or employee upon sufficient notice and at the discretion of the County Commissioners."

I believe that previously read just of the 'county'. Under the Workman's Comp, Section 4.13, the last paragraph on Page 29 we are adding:

"If an employee is injured on the job and sent to St. Mary's Occu-Med for evaluation/treatment, the time that the employee is gone on that day for treatment is credited as time worked."

I would suggest wording that says 'and sent to the appropriate health care facility'.

Commissioner Tuley: Yeah, that's what I was getting ready to say.

Joe Harrison, Jr.: Right. Be sent to--

Commissioner Jerrel: Yeah, instead of St. Mary's. We've got a contract with them, however.

Commissioner Tuley: For now.

President Mourdock: For now.

Commissioner Jerrel: Yeah.

President Mourdock: Less is more.

Joe Harrison, Jr.: Provider?

President Mourdock: Health care facility or whichever. 'Sent to appropriate health care facility.'

Suzanne Crouch: Should you somehow indicate that's something that information should be gotten from the County Commissioners' Office? Because we didn't know and we called up to your office to find out who to go to.

President Mourdock: Yeah, appropriate. The Commissioners would know who is appropriate.

Commissioner Jerrel: Well, we've entered into a contract with them.

President Mourdock: That's right. Today we have, but--

Commissioner Jerrel: But we will the next with maybe somebody else.

President Mourdock: Then whoever it is--

Suzanne Crouch: The 'appropriate Commissioner selected'--

President Mourdock: No, no.

Suzanne Crouch: Just so people know to call the Commissioners Office, otherwise would you know? I'm not sure I would of known to call your office to find out where to send someone.

Joe Harrison, Jr.: Do you want to say 'designated'?

President Mourdock: 'Designated health care facility.' Does that work?

Commissioner Tuley: Sounds like we need to send a letter to officeholders and department heads telling them who it is.

Suzanne Crouch: Yeah, I think so.

President Mourdock: That's kind of a separate issue, but it's a good point. Page 30, under the Benefits Continuation (COBRA) section, the last paragraph the word 'Auditor' again giving specific responsibility within the county is highlighted. Section 4.15, Letter upon Termination. The wording at the end of that paragraph:

"Officeholders are to furnish such documentation to the County Auditor's Office two weeks prior to an employee's termination in order for all necessary paperwork to be completed. This two week requirement excludes firing for cause."

Sandie Deig.

Sandie Deig: Could death be included?

President Mourdock: Could death be included?

Commissioner Tuley: Kind of hard to give two week's notice on that.

Sandie Deig: I'm serious. If an employee dies and I mean, absolutely there is no notice, but how about his benefactors? Do they get his or her paycheck or what she is entitled to? She has worked for it or he has worked for it.

President Mourdock: Okay, certainly...go ahead, Joe, you started to say something?

Joe Harrison, Jr.: That's a whole other can of worms. I'm not too sure--

Betty Hermann: If I die guys I don't want my check!

Commissioner Jerrel: You going to let Fred have it?

Suzanne Crouch: If I die I want my check because this job probably killed me!

Joe Harrison, Jr.: I mean, someone passes away that's a whole other issue as to who is going to be entitled to that money, so I don't think we want to address that really.

Commissioner Tuley: We want to address that--

Joe Harrison, Jr.: We don't want to put death--

President Mourdock: Go ahead, Cheryl.

Cheryl Musgrave: I just want to know what the purpose of that is? What are we trying to achieve here?

President Mourdock: Well, I think we're trying--

Commissioner Jerrel: Buyout for one thing.

Cheryl Musgrave: I'm sorry?

Commissioner Jerrel: Buyout. That's one of the most important.

Commissioner Tuley: It gives us a chance to verify accrued time and what have you so that when you have that and they leave they know what's coming to them. That's the only thing I can figure out.

Cheryl Musgrave: I can see lots of situations where an employee would not give me two week's notice and I wouldn't be able to meet your requirement here.

Commissioner Tuley: That's a good point.

Commissioner Jerrel: Let's move on.

President Mourdock: Cheryl, I understand your point and I guess what I see the intention here being is not so much to mandate to the officeholder that notice be given, but that the paperwork process the county is saying we get two weeks to handle this, basically, to the employee. If an employee walks up to you today and says they quit, then it's not so important to us to have you turn that in as the employee doesn't show up saying, hey, where is my check? Where is my benefits or whatever?

Commissioner Jerrel: It will take at least two weeks to get that done.

President Mourdock: Yeah, that's the intent.

Marsha Abell: Could I ask a question?

President Mourdock: Marsha Abell at the mike.

Marsha Abell: Starting at the beginning of 4.15:

"The authority having hiring and terminating jurisdiction..."

That's a different wording. Are you still meaning officeholder which is the term that you used all the way through here?

Commissioner Jerrel: Uh-huh.

President Mourdock: Or department head.

Marsha Abell: Or department head?

Commissioner Jerrel: Well, in other words technically Sam Elder is a department head. You know, he is in charge of the Health Department, but he is not an elected officeholder and if he wants to fire somebody he can do it.

Joe Harrison, Jr.: Do you want to change that?

Commissioner Jerrel: I don't care.

Marsha Abell: It's not consistent with what you've called us all the way through.

Commissioner Jerrel: Yeah, that's probably a good idea. Just put:

'It shall be the duty of the officeholder or department head or designated...'

Joe Harrison, Jr.: Officeholder/department head.

Commissioner Tuley: That's the language that we have been using.

Joe Harrison, Jr.: Yeah, we should be consistent.

President Mourdock: Yeah.

Marsha Abell: Okay,

"...upon written request to issue a letter to such employee."

Written request from whom? You mean if the employee being terminated requests that I send them a letter telling them why they were terminated?

President Mourdock: It's the employee being terminated requesting a letter from you.

Marsha Abell: But if they don't request a letter from me I don't have to send them a letter telling them why they've been terminated? Do we have stock verbiage for this letter?

Joe Harrison, Jr.: You may want to call me.

Marsha Abell: That's what I was getting at. Just being terminated because you don't do a good job or something, some stock...okay.

Joe Harrison, Jr.: Yeah. Well, we can determine the facts--

Commissioner Tuley: On an individual basis.

Joe Harrison, Jr.: Yes.

President Mourdock: At-Will statement. The magic words 'At-

Will'! You know that brings up a very valid point. I know there are a lot of organizations that have what is sometimes referred to as the hatchet manual where all department heads are given about a five or six page little handout that says if and when the time comes here are the procedures that you use. You never do this, you always do this. It may be worthwhile for us to hand out such a thing to all of our department heads/officers. Marsha, you look like you have wording already suggested for that.

Marsha Abell: Just very general, very general.

Joe Harrison, Jr.: Also, I might add that I will be contacting...and I have talked to a number of you, but I will get in contact with all of you, not as a whole, but individually, if I haven't already, regarding these type of matters that may come up so you will know who to contact, either me or someone in my office, concerning these type of matters down the road if they involve personnel matters. I know I have talked to a lot of you on various things, but I'll make it a point to get with all of you real soon and at least discuss some concerns that you all may have and then we'll go further if anything arises down the road. Hopefully, you won't have any problems, but sometimes you do.

President Mourdock: Okay, still on Page 30, Section 4.17, Retirement/PERF. That is new wording. One question came up midway through that. Someone in this room will know the answer.

"PERF's Employer Financed Pension requires 10 years of service to become vested..."

Is it ten years or ten continuous years?

Commissioner Jerrel: Sandie, do you want to come up and speak to that? We talked about it. It's ten years...any ten years.

Sandie Deig: It is a total of ten years.

President Mourdock: Okay.

Sandie Deig: It can be interrupted. Like I could work five years, leave, come back and work five more years.

President Mourdock: Okay, but obviously the formula is different.

Commissioner Jerrel: Yeah, the formula--

Inaudible comments made from audience.

Sandie Deig: Excuse me, yes, thank you. Providing you leave your money in, but there is another thing. You can leave and if you come back...you can take your money out and come back to Vanderburgh County and in a certain length of period and I don't know exactly what that is right now--

Commissioner Jerrel: And put your money back in.

Sandie Deig: --and be reinstated.

President Mourdock: Rollover, okay. Those comments from Sandie Deig.

Commissioner Tuley: Wait a minute, Sandie. I heard Betty make a comment and I'm not sure anybody else heard it. If you leave and take money out--

Sandie Deig: Yes.

Commissioner Tuley: --after ten years, but you're not eligible for retirement and then you come back as you were indicating and I think at one time it used to be for six months--

Sandie Deig: I think that's right.

Commissioner Tuley: To be eligible for retirement do you or do you not have to put the part that you took out back in?

Sandie Deig: Back in, yes.

Commissioner Tuley: You do?

Sandie Deig: Yes. You can't take your money out and then come back to work two years later, no.

Lynn Ellis: Sandie, didn't you indicate that it's the last 20 quarters or the highest paid 20 quarters?

Sandie Deig: I don't know if the Commissioners feel like that is a valid point, but the correct, I think, is the last 20 consecutive quarters is what your PERF is based on.

Commissioner Jerrel: I think we ought to get those little booklets and pass them out to people because it's 1.1 times the average of the five best multiplied by the total number of years plus the annuity as it relates to your age and rule of 85. That's the formula.

President Mourdock: How is it that you have that on the top of your head?

Commissioner Jerrel: Because I'm just retiring! I might add that I had the unfortunate experience of finding out that you cannot accept one fund's payments...in other words, you can't have benefits from two funds, so I am just out of luck.

President Mourdock: Page 31--

Joe Harrison, Jr.: Can I add one thing? On Retirement/PERF and the deputies within the Sheriff's Department are not covered by PERF. They have their own separate Deputy Sheriff retirement plan. I'm not too sure judges are covered as well.

Commissioner Jerrel: They have their own.

Joe Harrison, Jr.: What I would do is I'll add some language in here making those exceptions. Maybe we could say except for

deputies employed by the Vanderburgh County Sheriff's Department and judges. If, in fact, that is the case. All full-time county employees are covered, so I'll find out which is exempt.

President Mourdock: Again, you're the lawyer, but it seems to me the wording on that may be rather than saying who is just broadly stating other than those accepted by retirement programs.

Joe Harrison, Jr.: That's fine. That would be easier. You're right. That's what we'll do.

President Mourdock: Okay, Page 31. We have again added the word 'may'.

"The Commissioners annually may select from written suggestions submitted by county employees..."

For the employee suggestion plan.

Suzanne Crouch: Richard, may we change the tape?

President Mourdock: Yes, you may change it.

#### **Tape change**

President Mourdock: Did you know that was in here?

Commissioner Jerrel: Yes, I did after reading it.

President Mourdock: Okay, Page 32, Section 5.2, Use of Telephones. We've also included faxes on there. Page 33 is untouched as is Page 34 on Blood Borne Pathogens. Page 35, item 6.3, Personal Appearance. We have added, because of concerns of the County Recorder:

"This policy applies to all contract vendors when performing services on behalf of the county or who are working directly in space provided by or rented from the county."

Commissioner Tuley: You might want to read that and think real hard about that entire part. You might want to leave in the part working directly in this building, but I'm not going out on a construction site and observe someone with a county contract to see how they are dressed and see if it is appropriate.

Commissioner Jerrel: But we could say in the Civic Center Complex.

Commissioner Tuley: That's what I said. You may want to--

Commissioner Jerrel: Or rented from the county in the Civic Center Complex.

Commissioner Tuley: To address Betty's concern, I understand.

President Mourdock: I understand the Recorder's concern, but I don't like that wording either because perhaps the County

Engineer will contract with someone at some point in the future and that's not in the Civic Center.

Commissioner Jerrel: But they're not going to be wearing little teeny tiny shorts and a halter.

President Mourdock: How do you know? You don't know who John is going to hire!

Joe Harrison, Jr.: Or Milton.

President Mourdock: Or Milton, that's right.

Commissioner Jerrel: Well, if they are working in this building, do you think they deserve to have something besides shorts and a halter on?

President Mourdock: Sure.

Commissioner Tuley: That's what I say. I understand it came from Betty and I don't have a problem with those people working directly in a county owned or operated building, but this says any vendor working on behalf. I'm not going on a construction site with the auditorium over here or road construction. I'm sure there won't be too many people out there in a construction site.

Commissioner Jerrel: Well let's get somebody that is smart enough to figure out how to make that in this building so that we don't have people running around in halters.

Lynn Ellis: May I ask a question? John, do you ever require or note that there are employees contracted with that are not properly dressed? Because I know that there are OSHA requirements concerning the dress of contractors on construction sites for upright and roadway contracts? There are times when they are not properly clothed. Do you ever have an instance where you have to dictate that they go get dressed? Because a shirt is required and there are times when they are not properly clothed.

John Stoll: I don't recall any. The county inspector had to dictate that, I believe. In most instances the contractors have taken care of that.

Lynn Ellis: I know that on the city side that we have had to have the City Engineer's Office make a statement to the contractor so that could be corrected. Because it was brought to the attention of the City Engineering Department and that might be the case for Milton and his part-time help in the summer or through a contract with you or if we have somebody from the Safe House doing contract work for Milton or, you know, a true contractor doing work for you on the road.

President Mourdock: Let me summarize this one because...excuse me, Milton. Let me just go ahead and summarize this. The intent, obviously, is in professional working offices to have a dress code that is appropriate. The problems that we have when we start to say construction sites, yeah, maybe that should be

the contractor. On the other hand, if we tell a lifeguard at Burdette Park that they can't wear a bathing suit with this language that doesn't work either. Joe, would you come up with language that say's maybe professional offices or, you know, as appropriate?

Joe Harrison, Jr.: Sure.

President Mourdock: Obviously, it can't be too vague, but it needs to address that issue. Okay, moving on to Page 37, Political Activity. Everyone's favorite subject in this room. Item 6.9, the last paragraph:

"All political activity must be in accordance with applicable state and federal law and may be conducted on the employee's own time and off county premises."

Page 38. Group I Offenses are expanded under item eight to include unauthorized use of telephone, faxes, computers or mail for personal use. Page 39, Group II Offenses. There is a new item which is incorrectly labeled 17. I guess that is supposed to be 21 at the bottom. To say:

"Failure to report accidents, injury or equipment damage."

It's a Group II Offense.

Commissioner Tuley: That just got added recently, didn't it?

President Mourdock: Yes, it did. Yes, it did! Group III Offenses on Page 40 are unchanged. The attached Page 44 is the Employee Acknowledgment Form of this personnel policy and that remains unchanged. Is that filed then in the Auditor's Office?

Commissioner Jerrel: You want to give them a date to get something back so we can--

President Mourdock: Yeah. Okay, we appreciate very much all of you that are here your patience and your input in this. We hope we've begun, and successfully we hope, incorporated the comments from the several meetings. We realize you just got this as you walked in the door. If you have comments regarding this, we would appreciate it if you had them back to us by about noon on Thursday of this week which is the 5th. We look forward very soon to issuing the notice for a public hearing. Since this is an ordinance we actually have to post hearings on these changes and have two hearings. We look forward to doing that in the very near future. Any last comments regarding our intentions or plan? David Byrne.

David Byrne: One issue that I don't know if it was addressed or not and this is something that came up in almost every one of the four meetings was the issue of hire date versus calendar date.

Commissioner Tuley: I think that is what Suzanne and Ray are going to try to work out.

Commissioner Jerrel: It was addressed.

President Mourdock: That has applicability in several of the different areas that we talked about. It will be examined. Any other questions from officeholders or others? Okay, we are going to proceed with the rest of our Commission meeting and, again, we thank you very much for your attentiveness.

**Discussion regarding SCT Contract, Amendment 5 and Membership dues**

Loretta Townsend: Are you going to bring up these other two things, Richard?

President Mourdock: I can't see what you are looking at, Loretta.

Loretta Townsend: State regulations relating to payment of dues and support services provided by SCT.

President Mourdock: I think that's on our new business.

Commissioner Tuley: Old business.

President Mourdock: Did you list that for old business?

Commissioner Jerrel: You mean--

Commissioner Tuley: Membership dues.

Marsha Abell: Is there any way you could bring it up a little bit further? Some of us haven't had a lunch hour.

Commissioner Jerrel: Oh.

President Mourdock: Yeah, I'm certainly willing to do that if the other Commissioners are willing to address that issue. It shows up here under your old business.

Commissioner Jerrel: Have you got this for action today?

President Mourdock: Yes. Did you put this on here?

Commissioner Jerrel: No, I didn't put it on there.

Tony Greubel: We were told to for this meeting. Whenever we decided on this June 2nd meeting the first time--

Commissioner Jerrel: No, there is no--that's not on the agenda today. That's not on there. No, we've got...I've got the budget in there with me that we're still working.

Commissioner Tuley: SCT we're not going to discuss?

Commissioner Jerrel: no.

Commissioner Tuley: I didn't remember.

President Mourdock: We can discuss, but we don't need to act on it if we want to discuss it just like anything else.

Commissioner Tuley: There are several officeholders who are going to speak to it.

Commissioner Jerrel: Oh, well, let them speak.

Commissioner Tuley: Well, I mean, if you want to bring it up.

President Mourdock: Okay, we have two items under our old business that some of you may wish to have input on. One of them is the SCT Amendment 5. The other is the business of dues. If you would like to make comments about those we'll certainly take your comments at this point, but we are not going to be acting on them. As with the personnel changes, we'll take those under advisement. So, we'll jump to that point of the agenda. It has been a while since the scheduled lunch and any of you who have comments are free to make them on either subject.

Marsha Abell: What does the SCT Contract, Amendment 5 look like?

President Mourdock: We're simply asking for any input that you might have, any suggestions. If you want to submit something to us in writing or whatever that is fine, too. It's been an ongoing process. Since you were all here at one time in one place I think the thinking was this may be your appropriate time to make a comment.

Marsha Abell: Yes, Marsha Abell. Regarding the SCT Contract, Amendment 5, if that has to do with their personnel request and I don't know that it does because I haven't seen it, but if that is what it has to do with I would just ask that you consider their input to be quite important. Those of us who have to work with them know that we couldn't do without them and although it is not in their contract, for instance, to service my ISETS program, which is my child support program that does 29,000 cases a year. If they discontinue that I am going to have to either have someone hired who can run that program or we'll have to send that program back to Indianapolis because I simply do not have the staff to run it without their support. If their support means that you have to add something to their contract, I would certainly request that you do so because I can't run it.

Commissioner Jerrel: Marsha, part of the issue too is a budget issue and at the Data Board meeting, those of you that were there this week, the city had received their Data Board budget and we had not. I requested it and we did get it and we need to take a look at that because we have two line items for the Data Board and they're right now for 1997 run about point nine...a little over \$900,000. One of them is \$345,000 and the other one is \$600,000 and something. The new budget request is \$2.28 million, so the Amendment 5 sets in another employee for every number of computers and we're negotiating that. That's not ready to be discussed.

Marsha Abell: Okay, well that's up to you all. I just wanted to point out that I have a program in my office that is not under their contract that they do work.

Commissioner Jerrel: Right.

Marsha Abell: It would be a real severe thing if they opted to not help us with it any longer.

President Mourdock: Mr. Folz.

Al Folz: Al Folz, Knight Assessor. I was talking to the computer people and the software that the Assessors are using, the ProVal, is not even in their contract. We really can't do without some form of support there. I guess we could call the company in Ohio, but it would take maybe a week or two for them to get down here to even help us. For certification to the Auditor's Office we do need that support in a very, very bad way.

President Mourdock: Thank you, Al. Loretta.

Loretta Townsend: This is on the dues.

President Mourdock: That's fine.

Loretta Townsend: Throw it in. Okay, my concern is we have a system where we pay dues to the national conference of Weights and Measures, but that's all that we pay. We don't belong to anything else, but with that dues we also get our update on our law books and this comes along with it. Whenever you said state regulations relating to payments of dues, I mean, what are the state regulations? I mean, we don't want to be left out there without...it's to our benefit to do this, but is it within the law?

Commissioner Jerrel: Mr. Harrison?

Joe Harrison, Jr.: That ordinance is still to be considered by this body. I don't know if you've seen a draft of it, but this particular body has a draft of an ordinance to take up these issues on dues and subscriptions and association conferences, etc. The Council, the County Council, would then appropriate the funds that they deem necessary for the particular offices. The ordinance that has been drafted for the most part basically states that those of you who have dues that you pay for whatever your particular body is, that association, the Sheriff's Department the Sheriff's Association and conferences, etc., that he would attend for your department it would the Weights and Measures and for the Recorder the same, the Clerk's Office the same, the Prosecutor's the same. Where we get into problems, though, is where from time-to-time individual employees, maybe within a department or office, may have had their dues or something paid for a particular conference, etc. Typically, it would be the office itself that has that particular right, so for your office if it's dues for a particular association it would be for your office. Obviously, you have people who have to be trained and that's something different. Training is obviously something that has to be covered.

Commissioner Jerrel: Isn't there a statute that we used last year during the budgeting, though, that clearly stated what could be paid?

Joe Harrison, Jr.: No.

Commissioner Jerrel: It referred to the judges.

Joe Harrison, Jr.: Well, what it was and it is set forth in the ordinance, there is a State Board of Accounts directive--

Commissioner Jerrel: Okay, well that's, I think, what they want.

Joe Harrison, Jr.: --that came out basically saying what couldn't be. In the draft of the ordinance we've said what we just didn't include those in there if they couldn't be paid. But those that we felt or I felt could be paid were set forth in the ordinance and the Commissioners, hopefully, will consider that ordinance one of these days.

President Mourdock: Just by way of memory, my notes show we discussed that on March 10th of this year. You, at that point, submitted to us a draft ordinance, so perhaps you could send Loretta and anyone else one who wants one and also the minutes of that meeting because we had quite a lengthy discussion that night about that very issue and the State Board of Accounts and what they would and what they wouldn't allow.

Joe Harrison, Jr.: See, now like this close to home for, Joe. We have Tom Massey who has been assigned to represent our department. Okay, we signed Keith Rounder last year. With his membership to this he will receive the new law books. I mean, money-wise it costs more to purchase these, so whenever we go to court or we write citations or something he has his own law books which are different than anything Joe will ever have in his office any other way. See, this goes along with that. That was my concern. I mean, it's going to cost us a lot more to get that than what \$35 bucks a year is, you know, for our people plus our training.

President Mourdock: Okay.

Loretta Townsend: Okay, thanks.

President Mourdock: Any other comments on either of those two subjects of SCT or the membership dues issue? Okay.

Cheryl Musgrave: What's the timetable on the SCT contract?

Commissioner Jerrel: We're going to have a...I mean, you go ahead and call it.

President Mourdock: Sure. We've not set one at this point. Quite honestly, I have not heard a number of comments about...probably in early April I sent out a questionnaire to various officeholders and got back about two thirds of them responded. The coverage of the response was why do we have these folks to very laudatory complimentary-type issues. With that, we've not set a date. There seemed to be quite of bit of discussion or dissension as far as what we should do with the amendment. I am trying to get a feel here and through those comments for what the overall feeling was as to work with SCT.

Commissioner Jerrel: We just received their budget this week.

Cheryl Musgrave: Did I understand you correctly that it has gone up from did you say \$900,000 a year to \$2.28 million?

Commissioner Jerrel: It's about \$940,000 and it will be \$2.28 million. We've got some budget issues to consider. That's Council's prerogative. It's in Commissioners' budget though, that's the reason why we will address it because it's the two line items in our budget. It's going to be \$2.28 million and that's a lot of money.

Cheryl Musgrave: Well, you know I echo their comments. Parts of our jobs we couldn't accomplish without having somebody there, but \$2.28 million, that sounds like an awful lot of money.

Commissioner Jerrel: Well, we have a big commitment this next year and we've got to make a decision on how we are going to do it. It would be helpful for you all to look at, you know, they're sending us their overtime schedules. Which offices are requiring the predominant amount of overtime and, you know, that's an issue we have to look at. They were saying so much of the overtime...those of you that were there heard the problems with the printers. Problems largely between the keyboard and the user.

President Mourdock: What does that mean, between the keyboard and user?

Cheryl Musgrave: Yeah, I don't understand that.

President Mourdock: Does that mean the people don't know how to use the software?

Commissioner Jerrel: That's what he said.

President Mourdock: Is that what you mean by that statement?

Commissioner Jerrel: Yes.

President Mourdock: Coming back to your question, Cheryl, and you gave a better question than I gave an answer. Quite honestly, I haven't been hearing people beating on my door in there saying absolutely, positively let's get this done with SCT. I've heard, as I said, a range of answers. Everything from let's not do it to absolutely, positively let's do it. I guess this is one of those, and that is why I sent out the questionnaire in the first place, I thought I would get back either universally yes or universally no and it was just scattered totally across the Board.

Cheryl Musgrave: I don't know if I filled one out, but if I was presented something like that I would feel like I was between a rock and a hard place. Not being able to comment without fear that perhaps there might reprisal. I'm not talking about from you, Richard. I mean, if I told you exactly what I thought about all the services I receive from them, what is the service going to be like tomorrow?

President Mourdock: I see.

Commissioner Jerrel: That might be something that they will recognize that is not part of it.

Cheryl Musgrave: Okay, I mean, we have to sign a contract by a certain date don't we?

Commissioner Jerrel: No, we've signed a contract through the year 2002 or something like that.

Cheryl Musgrave: Oh, this is an amended contract.

Commissioner Jerrel: We're renegotiating.

President Mourdock: This is solely an amendment to the contract, not a--

Cheryl Musgrave: Oh, okay.

Commissioner Jerrel: We're negotiating. We're trying to get our budgets lined up right now just like you guys are.

President Mourdock: Okay. Yes. Those of you who need to leave feel free to do so.

Glen Koob: Glen Koob, Perry Township Assessor. I would like to address the SCT problem. We were networked last year. Our computers with the downtown server, then we found out that we can't print our Form 11's, our notices to the taxpayers. Now we have asked to be disconnected so that we can do our job. I think it was supposed to be done by May 15th. Well, we are still are not disconnected, but they are working now. Apparently if they can get some fiber optics in, telephone lines, we would run faster. That is one of the problems. I would imagine a lot of the overtime that is being turned in, I don't know, is from the Assessors' offices. The reason why is we were never included, the way I understand it, in the Data Board's...the contract with SCT. The Assessors' office and the dispatch office. We do call them a lot. They provide our update from ProVal to the Assessors' offices is what SCT does. We've had a lot of...we work well with SCT. I don't know the budget constraints. I don't know what to tell you about how to negotiate and I'm sure you don't want any input on that. We do use their services a lot and they've always been fairly, you know, not that they have to do it, but they've always been there and helped us with anything that we needed or whatever.

Commissioner Jerrel: Did you...I had a conversation, a three way conversation, with a couple of Assessors because of the problem and the County Assessor is going to help draft a letter for Joe to send to ProVal because we want to get that straightened out by the 30th of June. That was the deadline and we better get it done.

Glen Koob: Right, May 15th was our deadline to have it to the Auditor.

Commissioner Jerrel: I talked to Joe about disconnecting you so that the June...supposed to have been June 1st deadline for Form 11's could be met.

Glen Koob: Actually it is May 15th for Form 11's. June 1st for personal property, but as Suzanne knows we never hit them because we have an extension on personal property until June 15th or vice versa. But anyway, that's what...we use SCT a lot. We get along with them well and I understand a lot of their overtime is because the Assessors' offices were never put into that contract to begin with and I think dispatch, right?

Commissioner Jerrel: Well, and it happened...you recall when it all happened because we weren't even...I mean, we couldn't even get Mr. Elliott to even help us. If you recall in that little room all the meetings that we had and he wouldn't help us.

Glen Koob: Right.

Commissioner Jerrel: That isn't really the issue. The issue really it deals with...and Leslie and I have been working on, you know, he doesn't want to count any of the stand alone Manitron Court as devices. You know, he wants a new person hired for every so many devices and wants to consider none of those and add all the PC's in. It's a little more. It isn't you guys, it's a little more complicated.

Glen Koob: The other thing on the dues. I know that we take our dues out of our budget and I know some of the counties don't pay for the international dues or whatever. We have an organization that we belong to, it's the International Association of Assessing Officers. It sounds international and they do work out of Canada, Mexico and other places, but they mainly work in the United States. They're based in Chicago, Illinois. What they provide for us is a lot of educational opportunities. The County Assessor just had a class for 23 people out at USI the first week of April, the first full week of April. I know some of the counties don't pay for those dues to that organization, but as we are moving toward market value, according to Judge Fisher's decision, those are really important. Actually, everyone that goes to those meetings, or those educationals, are supposed to belong. The first year it's \$62.50 and that's just to get your membership in and then the next year and from then on it's \$125 a person. Right now, I think, just the Assessors belong to it and none of their...even though their employees were allowed to go to the educational.

Joe Harrison, Jr.: If I can just say one thing.

Glen Koob: Uh-huh.

Joe Harrison, Jr.: Training is different. Training, you all are entitled to training.

Glen Koob: But we need to belong to that organization to take--

Joe Harrison, Jr.: I understand.

Glen Koob: --the opportunity of the training.

Joe Harrison, Jr.: Right, I understand. The dues, the ordinance that is under consideration, wouldn't specifically...it's going to say generally these are the types of things and if there is

any question with the payment of those you ought to come to the Commissioners and they can decide or the Council can decide whether or not it has to be paid. Training, obviously, is something that is what you all have to do. That's part of your job and your people have got to be trained and that's outside the scope of this particular draft.

Glen Koob: Okay, the State Tax Board and the Courts, or the legislation, has already told us that the Assessors are going to need more training and the employees. Thank you and congratulations on your soon to be retirement.

Commissioner Jerrel: Thank you.

Glen Koob: Thank you.

President Mourdock: Any other comments? Sure.

Eric Williams: Eric Williams from the Sheriff's Department and this on behalf of the Sheriff's Department in reference to the SCT issue. My concern and the Sheriff's Department's concern is not particularly Amendment 5, it is continuation or lack thereof of service. I look at the Sheriff's Department as a little bit different than most in that since computers have become a part of county government we have always assigned somebody to computers to be assigned to that and take care of our own. So in a lot of respects we have not burdened SCT with some of the problems some of the other officeholders have had. We've been fortunate to be able to do that, but now with the addition of a lot of these things that weren't originally covered in their contracts and those kinds of things when we do need service we're not getting it. So if Amendment 5 will cure that problem then, yes, we are in favor of it. We are just in favor of us being able to continue to receive the kind of service we need to make the computer systems that we have operate effectively and efficiently. Without SCT or somebody that can provide that to us we won't be able to because the people we have assigned to handle our computer problems have a certain degree of technical experience, but networking of those kind of things are above and beyond what we're capable of.

President Mourdock: Just to be sure, Eric, you made the comment very well, but I want to be sure I understand. Everything you just referred to it sounded to me like was in the future. Up till now you're okay, but as you see the growth and the networking and those things that's where you're going to need SCT's help?

Eric Williams: Exactly. Right now we are probably okay independently. We do have some projects that have now been put on the back burners or are not getting done as fast as we would like to. We have some PC's that are not being utilized to their fullest ability because SCT has not been able to devote the manpower to make them operate within the realm of the network. We have some other...just as the courts have a huge problem with their court's package and they are getting ready to do that. Bettye is very familiar, I'm at Data Board every time. I've explained that the jail is in the same boat and then that's going to have to be addressed and that's going to require a lot

of technical experience and expertise which we don't have.

President Mourdock: Okay.

Eric Williams: Right now we're okay, but very soon we're not going to be if that service is not available to us.

President Mourdock: Okay, so even though you're okay right now I hear you saying you're a little bit short on what they could otherwise be doing, but your real concern, even though they've been a little bit short up until now your real concern is for the future.

Eric Williams: For the future. I will give SCT some credit. They do go out of their way to help us out when we're in a pinch because I try to go out of my way and my people go out of their way to help them out and try to alleviate those day-to-day problems. The keyboard/chair scenario. We try to train our people so we don't have those problems.

Commissioner Jerrel: That's the key to this. SCT's time would be greatly freed if the offices had the training that Eric and...not just Eric, but also the Police Department does, Ed Biederwolf also.

President Mourdock: How much of SCT's proposed Amendment 5 deals with training?

Commissioner Jerrel: Virtually none. You see, that's the point.

Commissioner Tuley: The answer was known before the question was asked.

Commissioner Jerrel: Much of their time is devoted, and I know Leslie has asked them many times when you change a program and, you know, that we've got to get people up to speed in these offices because that is such a drain on their time. The Sheriff's Office, they happen to have some very qualified people who've made an effort to become qualified and teach others, but it is dragging everybody down. This court's package and also what goes eventually the jail have got to be...that's next year's priority and Betty's 2000 date will come up the next year. I mean, we've got to get those done. We know it. It's also an issue, I mean, how much money are you going to raise, how much are you going to increase the General Fund and the tax rate? I just gave you a number, so you've got to think about that too.

President Mourdock: Okay, thank you all.

**Milton Hayden - County Garage**

President Mourdock: The next item going back to our normal format is department head reports. The County Engineer was here and he stepped out. We'll jump to Milton Hayden.

Milton Hayden: I think you already have our report.

President Mourdock: We do and just for the record I'll note last

week we raised the question whether or not we were short the bridge crew report and see they submitted them.

Milton Hayden: They were on there last week she just overlooked it.

Commissioner Tuley: Oh, on the bottom.

President Mourdock: I understand a question came up something out on Hillsdale Road, Pat?

Commissioner Tuley: Yeah, and I was getting ready to say since we've got Milton and John here I got a call last night and, of course, I am sure with the weekend rain like it was we all got several calls, but the Hillsdale area out there where we are working the complaint that I got was not that they got flooded out because she understood really at this point it really wouldn't matter much what was going on out there except she says in the ditches we've dug out alongside the road we are still doing it by eye as opposed to shooting them with the transit or transom or whatever you call it. Therefore, we end up leaving water standing there all the time. Instead of going out and shooting it once and doing it right we're doing it by eye and that's what her complaint was. I don't know if that is fact, I shouldn't say that's fact, but that was her complaint to me as if it was fact.

Milton Hayden: They have been shot. We had Valerie out there and she shot them all.

Commissioner Tuley: Okay.

Milton Hayden: I don't know why she has been saying it's by eye. It's not by eye. Where the water is from is that new...I think it's the subdivision that they are building over there. They're compiling it and they are building a bridge over there, so this is where our problem is from. We dig the ditch, but they are filling it back up, you know. I just got to go back in there and see if they will be able to remove their part which will alleviate ours. We do ours and then we have the problem solved.

President Mourdock: Obviously, and I know you will, but work with John's office on that and also maybe the Surveyor's office.

Milton Hayden: We work together.

Commissioner Tuley: While they're here, did any one of you guys get a visit from him last night?

Commissioner Jerrel: He called me today and said he was going to mail something to me.

Commissioner Tuley: What he is going to mail you, and I didn't look at it, he told me before he brought it to me that part of our discussion on Ward Road and what have you was a comment about lack of right-of-way or whatever to correct the problem with the driveway where the wall is diverted back over behind

Anthony.

Milton Hayden: That's correct.

Commissioner Tuley: He's got...well, he says there is documentation that says there is 40 foot from the center in both directions of right-of-way for utility and drainage easements which is well--

President Mourdock: You're saying the right-of-way off Ward Road?

Commissioner Tuley: Off the center of Ward Road exceeds 40 feet in both directions in which the road itself is only about 10 feet of pavement in both directions. Now that's what he said. Here is what he says.

President Mourdock: I don't believe that.

Commissioner Tuley: That sounds like an awful lot of right-of-way.

Commissioner Jerrel: Can I see that, please?

Milton Hayden: We don't have that much right-of-way on Ward Road.

Commissioner Tuley: I'm not stating things as fact, I'm just stating them as the way they were presented to me. I said if you've got something that shows that, then we need to see it because that's not what we've been told.

Milton Hayden: There is one particular lot that doesn't have any right-of-way.

President Mourdock: I explained to him on Saturday, at least my impression has always been that the further north we went on Ward Road the more right-of-way we had. As we went towards St. George it actually got a little bit narrower which is why we didn't have drainage out there established.

Commissioner Jerrel: I don't know how to read this.

Commissioner Tuley: That's why I brought it to these two guys.

Commissioner Jerrel: Yeah, where does it say that this is 40? I mean, that's Ward Road, so how do you know what the right-of-way is?

John Stoll: They're saying it's 40 feet of either side.

Commissioner Jerrel: Well, who wrote that in? I mean where did this come from?

John Stoll: That should be off the old subdivision plat that was originally--

President Mourdock: The question is was it done? Is that the one that was recorded?

John Stoll: That I don't know.

President Mourdock: Was that the one that was approved?

John Stoll: I've not seen one with that lettering on it before.

Milton Hayden: I haven't--

Commissioner Jerrel: Well, we might ought to see--

Milton Hayden: I don't know where he is getting that at.

Commissioner Tuley: Well, it came from a backyard discussion with an individual that apparently we have not had any dealings with, but who lives out there and he brought it up to them.

President Mourdock: We don't have forty foot on either side of Burkhardt.

Milton Hayden: (Inaudible comments not made at mike).

President Mourdock: We will have, yeah.

Commissioner Jerrel: Here.

President Mourdock: Yeah, let's see what--

Commissioner Tuley: I've got one more as long as I've got both of you are standing there. I have an individual at 3025 Crowley. Milton is laughing, so he knows exactly who or what I am talking about.

President Mourdock: That was a heavy sigh, not a laugh.

Commissioner Tuley: Water problems, of course, Mr. Wilhite at 3025 Crowley.

Milton Hayden: He's got water problems, yeah.

John Stoll: I was out there this morning.

Milton Hayden: All ditches out there have water problems.

Commissioner Tuley: Were you out there this morning? Good for you. The reason I say that is I said I would try to get somebody out there and I didn't even talk to you until now.

Milton Hayden: I was out there this morning.

Commissioner Jerrel: They were both out there.

Milton Hayden: I was out there this morning. Also, he called out to the shop.

John Stoll: Pardon?

Commissioner Tuley: Did he call you, too?

Joe Harrison, Jr.: Yeah.

Milton Hayden: He called out to the shop, too.

President Mourdock: Okay, well would you check and let us know at the appropriate time what your response is on that one?

John Stoll: There is a development that fronts on St. Joe Avenue, I think it's a gymnastics place--

Milton Hayden: It is.

John Stoll: They've got a swamp as a backyard, basically, and we need to check and see if there is a drainage plan on file for that to see if they have followed it. Out behind Mr. Wilhite's house he was complaining about houses being built up higher than his lot which in turn floods his property and I don't know that there is anything that anybody can do to help that out and he also had some concerns about ditches along Crowley and a pipe that goes underneath Crowley up at Allens Lane. That pipe is smashed on the ends and it's pretty well full of debris, so there is several things that are wrong out there, but I'll check into the easements and see what is out there and get back with you.

President Mourdock: Okay.

Milton Hayden: The pipe was already put up for installing. We were going to install that.

Commissioner Tuley: Could you guys verify on that right-of-way and then the same with what you just suggested in terms of Crowley and maybe by next Monday night submit that to us so that the three of us will have that information? I know I am going to get follow-up calls on these calls and letters and what have you. It just states that you've been out there and this is what you've found or whatever.

President Mourdock: Yeah, and just so each of you know, I spoke with Mr. Bell on Saturday. I talked to him about the direction that this group gave him at the last Drainage Board meeting which was largely you get everybody in your neighborhood who agrees on a solution and we'll try to act on that solution. I said, I cannot commit for the other two, but I am willing to commit to try and do something. It was great, great, okay, well, we've never heard it said that way. Yeah, we can get these people to sign. I'm just surprised now that's it has come back with this question about the right-of-way because that wasn't the issue before. I mean, I thought in going through that discussion I made the comment I made a moment ago that we seem to have more right-of-way further up the hill then we have down below. Then the discussion shifted to other solutions which is when I said get everybody on board and I thought that was the direction it was going, so now I'm surprised we're getting this one.

Commissioner Tuley: Well, I may be guilty of how it got this way a little bit because I did say if there are areas in which we have a right to correct a problem that is in our right-of-way

then we should be doing it. I think we should maybe take that first step unless that first step is going to create a bigger problem for some homeowners. If all we do is shift it from this guy down to this guy we haven't done anything but just changed the people that are calling us.

President Mourdock: Right.

Milton Hayden: We're going right back into the same situation.

Commissioner Tuley: That's maybe how he got to this right-of-way, that we have the right...that we're not going to take that wall down diverting that water behind his house because we didn't have the right-of-way to do so and he is trying to say we do. That's a little bit of insight into how it may have shifted on you.

**John Stoll - County Engineer**

President Mourdock: Okay, anything else from either engineering or garage?

Milton Hayden: Not from me.

President Mourdock: Thank you, Milton.

John Stoll: I've got one item. I've got a final change order for the Strawberry Hill Road Bridge. It results in a net increase of \$881.25. The primary reason for the increase is because we drilled the holes for the piling rather than driving the piling. That was an increase of \$3,000, but we had additional decreases in items that offset that cost, so I would recommend the change order be approved.

Commissioner Jerrel: I'd move approval of the change order for Strawberry Hill that results in the increase due to the difference in the way the pilings were.

Commissioner Tuley: I will second. That just brings one more comment. That one must be done now?

John Stoll: Yes.

Commissioner Tuley: That's why we didn't get calls from those people this time.

John Stoll: Hopefully.

President Mourdock: I'm not sure we got enough precipitation maybe, but at least we didn't get calls. That's the good news.

Commissioner Jerrel: We got an awful lot.

Commissioner Tuley: Yeah.

President Mourdock: Okay, there was a motion and second and so ordered. John, is this the original? Is this the one you want me to sign? This fax sheet?

John Stoll: If you could, yeah. We couldn't get one signed off with original signatures from the contractor prior to today's meeting.

**Any group or individual wishing to address the Commission**

President Mourdock: Okay. I am going to jump out of order again because I missed Mr. Harty before. I suspect you were waiting to speak to any other topics?

Unidentified: I believe I'll wait until the Drainage Board.

Commissioner Tuley: Well, that won't be tonight, Bill.

Bill Harty: I'm sorry, then.

Suzanne Crouch: It's just for something special.

President Mourdock: Yeah, we have a special Drainage Board meeting, but the--

Commissioner Tuley: I forgot, okay.

President Mourdock: --only topic that can be discussed at that meeting under statute is the one that it was scheduled for.

Bill Harty: Mr. President and Commissioner Members, I am here today to ask you to please do something about the continued flooding at Rosenberger and Hogue. There are several problems there. The main problem there is the main entrance to Jerry David, and I'm sure you remember the meeting, Mr. Mourdock, where it was explained through the West Side Improvement Association what the problems are. Jerry David's construction area exit, right across from Rosenberger, the culvert is too small and continues to cause flood problems. Number two, filling on both sides of the expressway and changing Carpenter Creek has caused some horrendous problems out there. The state has a hearing on it. I can get you the file number and the date. The next hearing is in July. My question is, when they are filling on both sides, you know, I've noticed all the construction projects here in town that have mud guards and straw in the ditches to catch all the mud. Well, University Shopping Center on the north side has filled in extensively. Jerry David, on the south side has filled in extensively. They've filled in the floodplain which is also a federal matter and they are filling in the wetlands. So there is a lot of legal ramifications. The state is in on it and there is a hearing. What I am saying right now, I would like the problem corrected and I think it can be corrected if you make Carpenter Creek again a legal drain and open it up. This is my request and I thank you for bearing with me.

President Mourdock: Okay, well thank you for bearing with us. We know you heard more about county personnel policy than you ever hoped to.

Commissioner Jerrel: Bill, would you give your name and address because they didn't get it.

Bill Harty: Bill Harty. I live at 4112 Cort Street, Evansville, Indiana 47712. Thank you.

Commissioner Tuley: Bill, before you leave the podium, since you've got the podium and I don't want to detain you in your meeting, but you had talked to me what...? Two or three times now. I think you talked to Bettye about that intersection at Vanness and...?

Bill Harty: Vanness and Hogue, yeah. Since...what happens there the city has got a fire hydrant in the right-of-way, but they have since replaced it with another one across from it and they could take that out right now. It's got about a ten foot point coming in from the west that sticks right out into the road. The school bus is having trouble and everybody has complained about it. Since the county did the road you can't even go in and out because the county raised the road I'd say six inches and there is a hump. You can't even drive in and out real good. They made the intersection worse right now. It is a continued problem with all the traffic we have out there, you know. University Shopping Center is getting larger. They are putting in a hardware store across on the south side. Day care centers are going up and water and traffic problems are multiplying out there.

Commissioner Jerrel: Bill, or somebody, who has the responsibility for removing the fire hydrant?

Bill Harty: The Waterworks Department.

Commissioner Jerrel: Okay, well could we not write a letter to the Waterworks Department and ask them to move...well, they've already put in a new one.

Bill Harty: Yeah, it's on the south side.

Commissioner Jerrel: So if the other one is being used...?

Joe Harrison, Jr.: Assuming that is the case.

Commissioner Jerrel: Well, that's what we need--

Commissioner Tuley: We don't know the other one is not being used is what you're asking.

Joe Harrison, Jr.: Yeah, things have changed dramatically out in that area and maybe they knew there was a reason why they have to have that.

Bill Harty: They were going to replace the whole main and they haven't went up Vanness yet.

Joe Harrison, Jr.: Maybe John can check on that possibly.

President Mourdock: John, would you make a note to check on that, please? The one comment that I was going to make regarding designating Carpenter Creek again a legal drain which it once was and no longer is. There is a statutory process that requires the approval of a certain percentage of the people in

the watershed. It is a pretty big number as far as how many people. Basically, they do a petition process and come to us, so it needs to start basically at that end and then come back this way.

Bill Harty: You know, I'm just saying right now that I have instructed all the female members in my family, I said, please don't drive in that water. It's a continued problem. There's no reflectors on the side of the road. Somebody is going to get drowned there. It is a bad problem. The ditches drop off completely. You can't see the road and it's going to...well, I seen, I think it was last year, the last time it flooded big last year the Sheriff had to pull some lady and her kid out of the car. I've got the pictures from '95, the flooding out there, and '96 which I have taken to the state hearing. It shows the cars off the road, you know, drowned out the day afterwards. The water is still running across Hogue Road three and four hours after the storm.

President Mourdock: Okay.

Bill Harty: This is what I would ask if you could please get it corrected.

President Mourdock: Okay, thank you very much.

Commissioner Tuley: Thanks, Bill.

Bill Harty: Thank you.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report. Joe, do you have anything new?

Joe Harrison, Jr.: The one thing that I have is a lease agreement for consideration by the Commissioners regarding a piece of property that the county leases from David Austill out at Burdette Park. It's a little tract of land. I believe it's on the...I guess, would it be the south side of the road? It would be on the other side of the road. I think they use it for baseball fields.

Lynn Ellis: Right, it's behind the cages out there. They use the property for additional parking when the park is overcrowded. The Commissioners have, back in 1987, entered into a lease with Mr. Austill for, I believe, \$300 a year for this tract of land. It was amended, I think, in '94 to \$400 a year. The lease agreement that I have would be a three year lease running from January of this year through the end of 1999 at the same terms of \$400 per year. I've got a draft of the lease to be signed by the Commissioners and then a description of the property and a little map describing the same.

President Mourdock: You are recommending approval having reviewed the lease?

Joe Harrison, Jr.: Yes, in fact I prepared it.

Commissioner Jerrel: I move approval of the lease with David

Austill.

Commissioner Tuley: Second.

President Mourdock: So ordered. Is this the original, Joe?

Joe Harrison, Jr.: Yes.

Lynn Ellis: Our fax machine is in need of repair.

President Mourdock: Okay, anything else to report from the Attorney's report?

Joe Harrison, Jr.: That's all I have.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings. Lynn, what do you have?

Lynn Ellis: There is an issue from David Austill regarding the batter's cage out there that is referred to Joe and I believe he was furnished a copy of it Friday.

"This is to notify you that on November 1, 1996 Rick Riney informed me that he was going to stop paying on our contract sale of the Burdette Park batting cages."

There is a discussion in this letter regarding that and I would just formally like to refer it to Joe for an assessment and then to come back to the Commissioners with his summary on that. Then you all received a copy of a memo from Tony regarding the Y.M.C.A. fees and that will need to be addressed. The County's portion as well as the employee's portion will be going up, so that would be a budget concern that would need to be addressed. There was an issue that has been referred to Milton regarding a driving issue, a safe driving issue, and then you have the summary of the...hello...?

President Mourdock: Activity at Burdette?

Lynn Ellis: Right.

Joe Harrison, Jr.: On the issue of the batter's cage, I haven't had a chance to review that contract, but typically the Commissioners would have to consent to the approval of the transaction of sale between Mr. Austill and the new person. Maybe we can take that up next week after I have a chance to look at the contract.

President Mourdock: Okay. Any other actions under the department head report or comments?

Commissioner Tuley: No.

**Consent items**

Commissioner Jerrel: I'm going to make a motion regarding this.

President Mourdock: Okay, we'll move then to the consent items.

Commissioner Jerrel: I would like to add a request that would fall under family leave for personal reasons that has been submitted by Dee Dee Riat, so I would like to move approval for that.

Commissioner Tuley: I'll second.

President Mourdock: Okay, and just for clarification that is under the Family Medical Leave Act then, so it would be unpaid leave.

Dee Dee Riat: Thank you. I appreciate it.

Commissioner Tuley: Was that added to consent?

Commissioner Jerrel: Yes.

Commissioner Tuley: And a move for the consent?

Commissioner Jerrel: Yes.

Commissioner Tuley: Okay, alright. That's why I hesitated. I just wanted to make sure.

President Mourdock: Okay, with that motion for approval of the consent items with that addition and a second I'll will so order.

#### Scheduled meetings

President Mourdock: Scheduled meetings. You have in your packet a calendar.

Commissioner Jerrel: I would like to raise a question about the calendar to the two Commissioners for your consideration. I would like to, if it's okay with you, would like to move that we have a Commissioners' meeting for consent items only on our fifth Monday of the month and the rest of the meeting will be for discussion purposes on the Auditorium and all of the issues that Commissioner Mourdock has brought to our attention, so that we can have people in from the Visitors & Convention Bureau and Given & Spindler and be able to sit and talk. It will not be an action, but it will be a discussion with them if that's alright and then we could do the consent items, you know, to keep business moving.

President Mourdock: So that night we would just basically leave off our agenda, our normal agenda, a list of action items and department head reports essentially.

Commissioner Tuley: Can we just amend that to include anything that can not wait another week. From time to time we have--

President Jerrel: Yeah, any emergency item.

Commissioner Tuley: That pop up.

President Jerrel: The written reports can come in from the...it would give us time to sit here and you know we would advertise it and the media could come, but it would be for...because we've got to get, you know, there are fee schedules and there is everything under the sun that needs to be addressed.

President Mourdock: I don't believe that we would need to do anything different as far as our scheduling for our meeting.

Joe Harrison, Jr.: No, the only thing you would have to do...what I would do is have one through four the same as you do on your normal agenda. Maybe have A, approval of minutes if you don't mind and then just have B, that item and you might make F a C just in case you want to have any group or individual wishing to address the Commission then go on. You might skip department heads if that is what you want to do and then go on to consents and that would be it.

Commissioner Tuley: That makes sense.

President Mourdock: Okay, well, I'll so agree.

Commissioner Jerrel: I make that in the form of a motion.

Commissioner Tuley: I'll second.

President Mourdock: I will so order. That date again is June 30th for a special part of the meeting to be a public hearing regarding the Visitors & Convention Bureau, Auditorium, Given & Spindler and the public as far as how we handle the construction henceforth.

Charlene Timmons: Could I clarify that? That doesn't require any special advertising, correct?

Commissioner Jerrel: Right, we're just going to talk.

Commissioner Tuley: It's just an agenda control item!

President Mourdock: Otherwise known as a pistol, a whip and a chair.

**Old business**

President Mourdock: Okay, any other old business to come before us this evening? This afternoon, soon to be this evening.

Commissioner Jerrel: Un-huh.

Commissioner Tuley: None.

President Mourdock: Just by way of information, the Welfare to Work group did meet last week and I understand at the scheduled meeting next week, June 9th, they will make a recommendation concerning the Gatekeeper position. They've done an excellent job.

**New business**

President Mourdock: Any new business?

Joe Harrison, Jr.: Richard, under Welfare to Work, I have a draft of an ordinance pertaining to the Welfare to Work program. We could do a first reading next week. I could present it at that hearing...or at our regular meeting and then approve it the second week, but then we would have to advertise it 30 days after its passage. Or, we could go the other route and publish it now and wait for another two weeks before we consider it for a first reading. There wouldn't be any problem just introducing it next week and having a first reading and then a second reading the following week and then publishing the same thereafter.

President Mourdock: Does it...I know one of your concerns and one of the things we heard from F.S.S.A. in Indianapolis the day we met with them one of the concerns was to make sure our ordinance did dovetail with the proposal of the Gatekeeper. Does this do that? Do you know at this time?

Joe Harrison, Jr.: I need to speak with them further, but the language that I have in there right now is generic in that if we want funds from them we have to comply with their stated procedures and regulations, etc., if we want their financial assistance.

President Mourdock: If there is any revision between a first reading and a second reading does it effectively void the first reading if you start over?

Joe Harrison, Jr.: I think we can make that with an amendment. It's up to you how you want me to handle it. If you would prefer that we wait longer we can do that. Do you anticipate awarding the contract?

President Mourdock: Next week?

Joe Harrison, Jr.: No, you don't anticipate--

President Mourdock: No, my expectation and the discussion of the Board previously was that we would take it under advisement at that point which would give you a couple of weeks to negotiate the contract.

Joe Harrison, Jr.: That's fine. Okay. As far as the ordinance is concerned what I would prefer to do is make sure that we at least have a second reading of the ordinance on the date that you award to contract.

President Mourdock: So with that are you saying to go ahead with it next week, Joe?

Joe Harrison, Jr.: That's what I would prefer to do.

Lynn Ellis: The contract won't actually be negotiated and awarded until the end of the month. The Commissioners will approve the ranking June 9th and that's all.

President Mourdock: Right.

Lynn Ellis: Then the committee along with Joe will negotiate a contract and those negotiations may prove to have impact on that ordinance. Right? I mean that was my understanding through this process.

President Mourdock: That was my question. I want to make sure that what ever it is we negotiate dovetails in with the ordinance.

Lynn Ellis: Right, the negotiations in the second...I mean, if you want to combine the two, that would be the next to the last meeting in June. If the last meeting is strictly for the Auditorium, then it would need to be the next to the last meeting, so that would be what...? The 23rd?

President Mourdock: Yes.

Lynn Ellis: Because you won't have anything but the ranking approved next week.

President Mourdock: That's right, but even with just the ranking approved, and let me see if I state this correctly, Joe, what you're saying is if we approve the ranking, take it under advisement next week we would still be able to have that as a first reading of the ordinance. You would then go down the road of negotiating the contract and making sure it did fit with that ordinance. If it didn't perfectly fit then you could modify by way of amendment the previously proposed ordinance and then we would have a second reading on the 23rd?

Joe Harrison, Jr.: Yes.

Commissioner Tuley: Sounds good to me.

Commissioner Jerrel: Yep.

President Mourdock: Why don't we proceed that direction? Any other new business? Motion for adjournment before our special Drainage Board?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 2:32 p.m.

***The meeting was reconvened at 2:40 p.m.***

President Mourdock: We will briefly reconvene the June 2nd Commissioners meeting.

Glen Koob: Okay, thank you. I'm Glen Koob, Perry Township Assessor. I just asked Pat about this. I'm not real sure of your procedures, but I just asked him real quick. Our office has flooded about 10 times this year so far. The other day it

flooded about...well, Saturday it flooded two inches. Apparently, they need to do...they've done drainage along the side. Our computers and our telephone lines every time it floods they get moisture in them. Ken Heugel, I don't know if you're familiar with him, but anyway he called and you know where the license branch...they are moving the west side license branch from--

Commissioner Tuley: Is that Indiana or Virginia?

Glen Koob: --Virginia, West Virginia Street or West Indiana, you may be right. It's over across from Lic's in Pigeon. They are moving that over to Perry Township on Sonntag. Ken Heugel called and wanted to know if we would be interested in 2,600 square foot space. I said I couldn't answer you, I have to take it before the Commissioners or ask them and then they have to...Joe has to read the contract. Well, this is the problem that I have. Four hundred dollars is what we pay now, \$399 or whatever. They want \$1,336 a month for it. It's three times the space we have now, but they have in there a CAM agreement and I'm not sure what that is other than it's if the roof goes bad the tenants share in the cost of fixing it. Is that what a CAM agreement is? I don't know either. They just have that on here. I guess you ask him about that. They also have a tax agreement on here where we pay the taxes. I don't know if we should do that or not. I mean...and then an insurance agreement. We get our insurance through the county except for fire, so that's all I'm asking you. I'm just asking you to think about it. I've looked at other places over there on the west side. Don't I have to go by the ADA rules? Yeah, see I do. That's the problem that I am running into is I have to be accessible, handicap accessible with all that. Our office is right now. The restroom, now, I don't think I have to worry about. It's not handicap accessible in this new building, but the license branch next door is and that's a public office, too. We're open probably the same hours. We're probably open longer than they are I would imagine.

Joe Harrison, Jr.: I'll take a look at your agreement.

Glen Koob: Okay, that's all I wanted.

Joe Harrison, Jr.: This is the proposed agreement? Your current lease runs through the end of the year?

Glen Koob: Yes.

Joe Harrison, Jr.: I'm presuming you're here because you need more room?

Glen Koob: That's the reason why he submitted this to me. He said, I've been in your office and I see you're kind of crowded. That and what I'm really--

Commissioner Tuley: The main thing is the water isn't it?

Glen Koob: The main thing is what I am asking for is that water, that flooding. I was over there until 4:00 in the morning in February cleaning up water off the floor so it doesn't get into

our computer lines and everything and this has happened about, oh, I would say about eight or ten times this year.

Joe Harrison, Jr.: Flooding in your building?

Glen Koob: Yeah.

Joe Harrison, Jr.: I just didn't know anything about it.

Glen Koob: I know, but it stands...one time, the time I was over there until 4:00 in the morning it's because it just kept raining and coming in. It's been really wet the last two years, so, yes, that's what it is. Thank you for opening this.

President Mourdock: Thank you.

Glen Koob: Any questions?

President Mourdock: We'll take that under advisement and let the County Attorney look at it.

Glen Koob: Okay, thank you.

President Mourdock: Another motion for adjournment?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 2:45 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Mike Robling  
Cheryl Musgrave  
David Byrne  
Marsha Abell  
Loretta Townsend  
Betty Herman  
Jayne Berry-Bland  
Royce Sutton  
Sandie Deig  
Alan Julian  
Ray Hamner  
Eric Williams  
Sue Hartig  
John Stoll  
Milton Hayden  
Bill Harty  
Glen Koob  
Dee Dee Riat

**Vanderburgh County  
Commissioners Meeting  
June 2, 1997**

Page 63

Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

---

Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons

Vanderburgh County  
Board of Commissioners Meeting  
June 9, 1997

Table of Contents

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Auditorium update.....	1
Welfare to Work Gatekeeper recommendation.....	6
Interactive Systems software agreement..... (Approval of Addendum)	8
Approval of AME annual service agreement.....	9
Proval contract dispute.....	10
Westwood Hills Subdivision Road Project..... (Preliminary Resolution)	10
Old State Road Sewer Project..... (Preliminary Resolution)	14
Oak Hill Road Sewer Project.....	15
Health Department WIC Satellite Clinic..... (Lease Agreement)	16
Burdette Park Rules Ordinance..... (First Reading)	17
Waterworks Road emergency request.....	18
Commission appointment to Wage Scale Committee.....	19
1998 YMCA contract negotiation.....	20
YMCA request for surplus vehicles.....	21
Legal Aid Board..... (Reappoint Cyndi Spear-Duncan)	22
Soil & Water Conservation District..... (Request use of Burdette bus & driver)	22
PAR Price Quotes.....	25
John Stoll - County Engineer.....	26
Supplemental agreement for Ohio St. Bridge	
Regency Associates proposing the dedication,	
re-surface and re-stripe Indiana St	
in exchange for paving of Cross Pointe Blvd.	
Complaint from Nace Wilhite Re: Drainage	
Ward Road right-of-way	
Width and speed limit on Henze Road	

Flooding on Old Petersburg Place II

County Garage.....	30
Submission of weekly report 5/30 - 6/5/97	
Burdette Park.....	31
Submission of weekly report 5/30 - 6/5/97	
Joe Harrison, Jr. - County Attorney.....	31
Settlement of Phoenix Land Company lawsuit	
Lynn Ellis - Superintendent of County Buildings.....	31
Co-op budget request	
Budgets received for review in Commissioner's office	
Miniature golf at Burdette	
Request from Youth Resources	
Request from St. Mary's to fund 40% of Domestic & Sexual Violence Commission	
Discussion of budget process	
Sheriff Deputies at Burdette Park	
Consent Items.....	43
Employment changes	
Travel requests	
Assessor (2)	
Auditor (3)	
Assessor (2)	
Weights & Measures (1)	
Emergency Management Agency (2)	
Treasurer (2)	
Clerk (2)	
Veterans Services (1)	
Auditor - Accounts payable vouchers/Financial Statement/ Cash & Expense Reports	
Treasurer - Submit Monies on Deposit/Fund Investments	
Scheduled meetings.....	44
Old business.....	44
Travel allowance in Commissioners budget	
New business.....	48
Senate Bill 477	
Adjournment.....	49
Attendance & signature sheet.....	50

**Vanderburgh County  
Board of Commissioners Meeting  
June 9, 1997**

The Vanderburgh County Board of Commissioners met in session this 9th day of June in the Commissioners' Hearing Room of the Civic Center Complex at 5:39 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the June 9th, 1997 meeting of the Vanderburgh County Commissioners. We'll call the meeting to order. By way of introductions, at the far right is our Superintendent of County Buildings, Ms. Lynn Ellis. Immediately next to Lynn is the County Attorney, Joe Harrison. Between Joe and myself, County Commissioner Pat Tuley. To my left, Bettye Lou Jerrel, County Commissioner. To her left, Suzanne Crouch, who is our County Auditor and officially the Recording Secretary of the County Commission, and to her left, Teri Lukeman, who will be taking all the minutes for this evening. Several important things by way of business: first of all, if you did not pick up an agenda for this meeting they are available on the table over there. I think there are still a few. Tony? He nods his head. So there's an agenda for you. Also by way of introduction for all of you, and this is very important, all of our minutes are kept verbatim, everything is done on a tape system, so if you have anything that you would like to discuss to the Commission, you must, you must, you must come to the microphone and state your name and address, please. Right now I would take a moment to ask you to look to the person to your immediate right and look at the person on your immediate left and realize that person may be here until 10:30 tonight because this is going to be a long meeting. So if you intend to speak, please, please, keep your comments fairly brief. If five of you are here on the same issue you don't need to say the same comment five times in a row. I mean, keep bringing new business before us, if you would. We don't mean to be terse with you, but these meetings get rather strained at times and we would just ask you to stay consistent and concise with your comments. Having made that comment, please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: The first thing on our agenda tonight then is to comment that we did not have an Executive Session prior to this meeting as is our custom. Instead, this board was in a joint meeting with other elected officials with the Solid Waste Management District Board. However, we do have in our packets this evening the minutes of the meeting from June 2nd, 1997 and I would ask for approval of those minutes.

Commissioner Jerrel: I move approval of the June 2nd Commissioners minutes.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Auditorium Update**

President Mourdock: The first thing on our action items, I think I saw Mike Buente here with Veazey, Parrott & Shoulders, our architect for the auditorium.

Mike Buente: Good evening. I want to thank you for having me first on the agenda.

President Mourdock: We had a lottery.

Mike Buente: I'll try to be brief. As you know, we're continuing to work on the construction drawings and specifications. We're in the end of the fourth quarter, so to speak, so things are tense and we're -- a lot of activity going on in all the disciplines. I brought along one set which I believe is more around 75%. We would have liked to have been around 90% at this point in time, but if you look through this I think it's more, truthfully, at 75%. We ran that this week and I'd like to transmit that to you. I transmitted a document over to you a week or so ago and I've spoken about it in a previous meeting, or previous report, that we were attempting to get some variances at the state level. We had those reviewed on June 3rd, and we did receive approval on all three of those. The set of drawings that you see here is a progress set that has gone out through all of our consultants including our cost consultant. He received his, should have received it Friday, and he is beginning his update review to see if we're still on track. He is going to be coming in this Thursday, spending all day with us reviewing cost items that may or may not be able to determine just by looking at the drawings. Things that are still in the specifications, there's still things to be -- information to be placed on the drawings. We also have our theater and our sound and our sound reinforcement consultants coming in tomorrow. They'll be here for a three day stint, heavy concentration on resolving some issues in the theater. One change that, if you look closely at the drawings, you'll see with the assistance of Mr. Spindler and several of the caterers that currently do work in the convention center project, we reviewed the kitchen, commercial kitchen and its operations and came up with some cost saving reductions. We've scaled back the kitchen slightly. That does a couple of things for us. It gains us some general building storage that in reviewing the project with Steve Utley, we knew we needed some additional building storage. We've gained that back, that's some of the storage that we had taken out in early reductions of the project, but we've done so in such a way that the kitchen, it's sort of an unknown, unknown what's going to happen. What kind of demands are going to be placed on it in the future. We didn't want to rely totally on the local caterers and what has been done in the past because we've hoped to bring in conventions and people that are used to the type of food preparation that may not be the standard in our community now. So we've set up and arranged the kitchen so that it can be expanded into that space that we've recovered for storage. We believe that once the building is built, there are a lot of niches and storage areas that we're finding and placing storage in that. We believe that people will be comfortable, the

managers of the building will be comfortable with the storage that's provided even if we do have to expand the kitchen in the future. There is one item that I need some assistance from the Commissioners before I make a recommendation and that is there is a sculpture on Walnut and Martin Luther Kind, Jr. Blvd. I'd like someone to research the history of that. I know it was constructed out at USI, I don't know the history of whether it was a gift, purchase or what the ramifications are if it goes -- if it's not there anymore. I'd like someone to do some research on that. I've got some ideas about it, but I don't want to really come forward with them until I know what the sensitivity is there and what the ownership is.

Commissioner Jerrel: Which one is it?

Mike Buente: It's the spiral -- aluminum sculpture.

Commissioner Jerrel: I think a fellow by the name of Titzer did that. I think I know who he is.

Mike Buente: But I don't know if it was a public art commission or whether it was donated or what the situation is, but I think we need to find that out before we address what to do with it.

President Mourdock: Okay. I would ask our County Attorney and Superintendent of County Buildings to check that out. That's a very good question.

Mike Buente: The other issue that I was going to bring up at the same time but its resolved itself is the ownership of the signage, and I have been contacted by Ad-Craft, I think who put the sign in originally and they have told me that the ownership was a turnkey. It is the county's ownership, you may want to check on that, but we're assuming that is correct and we are going to try to use some of the hardware in that signage. They're going to get together a package for us to tell us exactly what it is that's there right now.

President Mourdock: So again with that item, the Board doesn't need -- that was simply an advisory.

Mike Buente: I have this set I'd like to transmit to you.

President Mourdock: We will accept it and set it behind the desk for now. This is just one copy, right?

Mike Buente: Yes.

President Mourdock: That's worth 35 million dollars.

Mike Buente: And there are some drawings that are not in there, some of the rigging and some of the stage lighting and some of the specialty acoustics things as well as the kitchen. We made the change in the kitchen prior to that printing, so it's not in there because it would be erroneous information, so anything that was not helpful to the project team in its completeness is not in there.

President Mourdock: As of the present time schedule, when do you see the letting of bids for the project?

Mike Buente: Well, that is a complex issue that Mike Shoulders and I are going to come back and discuss that with you. I'd rather not address it today because we need to have some other discussion about it.

President Mourdock: Okay, you know, I think, if not, please be advised we have a meeting on the 30th or 31st -- no the 30th of this month and we are dedicating that Commission meeting to discussions about the overall status of both the Building Authority's roll, the County Commission's roll, so certainly by then we want to know exactly --

Mike Buente: We plan on having that on the 30th as well as our cost update, our proposed bid packages, proposed alternates...

President Mourdock: The 100% bid package? Is that what you're saying?

Mike Buente: No, the bid packages, how we would break it down.

President Mourdock: Okay.

Mike Buente: Different bid categories, how we propose to do that.

President Mourdock: Okay. Any other questions for Mr. Buente at this point?

Commissioner Jerrel: What is the deadline again for the bids going out?

Mike Buente: We haven't established that yet.

Commissioner Jerrel: Are you getting close to doing it?

Mike Buente: We hope to have that discussion with you on 30th.

President Mourdock: I think the original date was July --

Commissioner Jerrel: September?

President Mourdock: No, no, no. The letting of bids, I think, was July 18th. Something like that. It's within a week of that date.

Mike Buente: I've been working with also -- got some preliminary discussion going with Mr. Utley about their meetings and your meetings, we have to have some approval dates before that. We've had some discussion about coming to this meeting on the 22nd and then having -- I think it said -- is the 22nd a Monday?

President Mourdock: 23rd.

Mike Buente: 23rd's a Monday? Okay, the 24th, I believe, is a date that we could potentially have a special meeting with their board

and therefore get the approval process and the approval to put out for advertisement. But we haven't had enough discussion with all the parties yet about that.

President Mourdock: Yeah, and there are a lot of parties to include in the discussions, obviously. So I understand that part of the problem, I just want to make sure our time--

Mike Buente: There's also -- you know, there's advertisement time and then there's also physical bid time that we really think the contractors need, plus there's a review time at the state level, plus there's just a physical amount of time it's going to take the drawings and we will be taking the proposals, I mean, this is a large enough project that we will take proposals from at least three of the local print making people. And certainly turnaround time on that will have to be part of their proposal.

President Mourdock: Sure, sure.

Mike Buente: We printed sixteen sets of that and it took us about -- it took them about -- granted, they had other projects going, but it took about two days, two and a half days. So you can imagine if we're putting out fifty to eighty sets.

President Mourdock: The UPS man will have a hernia. Okay.

Lynn Ellis: In the discussions on the 30th, will you keep in mind topics like the disposal of the seating and how you're going to incorporate that into the bids?

Mike Buente: Disposal of what?

Lynn Ellis: The seating that's in there right now. Like if that's going to be part of the bid package which is being recommended right now for the contractor to remove and sell that existing seating and then replace it with the new.

Mike Buente: There's a couple options there. We've had some discussions internally about that with our theater consultant. Our theater consultant has done, I can tell you that he has done some research on that and there are some components in that, in the seating that's there, that is reusable. There's certain companies who -- I'm not talking about the whole seat, but parts of it that they would reuse and resell in a refurbished type of sales arrangement.

President Mourdock: Okay.

Mike Buente: Thank you.

President Tuley: Thanks a lot.

President Mourdock: Thanks for the update, Mike.

**Welfare to Work Gatekeeper Recommendation**

President Mourdock: The next item on our agenda is the recommendation from the Welfare to Work Council and Task Force and not seeing Phyllis Donahue, who is on the list, but I see Cyndi Spear-Duncan, so...

Cyndi Spear-Duncan: Phyllis got called out of town so she asked me to stand in for her and I don't have a whole lot to tell you other than the fact that after we had our oral presentation a couple of weeks ago, we added up the score sheets we presented with the written presentations and we went through individually and scored those. I think you all have those score sheets and then we heard the oral presentations from both of the bids and we went through and tallied up the scores and we recommended that the initiative based assistance program Gatekeeper position be awarded to Phil Liebermann & Associates. Their score was 869 and PIC's score was 830.

President Mourdock: Okay, very good. Questions?

Commissioner Jerrel: No, do you have comments to make before there is a motion?

Joe Harrison, Jr: It's my understanding that the process we should follow, we have a draft of an ordinance in front of you that we will have to -- the Commissioners should entertain, at least a first reading this evening and then a second reading next week, then we can publish it thereafter. It's my understanding though, that I guess you would make a motion to accept the recommendation and then consider the information and then make an award of the contract at some later day. Is that how you had planned on proceeding this evening? And then thereafter, after that award is made pursuant to the RFP, there is a sixty day window within which the Commissioners can negotiate a contract with the successful entity that is awarded the bid.

President Mourdock: The question I have, you just used the term sixty days, our plan all along, I think, has been to go to July 1st. Just because we have the window of sixty days doesn't mean that we necessarily would use all that sixty days.

Joe Harrison, Jr: You could do it in two days if you wanted to. That's the maximum window.

President Mourdock: Right.

Lynn Ellis: We have tentatively scheduled June 23rd for the contract if the task force can negotiate that contract to their satisfaction, then with Joe's assistance, and then present it to the Commissioners for approval at that time.

President Mourdock: At this point, with the recommendation being made by the task force, it's the job of the Commission to negotiate the contract. So, I guess my comments at this point are that the

Vanderburgh County  
Commissioners Meeting  
June 9, 1997

7

task force, and I see a few of the members who are here tonight deserve a big pat on the back from the community. I think the work that all of you have done has been outstanding and we certainly appreciate it. It's nice, as someone once said, if you're not the lead dog, the view never changes.

Commissioner Jerrel: Do you want them to stand up so we know who's who?

President Mourdock: Yeah, the others that are here, stand up. Yeah, Roger Frick, back here of United Way was on it.

Commissioner Tuley: You might have them stand --

President Mourdock: Stand up, Roger. But it's nice that we've got something very, very, very unique in what you all have done. With that --

Commissioner Jerrel: I have a question. Did you indicate, Mr. Harrison, by your comments, one of these should go before the other? I'm prepared to make some motions.

Joe Harrison, Jr: Why don't we do this. It might be best if you consider the ordinance first and then a motion for first passage of that and then the next motion would be to accept the recommendation of the task force and take that under advisement with the other bid and go from there as far as the awarding of the bid at a later date.

Commissioner Jerrel: I'd like to move approval of the County Initiative Based Assistance Program.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered on first reading, but I guess, formally, do we need a roll call vote for that? So, Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: And I vote yes.

Commissioner Jerrel: Are we the only ones that have copies of this?

President Mourdock: I'm not sure. Joe?

Joe Harrison, Jr: I've got a clean copy.

Commissioner Jerrel: You do not have copies?

President Mourdock: We can make them available to anyone.

Commissioner Jerrel: Okay.

Teri Lukeman: I'd like to ask Mr. Harrison to clarify the advertising on that, please?

Joe Harrison, Jr: After second reading it will have to be published within 30 days of the second reading, the entire ordinance.

Teri Lukeman: Okay, thank you.

President Mourdock: Then the second step in the process would be to accept the recommendation of the task force.

Commissioner Jerrel: I would like to move that we accept the recommendation of the task force, which is Phillip Liebermann & Associates.

President Tuley: Second.

President Mourdock: And I will say so ordered. So, I see the representative of Liebermann & Associates just left the room, but I'm sure he'll get word of that.

Commissioner Tuley: Phil's back there.

President Mourdock: Oh, I didn't see -- yes. Hi, Phil. Congratulations, and look forward to working with you, and you and Joe, obviously will need to be in contact here --

Joe Harrison, Jr: The bid will -- there still will be a final awarding of the contract at a later date.

President Mourdock: Ah, correct. Yes, I misspoke there, so thank you. We commend you and recognize you for getting to enter into negotiations with the County Attorney. How is that? Okay, very good.

<b>Interactive Systems Software Agreement - Approval of Addendum</b>
--

President Mourdock: The next item on our agenda then is Mr. Joe Profaizer with SCT on approval of an addendum to the Interactive System Software Agreement. Are these in our packets.

Joe Profaizer: Yes, they should be. My name is Joe Profaizer, I'm with Computer Services and I'm requesting the Commissioners's approval for an addendum with Interactive Systems, Inc. for a cash receipts program enhancement to the current FASBE system which is a financial accounting system for business and education. The addendum has been reviewed by both the city and county attorneys.

President Mourdock: Joe, do you have any comments?

Joe Harrison, Jr: I've glanced at it. Both are basically for one time service fees.

Joe Profaizer: There is a fee for the cash receipts program of \$6375, payable on our acceptance of the program. Interactive Systems will credit our '98 maintenance with that same amount, so it's virtually a free enhancement.

Joe Harrison, Jr: Yeah, I've glanced at them, they're fine. Have they gone to the Data Board?

Joe Profaizer: Yes.

Joe Harrison, Jr: And have the city -- has the city considered it yet?

Joe Profaizer: Yes, the city controller has reviewed it and so has the city attorney.

Lynn Ellis: Wasn't it approved by BPW last week?

Joe Profaizer: Yes, last Wednesday BPW approved it.

Commissioner Jerrel: I'd like to move approval of the addendum to the software license between the county of Vanderburgh and Interactive Systems, Inc.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Approval of AME Annual Service Agreement</b>
---

President Mourdock: The next item on the agenda then is the second contract from Mr. Profaizer tonight which is an approval of an AME Annual Service Agreement.

Joe Profaizer: Yes, I'm requesting Commissioner's approval to renew the annual service agreement with Advanced Microelectronics for a Digital Equipment Corporation printer, terminal, peripheral support. The service agreement is for \$19,000 invoiced bi-annually, according to the city/county split percentages of 37.84% and 62.16% respectively. This renewal of the maintenance agreement will save the city and county \$31,652 from last year.

President Mourdock: And again, I presume, both the county attorney has looked at this and the city --

Joe Profaizer: The Board of Public Works approved this last Wednesday, also.

Joe Harrison, Jr: It's fine.

Commissioner Jerrel: I'd like to move approval of the annual service agreement with AME.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profaizer: Thank you.

President Mourdock: Thank you, Joe.

**Proval contract dispute**

President Mourdock: Next we have the County Assessor -- I think I saw her come in? Ms. Cheryl Musgrave on a Proval contract dispute.

Cheryl Musgrave: Yes, I've been working with Mrs. Jerrel and Mr. Harrison and I'd like to ask the Commissioners to direct Mr. Harrison to send a letter to Proval outlining some concerns we've had in a recent problem.

Commissioner Jerrel: Is this along the lines of the letter that --

Joe Harrison, Jr: Uh-huh.

Commissioner Jerrel: Okay. I'd like to suggest that we have Mr. Harrison send a letter to them.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Cheryl Musgrave: Oh, any time you want to borrow my speaker timer, just let me know.

President Mourdock: Pardon?

Cheryl Musgrave: Our speaker timer?

President Mourdock: Have you got an egg timer?

Cheryl Musgrave: No, it's a digital clock that counts down and you can program in the number of minutes.

President Mourdock: You ought to rent it out. Thank you, Cheryl.

**Westwood Hills Subdivision Road Project Preliminary Resolution**

President Mourdock: Westwood Hills Subdivision preliminary resolution, and I know the County Attorney has some comments to make on this, but...go right ahead, first.

Jim Flynn: Good evening, my name is Jim Flynn. I'm a resident of Westwood Hills neighborhood and we have been working very diligently with Mr. Harrison, with County Engineer, John Stoll, and would like to express our gratitude to you Commissioners and also to Mr. Stoll and Mr. Harrison for really moving this project along. The project we're referring to is the rehabilitation of the roads in Westwood Hills Subdivision in Vanderburgh County, Indiana. We

have had several meetings with neighbors, the last of which was on the Tuesday following Memorial Day weekend. At that time, after explaining to the neighbors what we had accomplished to that point, we asked them to sign a petition to you stating that we, the undersigned residents of Westwood Hills Subdivision urge the adoption by the Vanderburgh County Commissioners on June 9, 1997 of a preliminary resolution with respect to the construction and financing of the Westwood Hills Subdivision road rehabilitation project. We are advised that the total cost of the construction and financing of these improvements may be up to \$200,000. Now, I have with me, and I would like to file with you, Mr. President, the signatures of the lot owners. Many of them attending that meeting and we got many of these signatures then. Those that we did not get because they weren't at the meeting, we went around the neighborhood and we have -- let me just tell you where we are. There are 96 lots in Westwood Hills Subdivision.

Commissioner Jerrel: How many?

Jim Flynn: Ninety-six. Two of them are not affected by this project and should be excluded from any assessment with respect to this project, so we're down to 94 lots. Of those 94 lots, we have the signatures of all but 15 lot owners. Now, of those 15 lot owners, six of the 15 refused to sign the petition. They did not indicate that they would remonstrate, they refused to sign the petition. Nine of the 15 whose signatures we do not have were not at our meeting or were not at home or have moved or own undeveloped lots and the owners were not available and so I think it is safe to say that 85% or more of the people of this neighborhood support the adoption of this resolution. This is what it looks like in black and white. The white spots are the ones that did not sign. May I file this petition?

President Mourdock: Sure.

Jim Flynn: As an expression of our gratitude for your assistance in this, we asked several of our neighbors to come to this meeting and I would like to ask them to stand, identify themselves as in favor of this resolution. Please, if you would stand.

President Mourdock: Okay. Thank you.

Jim Flynn: So we're going to make a lot of room for you folks. You'll stay here till ten, I'm not.

President Mourdock: Yeah, you have that right. I will be here.

Jim Flynn: I'll be happy to answer any questions.

President Mourdock: Sure. Just in sense of fairness, you suggested that there may be some remonstrators. Are there any in the room from Westwood Hills who oppose this petition? Okay, in fairness I wanted to ask. None stood at that point.

Jim Flynn: And so, we would ask that you adopt the preliminary resolution and understand that within a very short time publication

of notice will be made in the newspapers. Thank you again for your attention and cooperation.

President Mourdock: Okay.

Commissioner Jerrel: I'd like to introduce --

Joe Harrison, Jr: Hang on a second, John needs to do his duty first before we get into that.

President Mourdock: And while John is preparing to do that, I guess one question, Mr. Flynn. You said that six of the 15 refused to sign, nine of the 15 were either not at the meeting or not at home or otherwise own undeveloped lots and obviously don't live on those lots. Just by way of information, were they provided what would count as legal notice of your groups activity?

Jim Flynn: Absolutely. We passed out notices of meetings to all of the residents and talked it up, tried to talk to people actually as we were having them.

President Mourdock: Those lots that you referred to, though, that are undeveloped, I presume there's no home on those so that owner would live somewhere outside Westwood Hills.

Jim Flynn: Correct.

President Mourdock: Were they given notice by registered letter, certified mail, anything like that?

Jim Flynn: No, not of our meetings. They will be of your actions.

President Mourdock: Sure, I understand that. I just wanted to --

Jim Flynn: One of the people who did not sign is the son of a resident. He knows about it from talking to his mother but he doesn't live in town and so he did not sign, and that is the type of thing we ran into.

President Mourdock: Okay, thank you. County Engineer, John Stoll.

John Stoll: The plans that you have there, Commissioner Mourdock, are the plans and specs for the repairs of the streets that are to be filed this evening with the Commissioners in support of the preliminary resolution. These plans, they were prepared by Bernardin Lochmueller & Associates, and they are preliminary at this point. There are still some changes that will have to be made as far as filing in contract deadlines and bid dates and things like that, but for the most part the actual plans and specifications for the repairs are fairly complete.

President Mourdock: Alright.

Joe Harrison, Jr: We needed that information. The resolution in front of you, again, is for Westwood Hills. It's a preliminary resolution of the Board of Commissioners of Vanderburgh County

approving the construction of the Westwood Hills Subdivision Barrett Law project, the issuance of bonds to finance such project and addressing matters related thereto. After you consider this particular resolution, I will then give you the date in which the next hearing, it would be a public hearing on the preliminary resolution and there will need to be publication of that particular notice. But the first thing you need to do is to consider the preliminary resolution.

Commissioner Jerrel: I'd like to move approval of the preliminary resolution of the Board of Commissioners of Vanderburgh County approving the construction of the Westwood Hills Subdivision Barrett Law Project, the issuance of bonds to finance such project and addressing matters related thereto.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered. But because, again, this is a resolution we'll call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Very much, yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: And I certainly vote yes. And I'd just like to say thank you on behalf of this board to all of you because doing a Barrett Law issue is something that isn't beyond the -- well, it's been done before but it hasn't been done at least in the two and a half years that I've been on this board and I think this is what this law was intended to do and the fact that all of you are here supporting it and you've done it right and followed the steps and everything, I think you're all to be commended and we hope this keeps moving along very quickly. So with that, Joe, we need to go back to you for an additional date here.

Joe Harrison, Jr: Yes, I would ask for consideration of a motion to publish by Friday, if we could, June 13th, a notice that I'll provide hopefully tomorrow or Wednesday regarding a public hearing on the preliminary resolution and the date for the hearing by this body would be June 23rd, 1997. Notice will be sent out to the affected homeowners by my office also. But it will have to be published.

Commissioner Jerrel: I move approval of a motion to be published by June 13th to announce the public hearing on June 23rd, with notice -- I'm assuming registered notice -- to all property owners.

Commissioner Tuley: Second.

President Mourdock: So ordered. For the record, we accepted for the record tonight a petition from Mr. Flynn on behalf of Westwood as well as the project VC-97-07-01 engineering report prepared by Bernardin Lochmueller & Associates. That came from County Engineer

John Stoll.

Jim Flynn: Thank you very much. Are we dismissed?

President Mourdock: You are, and think of us at 10:30!

**Old State Road Sewer Project Preliminary Resolution**

President Mourdock: Okay, the next item on our agenda then, item I, is Old State Road Sewer Project and we have a similar preliminary resolution.

Brad Salmon: Good evening, my name is Brad Salmon, and I'm the attorney representing the Old State residents. As you can see, the remainder, with the exception of one, are Old State residents. The project is as was previously outlined. This is a Barrett Law funding project for a sewer system along Old State Road. There are approximately 25 residents that will be affected. We conducted a very similar procedure to what Mr. Flynn previously described and that the neighbors have been informally contacted, the project discussed with them and we have approximately, at this point, 60% that are for the project. We would anticipate, likewise, that official notice from the body, assuming the preliminary resolution is adopted, a public hearing to follow. Certainly the residents that are here tonight are in support of the project and I think it's an area of town that, quite frankly, does need a sewer system and I think that quite a few septic tanks are failing in that area.

Commissioner Jerrel: Could we ask for you to say your name slowly so that they can get it for the record?

Brad Salmon: Sure, Brad Salmon. S-A-L-M-O-N, just like the fish. The approximate cost of the project, we believe, will not exceed \$115,000 and that is an approximate value.

President Mourdock: Okay. Again, I'll turn to Joe for your comments.

Joe Harrison, Jr: I think Mr. Stoll has specifications concerning the project.

John Stoll: These sewer plans were prepared by Andy Easley Engineering. It's for approximately 1,930 feet of 8" sanitary sewer. The plan and profile sheet and details are all contained on the plans you have before you and then the specifications are included in the contract documents. Here again, there will be some revisions necessary prior to the plans going out for bid, but for the most part the plans fairly well address the sewer system that needs to go in out there. I will file those with the Commission at this time.

President Mourdock: Any questions of Mr. Stoll? Any comments from the residents of the Oak Hill area? I'm sorry, Old State. We'll get to you in a minute, Mr. Schwenker.

Commissioner Jerrel: I'd like to move approval of the preliminary resolution of the Board of Commissioners of Vanderburgh County approving the construction of the Old State Road Sanitary Sewer Barrett Law Project, the issuance of bonds to finance such project and addressing matters related thereto.

Commissioner Tuley: Second.

President Mourdock: So ordered. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: And I vote yes.

Joe Harrison, Jr: And again, regarding the publication similar to the Westwood Hills, I would request a motion by the Commissioners to publish a notice of a public hearing regarding the preliminary resolution and the publication would need to be placed in the paper by June 13th, 1997 for the meeting to be held on June 23rd, 1997.

Commissioner Jerrel: I'd like to make a motion to publish by June 13th a public hearing for this project that will be held on June 23rd with registered notice to the property owners.

Commissioner Tuley: Second.

President Mourdock: And so ordered. Again, for the record, we received tonight an engineering report for the Old State Road Sanitary Sewer extension and that was prepared by Mr. Easley but submitted by County Engineer, John Stoll, as part of this project so we'll enter that in.

Commissioner Jerrel: Thank you.

President Mourdock: As I said to the others, thank you. This is somewhat of a new experience for us, we're glad that you put all the effort in it.

#### Update on Oak Hill Sewer Project

President Mourdock: With the Board's approval that will be somewhat out of order, but as long as we're on this general topic, I know Mr. Schwenker is here and he's about ten items down the list, but Mr. Schwenker, if you'd like to address the Board at this time, we'll save you some time also.

Eric Schwenker: Thank you very much, Mr. Mourdock. I'm Eric Schwenker. The correct spelling is S-C-H-W-E-N-K-E-R. I'm 5214 Oak Hill Road. Speaking on behalf of the Oak Hill Road Sewer group which is an unofficial organization, who has appointed me their spokesman. We thought that we were ahead of the two previous

groups who have just been able to get their preliminary resolutions underway; however, to our dismay along about the end of May, last month, we found that we were not in compliance with the requirements of the Barrett Law in terms of the amount of engineering information that we have had at this time made available to you. So I have had to go back, I have requested three estimates from three different firms in order to obtain the detailed engineering design information and specifications which are going to run approximately \$30,000, which we have to come up with before we can proceed. It seems to me to be a rather severe stumbling block but I'm not here tonight to debate the pros and cons of the requirements of the Barrett Law. I thought that we had complied with the spirit of the law; evidently, we had not because we were so informed that we needed to get a significantly more detailed amount of engineering information to you. I will have that information to you in approximately five to six weeks because that's the best time that the engineers have given me in terms of accomplishment. They also had a caveat in there of weather permitting, so it may be five or six years. No, strike that last comment. So I will be back.

President Mourdock: Okay.

Eric Schwenker: Thank you very much.

President Mourdock: Thank you, Mr. Schwenker. We appreciate the comments and I guess before you leave the microphone I want to make sure that everything is understood so that we do keep the process moving along. I don't want to have any more delays for you. Is there anything else, Joe, that we need or, John Stoll, that you would like to add as far as giving Mr. Schwenker direction, reinforcement, whatever?

Joe Harrison, Jr: No, I just want -- John will keep in touch with you and as soon as you obtain the information from the engineering firm, get it to Mr. Stoll as soon as possible and I'm sure he'll also talk to you about the right-of-way, or the easement concerns that may be necessary and I'm sure your engineer will have more to say about that if there's a problem there. But I honestly don't know how that is going to play into things, but I'm sure you'll be advised from the others as to what needs to be done with respect to that.

Eric Schwenker: Okay, thank you, Mr. Harrison. May I call you tomorrow, Mr. Stoll? Thank you very much.

President Mourdock: Okay. The fact that you're no longer at the top of the list the way these have progressed doesn't in any mean that this Board is less committed to doing the project, so just...

Eric Schwenker: Thank you very much for your reassurance.

<b>Health Department WIC Satellite Clinic - Lease Agreement</b>
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President Mourdock: Going back to the order of our list here, the

next item in our agenda pack is for the Health Department and WIC Satellite Clinic and a lease for that facility. Lynn, do you have some comments about this. It says your name on it on our action list.

Commissioner Jerrel: This has been approved and you've taken a look at it, Mr. Harrison?

Joe Harrison, Jr: Yes, and I attached, and I don't know if you have the clean copy with the signature page for you all. Do you have that?

Commissioner Tuley: I don't see that.

President Mourdock: No, I do not have the signature page. I do have the insurance form.

Joe Harrison, Jr: I've got a copy, maybe if we can just get a copy made, Tony. I've got one if you don't have it. But that was the only thing. I've prepared a signature page for you all. And again, this is a lease that, it's a nice lease and that the county doesn't have to pay any money.

President Mourdock: Okay.

Commissioner Jerrel: I'd like to move approval of the lease agreement entered into by and between Parkside I and II LP, a Michigan Corporation hereinafter called Lessor and the Vanderburgh County Indiana Department of Health, Lessee. This is for the WIC program, for use as a WIC Satellite Clinic.

Commissioner Tuley: Second.

President Mourdock: Okay, we have a motion and second and I will say so ordered and trust that you have the signature page.

<b>Burdette Park Rules Ordinance - First Reading</b>
--

President Mourdock: Next, we move to the ordinance that was, is this our second reading for a Burdette Park Rules Ordinance, we were changing that --?

Joe Harrison, Jr: I think it's a first reading.

President Mourdock: Okay, it is first reading.

Joe Harrison, Jr: It was advertised.

President Mourdock: It was advertised? Lynn, maybe you'd like to add a comment about what we're changing with this? As I recall, it was largely due to the vandalism or something?

Lynn Ellis: Right, the new ordinance incorporates some of the patrolling by the Sheriff's Department and incorporates some of the facilities that weren't on the site at the first draft, the

chalets, other buildings that are there that can be rented, some of the language regarding the fishing has changed, so that has all been incorporated in this new amended ordinance.

President Mourdock: Okay.

Commissioner Jerrel: I'd like to move approval of the amended ordinance adopting county park rules, regulations and penalties.

Commissioner Tuley: Second.

President Mourdock: So ordered. And again, because it is an ordinance, I'll have a roll call vote. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: And I vote yes. And that is first reading.

<b>Waterworks Road Emergency Request</b>
--

President Mourdock: The next item, item L, is a letter to Mr. Frederick Bumb on Waterworks Road, and what we're asking for tonight is basically the endorsement of this group. As you know, probably you've seen this in the media, but we had a flooding situation where there was a very immediate need for a response from the county. Mr Bumb and several of his neighbors asked that Waterworks Road could be used as the base for a levy that they would construct to provide temporary (tape changed) some farm ground that they had already planted. What I would ask for tonight is simply a motion of support for that.

Joe Harrison, Jr: Something along the lines, ratification of the emergency measure taken.

Commissioner Jerrel: I'd like to move ratification of the approval that was given in an emergency situation to prevent the flooding of farmland by placing a dam on Waterworks Road and closing that road.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered. I should have said this before, but obviously the obligations there, the people who are building it, it is solely at their cost, the removal is solely at their cost, and the removal is to be done before the county reopens that road. Obviously, we'll give them notice and they'll probably know it before we will, quite honestly, given their knowledge of the river. But once the river starts going down, then they'll go ahead and get it out.

**Commission appointment to Wage Scale Committee**

President Mourdock: The next item we have, item M, is for us to consider the Commission appointees to the Wage Scale Committee and I think this goes back, Pat, maybe you can help me on this one, but last year under the Prevailing Wage Law that went through the state we had to appoint a local wage committee.

Commissioner Tuley: Right.

President Mourdock: And, Lynn, do you have any other comments or, Joe, on this?

Lynn Ellis: This appointment is strictly for the Auditorium, this will not affect the appointment on the other board, this will just be strictly for the Auditorium.

Joe Harrison, Jr: Technically, it's for the Building Authority, since they are the awarding agency, so I guess if they would have any other contracts down the road, this would be our appointment for that body.

President Mourdock: I had previously noted on this and forgot it in my remarks just a second ago, but, Lynn, your wording on this is for us to begin considering the appointment of, so I don't know that we have an appointment to make tonight. It's simply that this probably needs to be done next week.

Lynn Ellis: Right, my request would be that the Commissioners make an appointment at their meeting on June 16th, and that's in order for the Building Authority at their meeting, it would be presented to the state that same day or the following day so that this can get moving.

Commissioner Tuley: Does this affect Jerry Ramsey's, I think his name is Jerry Ramsey, appointment. So this is another one because it's a totally new project?

Joe Harrison, Jr: Yeah, technically, I guess this body would have maybe five appointments: the School Corp. is an awarding agency and from time to time they have contracts and this body would have an appointment on that, the city, when they award contracts, Building Authority, the state. The state, as a matter of fact, when they do their construction of buildings out at USI, I think last year you all appointed someone for the USI project, which was for the state. I think that was him, and that appointment is for four years. So that remains for any of those USI type projects here in Vanderburgh County.

Commissioner Tuley: Okay, so it is almost the project, well, I won't say the projects, but it is --

Joe Harrison, Jr: It's agency.

President Mourdock: If we so choose to do so, we could name exactly

the same group of people back and simply then consist of another board, is that right, or they made up another board.

Joe Harrison, Jr: Yeah, it would be a different board, this is a different board. This is for the Building Authority, so whoever you want to put. You can put the same person every time or you can put somebody different every time. It's up to you all.

President Mourdock: Okay. Alright, Lynn, could you let us know tomorrow exactly who those appointments were that were made last year so that we can consider them? Well, if there was just one made last year, that board exists and I'd still like to know the names on that total board so that we might be able to take those under consideration as a starting point. We might want to add or delete either way, but --

Joe Harrison, Jr: We had one appointment to that board.

President Mourdock: And on this board, though, you're saying we could have as many as --

Joe Harrison, Jr: No, we have one.

President Mourdock: Oh, we only have one. Oh, okay, I thought we --

Commissioner Tuley: We could have as many as five different appointments going on --

Joe Harrison, Jr: Now on the county's, if the county ever does, then we'll have three.

President Mourdock: Okay, so we need to come up with one -- okay, I got you.

Commissioner Jerrel: This is not an action item, anyway.

President Mourdock: No, it's for next week.

### 1998 YMCA Contract Negotiation

President Mourdock: Okay, Lynn added to our packet, also there is a contract for 1998 with the YMCA for the county. We presently have a dues structure is for county employees and that would be increasing, there was another letter...I had originally seen another letter that had the current rates in it and the new rates.

Lynn Ellis: I don't think the old rates were included --

President Mourdock: Yeah, this has '97 and '98.

Lynn Ellis: It's my understanding that the Y would be willing to negotiate these fees and that would be my request that we be allowed to negotiate with them to see if the rates can be reduced. Going from \$4.06 to \$4.90 or \$17.39 to \$18.65 and so on is a

significant increase and so I would recommend that we try to negotiate those fees.

Commissioner Jerrel: Okay, I'll move that we take this information under advisement and authorize our office to proceed with further negotiations with the Y.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**YMCA Request for Surplus Vehicles**

President Mourdock: We have a request from the YMCA for two vehicles that we are deeming as surplus.

Commissioner Jerrel: I had one question. Do we do this, give vehicles to outside our taxing unit? Who turned this in?

Commissioner Tuley: That's a good question?

Lynn Ellis: The Y sent over the request and they were referred to our office by the Auditor's Office and so I --

Commissioner Tuley: Maybe we can negotiate that into the contract.

Commissioner Jerrel: I think we'd better just let Mr. Harrison check this out.

President Mourdock: Were they looking simply for these as a freebie, Lynn? Do you know?

Lynn Ellis: Yes, actually, I understood that the county has donated vehicles to them previously.

Commissioner Jerrel: One of those is a '92 Ford.

Lynn Ellis: They have a lot of miles on them, they're from the Health Department.

Commissioner Jerrel: I know, but one of them is a '92 Ford that just needs one replacement that costs \$150. I read all that surplus information and that's a pretty good freebie.

Joe Harrison, Jr: Maybe you can work something out for the membership on the Y.

Lynn Ellis: Yeah, or maybe I should take one.

Commissioner Jerrel: That Ford did not have a major --

President Mourdock: So is there a motion to take this under advisement?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Reappoint Cyndi Spear-Duncan to Legal Aid Board**

President Mourdock: Ms. Sue Ann Hartig is not here and Cyndi Spear-Duncan has left, they had a request on behalf of Legal Aid and basically that was simply to reappoint Cyndi Spear-Duncan for another three year term. Her new term would expire in July of 2000.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. We've done Mr. Schwenker. Any group or individual?

Commissioner Tuley: Wait a minute...Soil & Water request in there.

President Mourdock: Oh, I'm sorry. Where did that one come from? You chuckled, Tony. You sneaked one in on me.

**Soil & Water Conservation District - Request use of Burdette Bus & Driver**

Commissioner Jerrel: I have one question about this and I would direct it to Mr. Harrison. What about the permission slips, I mean, if somebody is going to be driving one of our vehicles to pick up kids for a different group, do they have some sort of permission slip arrangement? I'd just like to know we're covered.

Commissioner Tuley: They want to use our driver, too.

Commissioner Jerrel: Yeah, but I'd like to know there's some kind of...

President Mourdock: And let me add one so we're not dealing with this one in a vacuum because I think it's important. At this same event, or at least I think it's the same -- yeah, I'm sure it is -- the Soil & Water Conservation folks have asked, they are having a group in from this part of the country, it's going to be at the Pagoda and they are having a luncheon type affair upon the roof area. They've asked that we make available for their use, something like 15 tables and 125 chairs for hors d'oeuvres and things they were going to serve. I understand the county has done that in the past, although honestly, I don't recall that we have allowed the use of those chairs and tables. Do you know, Pat?

Commissioner Tuley: Seems like at one time we loaned like the Freedom Festival steps and what have you from the Auditorium, but it's rare that...

President Mourdock: I guess, given that Soil & Water Conservation

is something that we are otherwise supporting, it isn't a totally off the wall type request. They, obviously, in making that request would also be as they are here, requesting the manpower to go with it to drop them off and pick them up and such. So perhaps we can consider both these requests together or if it's your choice, we can still do them separately.

Commissioner Jerrel: Okay, I'll put them on the table, I'll move approval, but I want to talk about it.

Commissioner Tuley: Okay, for the purpose of her discussion, then I'll second it.

President Mourdock: And then discussion.

Commissioner Jerrel: Okay, I'd like to know a little bit about the legality, when you start transporting kids if it's a function that -- you know, I just think I'd like to be a little bit tighter and I think Lynn ought to talk to them about what kind of cost we're talking about to move tables and what the expectations are because Pat's indicated this has been something very rarely done.

President Mourdock: Yeah, I honestly don't remember in the past two and a half years that we've done it.

Commissioner Tuley: I don't -- the last thing I really remember was the discussion on the steps and what have you for the Freedom Festival. That was the last real discussion that I remember and that one, quite honestly, turned out to be a hassle.

Commissioner Jerrel: It was. I remember the results of that even though I wasn't on this board.

President Mourdock: I guess the difference I would see here just being provocative for a minute is that this, again, is more of the Vanderburgh County Soil & Water District, something we fund as opposed to the Freedom Festival, which is clearly an entity out there on it's own. Joe, is it different or not?

Joe Harrison, Jr: Yeah, I mean, the Soil & Conservation, they have guidelines they have to follow from Purdue and it's kind of they're --

Commissioner Jerrel: They're in our budget, part of it is.

Joe Harrison, Jr: Part of it is, but they're kind of their own little animal and there's also some insurance considerations we've got to think of and I'm not so sure --

Commissioner Jerrel: And they're paying, I mean, they have to pay, they don't give them anything free down there, so they're paying \$500 and they have to have X, one million dollars worth of insurance...

President Mourdock: Which are you referring to on that one?

Commissioner Jerrel: The Pagoda.

Joe Harrison, Jr: What we're talking about, I think for transporting children, we're, obviously, there's some insurance considerations we'll have to look into and maybe it might not be something we can do.

Commissioner Tuley: If they're acting, I mean, since they are a quasi-government, Vanderburgh County government agency, would our insurance cover in the event that they have a wreck?

Commissioner Jerrel: That's what he needs to find out.

Commissioner Tuley: I'd be inclined to have Joe check that out and then on Joe's recommendation --

Joe Harrison, Jr: Let's hold off.

Commissioner Tuley: On the surface I don't have a problem with it, but I'm like you, I'm worried about legal questions if there would be an accident.

Commissioner Jerrel: Could we just say that we'll do this pending our report -- let's just wait till we get a report from the attorney and I'll rescind my motion.

President Mourdock: Do you wish, and again, it's your choice, do you wish to consider the chairs and such at this point separate?

Commissioner Jerrel: Yeah, I want him to look at all of it.

President Mourdock: Okay, alright. If you would, report back next week then, Joe, on where we go with that. Okay, now anybody individual --

Commissioner Jerrel: You've left out -- price, is that something you --

President Mourdock: Yes, I was going to do that under new business.

Commissioner Jerrel: It's on the agenda.

Commissioner Tuley: He's got it on the agenda under --

President Mourdock: Well, they keep updating the agenda after I put it in there on Saturday. Where is it?

Commissioner Tuley: R.

President Mourdock: That's the final. I type my draft in here on Saturdays.

Tony Gruebel: It's on the draft, too, I think.

President Mourdock: We'll look in a minute.

Commissioner Tuley: Before you go further, though, ask him again, what you asked him one time before, do you want to bet your job on it?

President Mourdock: Whose memory is better, Tony or...?

**Approval of PAR Price Quotes**

President Mourdock: Okay, we have before us a proposal from Product Acceptance and Research. You'll recall initially they came forward and said they would do a study at Burdette Park for something like \$12,000 to \$14,000 to help us develop a bit of a needs assessment, if you will, find out what the public thinks that facility ought to be. It's certainly, I think, a timely discussion given we're getting ready to do all the budgets. Before we put together a budget for a long time asset, it certainly seems that we ought to have some sort of long term plan. I have spoken with the people here and negotiated a price from the originally stated \$12,000 to \$14,000 down to \$9,500 with basically the same type of coverage for us. So I guess, at this point, I would move approval and then I would willing to go to the Council to make the necessary call.

Commissioner Jerrel: I have a question. I thought I saw it in the budget.

Lynn Ellis: Yes ma'am. They included it in their budget at my request in case the Commissioners didn't take action for this year so that it could be put in next year's budget. If it's not, the additional money is actually, there is paving money left over from this year because all of the paving was not done by County Highway, one, because of the weather and because of the flooding and that kind of thing, they couldn't get out there and finish all of it prior to the park opening for the summer, the day camp and all that, so there is money left over in that budget line that they said could be transferred to take care of this survey. As a result, then they would need to replace that money in next year's budget to finish up that paving.

Commissioner Jerrel: I have a question. What about the timing of this. Is this the time to do it or is the time to do it in late August or September. Because what we're trying to find out is did you go to Burdette. If yes, what do you think? Or if you didn't, why didn't you? I just think it's -- that's a...

President Mourdock: I don't -- well, my personal opinion is, I don't think it's a time issue because the idea isn't so much just to find out did you go or didn't you go, but it's more one of historical record. Have you used the park. If they haven't used it in the past three, then they probably won't use it this year either. If someone has never used the park, what might it take for them to want to use the park? For those who did use it last year, certainly they have the recollections of what it was, and if they've been out there this year, then it's very fresh in their minds. So I don't know that if you did this in June, if you did it in August, if you did it in December, that would necessarily affect

the outcome. A lot of that depends on how they questions are put together, obviously, like any other poll. At this point we're not that far along. Beyond the question of the funding, I guess the reason for having it on the agenda tonight is one that, again, it is a contract that the county will need to negotiate and, obviously, that falls on this board. Lynn, did this subject come up at the Executive -- at the Advisory Board?

Lynn Ellis: Yes sir. The Advisory Board was in support of it. There was some detailed discussion concerning the study and thought -- there has been talk about doing different projects out at Burdette and each of the Advisory Board members that were present said it might prove that that's correct and it might prove that it's not. And if it proves that it's not, then what do the citizens want to see? And there was consensus for that.

Commissioner Tuley: I agree with the Advisory Board and Richard.

President Mourdock: Is there then a motion to negotiate a contract based on the letter that's in your packet?

Commissioner Tuley: I'll so move.

Commissioner Jerrel: I'll second. I'd like for you to take a look at the existing budget for the funding.

President Mourdock: Okay, that's fine. We'll look at that from the existing money, budget point of view and I will say so ordered. Let the record show that Tony was right, I misread it. I had it on both the computer screen and it was on the draft. So...

Commissioner Tuley: He gets to keep his job for another week.

President Mourdock: Yeah, so I get to eat crow again, but after enough of it, you get kind of used to it and it isn't that bad.

**Any group or individual wishing to address the Commission**

President Mourdock: Okay, now any group or individual.

**John Stoll - County Engineer**

President Mourdock: Seeing none, department head reports. John Stoll.

John Stoll: The supplemental agreement that I've submitted is for the Ohio Street Bridge. This is the supplemental that was discussed several weeks ago and the need for the supplemental resulted from the fact that the project ran into liquidated damages by approximately 30 days, which in turn required Bernardin Lochmueller's personnel to be on the job site longer than they anticipated, plus the high water in the creek also delayed the project which caused some additional time by Bernardin Lochmueller personnel to be spent on that project. The increase is for \$57,790

and originally I told you that the majority of that supplemental would be all local funds but when I sent that supplemental to the state I requested that they increase the percentage that they would reimburse us and they did up the reimbursable percentage by 2%, which results in about all but \$16,000 of that being reimbursable now. So we will not have to eat the entire cost of that supplemental. It's been reviewed and approved by INDOT and I would recommend that it be signed at this point by the Commissioners.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: Just by way of discussion, John, if the total is \$57,000 and the supplemental will reimburse us for all but \$16,000, was the liquidated fee to the contractor insufficient?

John Stoll: The state does not pass on the liquidated damages back to the local government agencies, so that's not an issue, not in their mind, at least. But since it was into liquidated damages that's why, that's some of the documentation that I used to request that they give us more reimbursement on the project. So it's not a direct exchange for \$1,500 a day liquidated damages. They're going to, in turn, give us money back but --

President Mourdock: Which is the way it should be.

John Stoll: Yes.

President Mourdock: Liquidated damages ought to cover all the cost of the delay.

John Stoll: Right.

President Mourdock: Okay, well there was a motion and a second and I will say so ordered.

John Stoll: Next, I've got a letter from Jim McKinney of Regency Associates in regard to the paving at Cross Pointe Blvd. In this letter, Mr. McKinney is discussing the dedication of Indiana Street which is out in front of the State Farm office building and behind O'Charlie's the Outback Restaurant. That currently is not a county accepted road and there is no right-of-way for that road. Mr. McKinney is proposing that right-of-way be dedicated and that he would resurface the road and re-stripe it in exchange for the county repaving Cross Pointe Blvd. from Lloyd Expressing up to Indiana Street. At this time, I really can't give you a recommendation on this because there were commitments --

President Mourdock: I'm sorry, I couldn't hear you. At this time, what?

John Stoll: That I can't give you a recommendation on the repaving of Cross Pointe in regard to this request from Mr. McKinney simply because I do not know all the commitments that were made at the Area Plan Commission meeting when the -- let's see, it was section

II I believe, Cross Pointe Subdivision was approved by Plan Commission. So once I research that a little more I can give you a recommendation, but Cross Pointe Blvd. will need some repairs soon, so all in all, it probably wouldn't hurt if we go ahead and do this in exchange for Mr. McKinney resurfacing the road. But I'll have to get back with you with more details at a later date. Hopefully, I can have it next week.

President Mourdock: Okay, in taking this under advisement, then, would you also provide us with a map showing how all this ties together? It doesn't have to be a large scale, just 8½ X 11 would work.

John Stoll: Last week there was a request and a complaint from Mr. Nace Wilhite out on Crowley Avenue in regard to some drainage problems and since then I've discussed with Milton the replacement of the culvert on Crowley at Allens Lane. The pipe that's out there right now is pretty well silted full and it's a metal pipe and the ends are smashed down so it definitely needs replaced. So Milton said that the County Garage crews were planning on replacing that pipe anyway. Mr. Wilhite complained about some drainage problems in his backyard, but there are no drainage easement in his backyard, so there's really nothing that can be done in regard to that. The county can't help him out simply because there's no way that the county can get back there to work on private property and even at that, even if the drainage easement did exist, we couldn't do anything, we could just recommend things that he could have done. So since there are no easements, there's nothing we could do to help him out there. In regard to the drainage problem on the Mega Gymnastics Center on St. Joe Avenue, there is water ponding out there. The drainage plan did not call the any detention on that site because of its proximity to Locust Creek. It was supposed to be graded to drain out to St. Joe Avenue and then get straight to the creek as quickly as possible, so there was no extensive drainage plan on that property. I talked to Bill Jeffers and he said he had been in contact with them regarding the fact that water does pond out behind this building, so we're continuing to try to get the property owner to address that problem, but all in all, the only thing that we can really help Mr. Wilhite out with is replacing the pipe underneath Crowley at Allens Lane and maybe some ditching in conjunction with that, as well. Mr. Wilhite has an unlisted number and I didn't know if when he called you he gave you a phone number because I don't have one.

Commissioner Tuley: He did, but I couldn't put my hands on it right now.

John Stoll: If you can find that, can you give me a call?

Commissioner Tuley: I'll try.

John Stoll: The other item was discussed last week. It was the right-of-way for Ward Road and I don't have all that as of yet, but I'll have it next week.

Commissioner Jerrel: That's the one that, on the map?

John Stoll: Right where they showed the 80 foot right-of-way.

Commissioner Jerrel: Yeah, okay. I was going to ask you if we -- and that seems like it was 50 up at the top, too.

John Stoll: It varied drastically, and I'll get that and bring it to next week's meeting.

Commissioner Tuley: John, Henze Road between Number Six School and I don't know what the other boundary is, is it Mill maybe?

John Stoll: I'm drawing a blank on it right now, too.

Commissioner Tuley: I had a guy call me, I forgot about it and he stopped me today. He saw me and wanted to know, you remember at one time we talked about there was some work being done on some ground beside the road that was causing water to come back on Henze and kind of pool on Henze? At that time, I can't remember the name of the folks that were developing that, --

John Stoll: Oh, the Elpers? Joe Elpers Sub and behind --

Commissioner Tuley: Yes, that's the one. Then has that developer died or that's changed hands or something is changed, do you know?

John Stoll: He died, but they are still developing the property. They're still working on the subdivision.

Commissioner Tuley: So that's something that's still being reviewed and continues.

John Stoll: Right, is there a specific address?

Commissioner Tuley: I'll get that for you as well. The next question he had for me was there's something like 65 kids that live in along Henze, which I'm not that familiar with it, but I don't -- that would be an awful lot of kids for that road, in my mind. But anyway, he says that road is awful narrow and they get quite a bit of traffic down through there now. Is there any way to put any kind of warning signs or speed limit -- adjust the speed limit or anything down around 30 or anything like that?

John Stoll: I can call EUTS and have them do a speed study on it just to see what that data shows and then see where we can go from there.

Commissioner Tuley: Okay, I'll call you with that address of the guy called me and a phone number for him, too, so you can get a directive from him. But I do know he's concerned about the width of the road and the speed of the road in addition to a lot of water that seems to stay on the edges of the road instead of draining off.

John Stoll: Probably people have piped the ditch and caused the usual problem. We still get numerous requests from people wanting to pipe the ditches and we haven't been issuing permits simply

because of those problems. It just creates a lake out in the road.

Commissioner Tuley: Okay, that's all I had, thanks. Somebody else got something?

John Stoll: Thanks.

President Mourdock: Okay, thanks, John.

Lynn Ellis: Richard, did you want to ask him about that phone call? Old Petersburg Place II. John and I spoke about Old Petersburg Place II following a phone call received this afternoon and John gave me some information about it that...

President Mourdock: Is that the one you slipped in my pocket here, that I haven't read yet? A Mr. Hollingsworth on flooding on Old Petersburg Place II?

John Stoll: I heard today from David Schmenke who is an engineer for Morley's office and he told me about some people were getting ready to do some work out on Old Petersburg Road and it's not part of our contract so I didn't know what it was. What Schmenke was asking about was the possibility of being able to put some pipe in on Southport Drive or what street it was, but he was asking if we were doing work because he assumed we were doing work, if they could put in a pipe and then we would just replace the concrete on top of that pipe once they got the pipe installed that would help their drainage situation out. I told Mr. Schmenke that if he could sketch something out as far as what he was proposing on this pipe, that it would be something I could present to you and right off the top of my head, I still don't know who is doing the work out there. The only work that's being done on the county's concrete repair contract is out in Melody Hills and out at Aspen in Eastbrooke. So we're not out in Old Petersburg Place, so I'm not sure what work is going on, so I don't know if we can help him out or not, but anyway, I'm going to try and track down some more information on what's really going on out there.

Lynn Ellis: I asked Milton to look at it and he said that he did drive by there today and he's assuming that it's someone developing a parcel of land because there was an Ameritech truck out there and that kind of thing, and it appears to him to just be to build a house or something. But that's as much information as I was able to get.

President Mourdock: Okay. Thanks, John.

<b>County Garage Weekly Report - May 30 through June 5, 1997</b>
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President Mourdock: We have in our packets the report from the County Garage from Friday, May 30th through June 5th, and that is, again, a combined report with the various crews.

**Burdette Park Weekly Report - May 30 through June 5, 1997**

President Mourdock: From Burdette Park we also have their weekly report from the same time period, May 30th through June 5th. They've done a better job in cleaning up that report and getting us much more substance and a whole lot less detail.

**County Attorney Report**

Joe Harrison, Jr: Oh, I guess the only thing I -- I might as well advise you of if you don't already know it, the lawsuit involving Phoenix Land Company apparently is settled against the county and others, so there will be more details down the road on that. Other than that, my report -- I am going to provide, I wanted to provide a copy of a draft of the proposed ozone ordinance for Vanderburgh County today, but I just didn't get that done, but hopefully by Monday I will have a draft of the same to you all for review, not for consideration, but just for you all to ponder and think about. We can talk further about that issue, but its being typed, but there are a lot of things that we're going to have to add to it and that's why I want you all to look at the draft first and then get back with me. Other than that, that's it.

**Superintendent of County Buildings**

President Mourdock: Consent items, we have in our packets employment -- oh, I'm sorry, Superintendent of County Buildings. I'm getting in a hurry tonight.

Lynn Ellis: It's dinnertime. Our stomachs are growling.

Commissioner Tuley: I'm full of cookies, I'm not hungry now.

President Mourdock: He's on a sugar high! At the Solid Waste meeting we served cookies.

Lynn Ellis: There is a travel request for Mark Acker to be added to your consent.

Commissioner Jerrel: How many of these do we need?

Lynn Ellis: There is a budget request and most of them so far I have actually passed out to you via your offices or your boxes, this request is from the Co-op, and is a little bit unusual. They contacted me today and asked about this and I told them that they must submit this in writing. Jim said that as a result of you utilizing the computer, the Internet, that they're able to save money through long distance costs and now they just get on the Internet and make their contact as opposed to making a long distance call to Purdue several times a day. As a result they've saved a significant amount of money and they would request that the county allow them to use that money for Internet and other things, and so the request is in writing.

Commissioner Jerrel: Where is their budget?

Lynn Ellis: He said --

Commissioner Jerrel: I'm about through with ours, they're helping me get information, but I'm trying to go over all the others and make sure that the...well, anyway. Where's the budget?

Lynn Ellis: He said that the only thing the County Commissioners do is the telephones.

Commissioner Jerrel: That's not...

Commissioner Tuley: Don't we pay the rent?

Commissioner Jerrel: We sure do, didn't you go through all that? We have a part-time --

(Inaudible -- three Commissioners speaking at once)

Commissioner Jerrel: Yeah, so we want their budget. That isn't over yet.

Commissioner Tuley: They aren't going to have a need for a phone if they don't have a home, are they?

Commissioner Jerrel: That's right.

President Mourdock: Internet housing isn't much to speak of.

Lynn Ellis: There are just three copies of this, but this is the Superintendent's budget, proposed budget. We have received budgets to date from Burdette, from Legal Aid, from Area Plan, from Veterans, and I made a request that the Auditor's Office bring us up a copy of that budget. Did you...Okay, the Auditor's Office should provide us tomorrow with a copy of the budget. It got separated from the memo, we got a copy of the memo and didn't get a copy of the budget.

President Mourdock: For Veterans, your talking about?

Lynn Ellis: For Veterans, uh-huh. We received the Auditorium and the County Correction, and also request from the Sheriff regarding CCD, which he has at my request, included that in his regular budget, so that's a duplication.

President Mourdock: Let me ask you a question here because the budget process, as the minority member the previous two years, I had the luxury of not being greatly involved with, but the letters and such that you just referred to, Lynn, I think I've seen most but not all those. There was one that you mentioned -- I haven't seen Burdette's, for example.

Lynn Ellis: That came in today.

President Mourdock: Okay, but the others, I have seen a letter with

a few numbers on it. Is that the sum of what we're calling budgets for these different departments? Is that historical of what you've seen?

Commissioner Jerrel: No, I don't know what we've seen, but we're going to look at every one of them.

President Mourdock: That's not what I'm asking. I'm asking is the data that they've provided what in the past has been typically seen by this office as budgets, and --

Commissioner Jerrel: I don't have any idea.

President Mourdock: Okay. I'll put a star by the name of Area Plan, I mean, they did an excellent job in giving us a lot of detail and a lot of explanation. Have you seen any of them yet, Pat, from this year? In the past years where they basically letters or was it more of a proforma type thing? Something more like this, or was it simply well, we want new chairs, we want a new --

Commissioner Tuley: No, there needs to be something a little more specific. I mean, if they're going to ask us, that doesn't tell us anything. That just gives us a number. We need to know a little more specific justification of what...

President Mourdock: Alright, well Lynn, everything you mentioned, as I say, I think I've seen the letters from those but not much detail at all. So we definitely do need a whole lot more detail on all that stuff. Okay, anything else, Lynn?

Lynn Ellis: Yes, I'm sorry. Briefly, the miniature golf that the Commissioners approved out at Burdette is doing very well. In one day they raised or earned over \$800 at the miniature golf and they had a company utilize it over the weekend at \$1,200 and so within the last five days, they've earned over \$2,000 for the miniature golf. I would like to transfer a request from Youth Resources of Southwest Indiana and Vanderburgh County to Joe to look at. This is an agreement and it's...the letter says each year since 1991 a verbal agreement has been made with Executive Director Phyllis Kincaid and one of the Commissioners. I have also sent letters from past years indicating the continuation of this agreement. Mrs. Kincaid has received verbal agreement to continue this arrangement for 1997. We have already received two reimbursements from the county for '97, but I would like for Joe to look at that.

Commissioner Jerrel: You're talking about Youth Resources? I think -- I'm just going to make a comment and this is based a little bit on information that was shared with me from Commissioner Borries when this first happened. I don't think any of us were around and that was a case where this money was given that was thought to be a one-time deal. So I don't think that we would -- and I serve on the board, so I'm very pro-active, but I think we'd be setting a really serious precedent to keep raising that. I think it was probably not intended to go on forever, and ever, and ever, and yet that's where we are and it's a wonderful organization, but --

President Mourdock: Is it an annual thing that they're looking for at this point, Lynn, or --

Commissioner Jerrel: It's in our budget.

President Mourdock: Okay, but I thought I heard you use the term lease, and I presume that's why you were giving it to Joe. Is it a lease or what is it?

Lynn Ellis: Sort of.

Joe Harrison, Jr: It's just an agreement to -- what do we pay, \$30,000?

Commissioner Jerrel: \$25,000.

Joe Harrison, Jr: \$25,000, a year?

Commissioner Jerrel: And as I said, I think it was initially just going to be a one-time deal, it's kind of like I-69. When I-69 goes away, will the money? Will we have to put, can we quit paying them? Do we get these things in our budget and they just stay there forever? Then people gradually want a little bit more added on each year and I think that was, I mean, I think it's a wonderful organization but I think that needs to be taken into consideration because there are a lot of wonderful organizations.

Lynn Ellis: Right, and we get requests from them all the time. As a matter of fact, we have a request from one of them that's also, I've provided you with copies of from St. Mary's. This is regarding the Domestic and Sexual Violence Commission and they're requesting that the county pay 40% and the city pay 60% for budget requests, the total of which is \$3,050. The city has verbally committed via Leslie Blenner to pay the 60% and St. Mary's is requesting that we pay 40% for the Domestic and Sexual Violence Commission.

Commissioner Jerrel: Let's just wait and approve that next week and let's talk to some of them because I'm sure there are many more requests.

President Mourdock: My point of view on that is that until we see the whole budget in total, it's hard to know how the individual ones are going to be shaken out.

Commissioner Jerrel: That's exactly right.

President Mourdock: To do something like that, to me, is as crazy as our process where the first thing we do is tell everybody how much of a pay raise they're going to get and then figure the budget backwards.

Commissioner Jerrel: See, Youth Resources, we never did ever get a budget.

Lynn Ellis: Okay, the last thing I think I have is the letter that

each of you received regarding the excavator and Joe made a decision regarding that. It was sent and to my knowledge we haven't heard a response.

President Mourdock: The letter was sent?

Commissioner Jerrel: And another --

President Mourdock: Is that right, the letter was sent?

Commissioner Tuley: That's the way I read it.

Commissioner Jerrel: Another one that would like to have more money, again, that we don't really have anything -- I mean, I sit on this board too and it's a wonderful organization, but we give them \$279,000 a year in our budget.

Commissioner Tuley: Who is this now?

Commissioner Jerrel: The E.A.R.C. We give them \$279,000 and, you know, we put the new roof on the building. So I'm just...I really would like to -- what I think I'm going to do is take those budgets and make a copy and write down beside each line item for each of you what it is that money goes for.

President Mourdock: That's fine and I put in my notes on Saturday, and obviously Lynn hasn't got to it yet, but again, I'm somewhat new to this process, I'd like to see a time line from the date when it is finally approved by Council coming backwards to where we are today because I don't know the dates of every step along the way as far as what we need to do, when we need to appear before the Council.

Commissioner Tuley: As far as the budget process.

President Mourdock: Yeah, the whole budget process.

Commissioner Jerrel: Well, it depends on what you want to do regarding the budget process. It lasts for two weeks and it's three days the first week and three days the second week. The first week, Tuesday, Wednesday and Thursday, you will propose anything you want to. I mean, you get up there and --

President Mourdock: I understand, I don't know when any of those dates are.

Commissioner Jerrel: Well, they're the second and third week in August or third and fourth.

Suzanne Crouch: 13th, 14th and 15th, and the 20th, 21st and 22nd.

Commissioner Jerrel: And they generally last three hours each day and you might get in and out quickly or you might sit there the whole three hours each of those three days. Then you go back the next week to get the response from Council.

President Mourdock: Right, and again, getting us to the point where we go to the Council on the 13th of August, I presume we have or we need to establish within this board a series of dates as to how we are going to approve each one of these budgets that we otherwise need to support.

Commissioner Jerrel: Well they have -- those dates already have been given to you by the Auditor.

President Mourdock: That's what I'm saying. I haven't seen those. That's what I'm asking for.

Lynn Ellis: The date is June 13th.

President Mourdock: I haven't seen it.

Lynn Ellis: The budgets are due to the Auditor's Office June 13, that's Friday.

Commissioner Tuley: That's still not a problem, though, because they can advertise them higher and we can always go in and --

President Mourdock: Yeah, I understand that between now and when it is final nothing is really final, that's just the way the process works. But there are also dates where we're expected to do certain things. Other than having heard the date of the 13th, between the 13th of June and August 13th, I'm sure there are things we might better do.

Joe Harrison, Jr: There are statutory deadlines for consideration of the budget requests.

Suzanne Crouch: The main one is the June 13th, and then the first meeting in July, the 144's will be presented to the County Commissioners and then you are to --

President Mourdock: What are the 144's?

Suzanne Crouch: That's the proposed salaries for 1998 county employees and you're to review those and make your comments, then, to County Council.

Commissioner Tuley: Which is a good question right now. Reading through that state form.

Teri Lukeman: Excuse me, I need to change the tape.

Commissioner Tuley: Does State Farm statistically put out, did you see that booklet? It gives you all the statistics on county sizes and salaries and everything else. Then it goes on and kind of describes the duties of the offices. Either I misread it, or there's an exception for Vanderburgh County or we just do it differently because that's the way we've always done it, it's the Commissioners, the way I read it, who make the recommendation on the salaries.

Suzanne Crouch: That's the way it's supposed to be by law.

Commissioner Tuley: But every year it's the Council or someone sends out with the budget --

President Mourdock: What is one thing I did get which was the recommendation that we commit 3%.

Commissioner Tuley: Who recommended that?

President Mourdock: The Council.

Suzanne Crouch: The Salary Ordinances are submitted to you and then you make your changes and suggestions, and then you pass it on to Council and then they either appropriate or not. So if you want to, as I look at that, and it's more of a legal question, if you want to change someone's salary, that's your option before it goes to Council. Then they have the right to --

President Mourdock: Excuse me, before it goes to the Council on the --

Suzanne Crouch: For the budget hearings.

Commissioner Tuley: Basically, we have the right to establish, subject to Council's approval, the funding.

Suzanne Crouch: You've got a lot more than you've been using.

Commissioner Tuley: Yeah, that's what I was reading.

Commissioner Jerrel: Just some comments about the budgeting process. I would hope someday we'd get to the point where if we want budgets submitted that are realistic, most of them are not realistic budgets when they are submitted, --

President Mourdock: Submitted to us or to the Council?

Commissioner Jerrel: To the Council. And this body has never, to my knowledge, looked at all the budgets in the county, have they, Pat?

Commissioner Tuley: Not to my knowledge, not in the time I've been on here.

Commissioner Jerrel: Normally, they're submitted and they're considerably higher than they were approved the year before and often higher than -- I don't know why, but I do like the way the city asks for budgets. They say do not enter salaries, that will be determined based upon the final revenue projections and the taxes then --

Commissioner Tuley: That's the smart way to do it.

Commissioner Jerrel: Then you submit -- your line items will remain the same as they were last year unless -- and in their case they

say unless you wish to reduce one line item and increase another so that the final bottom line remains the same and if you wish to have an increase that you give your justification for why it is to be increased and what good it will provide for the entire city.

President Mourdock: Let me ask you, on the other side of our budget process from the revenue side, what is the timing of that data as it's being provided to Council?

Suzanne Crouch: Your departments that generate that revenue have been also supplied with a revenue estimate for 1998. They're to provide that to the Auditor's Office the same time as their budgets are submitted and then that information is given to Council prior to the hearings. The problem that the Auditor's Office has in providing anticipated revenues earlier is that the state's fiscal year runs from July 1 to June 30th, so we don't get the state information until usually the latter part of July or the first of August.

Commissioner Jerrel: What will happen during that time period, you can get a pretty good idea of what kind of funding is available and you can make a projection, and this is our budget in its infancy. What we're doing here, and I took the liberty to begin doing such, is those items that are not fundable to the nth degree with accuracy are not placed in there at the highest amount they might draw because that's an automatic -- goes on the tax rate.

President Mourdock: Fundable meaning expendable or fundable meaning --

Commissioner Jerrel: No fundable meaning income. In other words, if it's --

President Mourdock: I understand.

Commissioner Jerrel: So that we don't go running up the taxpayer's costs if we don't need to. Because if you don't know that you're going to have a bill, you don't want to allow for it. The salaries are here and those items...well, I'm getting numbers that are accurate. Lynn and Tony are helping, we're working with the city on those that are joint and they're trying to get an accurate projection for those. What I'd like to do is go over each line item with you so that everybody is clear about what -- some of these titles don't tell you what they do. So that if there's any line item that you'd like to know what it's spent for we can talk about it. Now that's the E.A.R.C. that I told you about and this one is the Soil Conservation Educator. I put a 3% on it, I've got to call out there and verify. That was one of those part-time things and -- oh, this reminds me. Joe, on the Emergency Medical, I thought I remembered, we talked about this today, the contract is \$197,000 and we didn't issue -- you didn't enter into or you did? Do you remember?

Commissioner Tuley: The contract? Yeah, we have a contract that expires September 30th or --

Joe Harrison, Jr: It expires at the end of the year but we've got till then to terminate or whatever.

Lynn Ellis: The question was, was it actually signed?

Joe Harrison, Jr: Yeah.

Commissioner Jerrel: And so that one is kind of hanging because we're going to be trying to decide what to do with that and those are joints. This examination of records, that's something that goes on in the Auditor's Office that we pay for and this consultant is David Griffith, which is another thing that we get money back. I think I ought to put David Griffith in there. So anyway, that's...but I was going to make a copy for everybody. And I'd be happy to submit this to anyone that wants to do it.

Suzanne Crouch: You know, the joint city/county budget meeting is, I believe, August 5th at 5:00 in the Council chambers. So that's the kickoff.

Lynn Ellis: Each of the Council's review those joint budgets prior to that meeting and I know from purchasing experience that the city reviewed it in great detail.

Suzanne Crouch: And the Commissioners need to review those.

Lynn Ellis: Right.

Suzanne Crouch: Because, pretty well, what's been my experience -- Pat may be able to add to this, but the city pretty well dictates the joint departments and I'm not sure that really is the way it ought to be in some of those joint departments anyway.

President Mourdock: As I heard the mayor say a little earlier tonight, well this is just a part of starting the negotiations, right?

Commissioner Jerrel: Well, they do. The description I gave you on what they tell their departments, I mean, I like that kind of budget.

Commissioner Tuley: It works real well when you've got one elected official.

Commissioner Jerrel: I know it doesn't work with us. I've been at the receiving end. And here's what I was going to do with that River Boat, so I don't want to just go on and be doing these things. This is this years' and we're doing it a year behind, but I would rather the money would go in there as it's received rather than have to go around and ask for it. So I'm going to put it in just like -- and if there's more money than that that comes in, --

Commissioner Tuley: That's what I was going to say, hopefully, we'll get more than that.

Commissioner Jerrel: Yeah, we can then go back and have that

appropriated into it. If there's less, well then we'll just get whatever it is.

Commissioner Tuley: Sure. That makes sense.

Commissioner Jerrel: Is that okay? I've got more if you...

Suzanne Crouch: Could it be done outside of the transcribing?

President Mourdock: Yes, there needs to be much discussion beyond the transcribing, that's a good way to say it.

Lynn Ellis: Richard, I'm sorry, I do have one more. The Council asked me at the last Council meeting to have the Commissioners address, again, the Sheriff Deputies out at Burdette and I spoke with Joe about that, but we do need to see about coming to a conclusion on that issue prior to the end of June so that they can consider that at their next meeting, at the Personnel Meeting and so that gives us maybe two weeks.

President Mourdock: And the Sheriff's point of view is the proposed funding that was there is still not sufficient. Is that right?

Lynn Ellis: The Sheriff said that whether those Deputies take the \$20 an hour or whether they take \$13 is up to those Deputies, but that is not their going rate. He can't understand why they would take it. The \$20 is in many cases what they are paid per hour.

Commissioner Jerrel: Then maybe they can just up the patrolling of Burdette Park.

Lynn Ellis: We did --

Commissioner Jerrel: Well the contract idea --

Lynn Ellis: The discussion was to enter into a contract with those Deputies actually doing the patrolling and then they would be under a contract with the Commissioners. That would exclude the --

(Inaudible - several speaking at once)

President Mourdock: -- contract beyond their role as Deputized Sheriffs?

Joe Harrison, Jr: It would be a...

President Mourdock: So they form their own little business basically?

Joe Harrison, Jr: They would contract, whoever wants to, whatever Deputy, whoever it is, if they want to work for whatever amount of money per hour pursuant to the contract, that is up to them. But they would be independent contractors for that service for that period of time so designated in the contract for services at Burdette Park.

Commissioner Jerrel: And they do their own, they'd just get a 1099 Form?

Joe Harrison, Jr: That's right.

President Mourdock: Provide certificates of insurance and liability coverage --

Commissioner Tuley: What kind of automobile or whatever they're going to have, and where's that coming from --

President Mourdock: Yeah, that becomes their problem when they're --

Joe Harrison, Jr: Well yeah, they're not going to be in a county vehicle.

Commissioner Tuley: Well you're not going to get them for \$13 then.

President Mourdock: Yeah right, or 20.

Commissioner Tuley: Probably more than 20.

Joe Harrison, Jr: But again, that's up to them.

Commissioner Tuley: And we're back to trying to resolve an issue.

Joe Harrison, Jr: But I don't know if -- I'll be glad to draft a contract and whoever wants to consider it, I mean, there may be a lot of people interested, there may not be anybody interested. But I think that's up to them.

President Mourdock: Since you -- Bettye Lou, some type of contract with those officers, is that the way you're going with your question?

Commissioner Jerrel: Well, only because it's that or go up to \$30 or \$40 and I think we'd be...Burdette just put in a request --

President Mourdock: Let me go back, though, to the other point. Tell me if I'm missing something here. If we have to go the contract route, and they're going to be serving as individual contractors, what rate can we hire them at? And by definition, I mean, that's something you negotiate, but also then at that point, we're going to require the insurance certificates and liability and indemnification, they're going to have to put into that some form of transportation, whatever. I mean, it's for them to come to us and say this is the number and maybe that is the best way to do it. Maybe we can solicit bids and see what those numbers are under that program. I don't know other --

Commissioner Jerrel: I don't know.

Joe Harrison, Jr: I would just draft an agreement, it's a standard boilerplate agreement for a certain sum and if it's \$20 an hour or whatever is proposed, and see how many takers you take. You may

not any, but that would probably be the way that they would be contacted out in the private sector, similar...

Suzanne Crouch: The F.O.P. rate is \$25.

President Mourdock: And that's for a standard type contract like this, Suzanne, to your knowledge?

Suzanne Crouch: I think so.

President Mourdock: And again, they are independent contractors, they're providing whatever they need?

Suzanne Crouch: This discussion came up in the County Council, that's all I know. It was just information shared.

Commissioner Jerrel: Lynn, I have a question. As I understand it, they paid the Deputies because there's no line item out of the \$335 -- the part-time help -- they were allowed \$335,000. Now they want \$360,000 for part-time help and \$54,000 for Deputies, so I think --

Lynn Ellis: I believe there's a budget line for Deputies, and there's also --

Commissioner Jerrel: That's right, \$54,000.

Lynn Ellis: No ma'am. I meant for this current year. It's my understanding that there was a separate line.

President Mourdock: Is that for '98?

Commissioner Jerrel: This '97 I'm looking at right now.

Lynn Ellis: I missed it the first time because I asked --

Commissioner Jerrel: It may be in here and I didn't see it.

Lynn Ellis: There was something else because the individual responsible for insuring that Deputies were out there was receiving \$16 an hour as opposed to \$13, and his budget line was actually separate from the Deputies.

Commissioner Jerrel: You'll have to find it. I don't see it.

President Mourdock: For the point of view of going forward, would it be the feeling of this Board, that we should have the County Attorney draft up such a contract just to see if anybody wants to bite on that? I mean, I guess there's nothing --

Commissioner Tuley: Nothing wrong with looking.

Commissioner Jerrel: No, that's fine.

President Mourdock: Is there a motion then that we --

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Joe, if you can report back next week with something in draft form we'll get it to some appropriate people and see if they would be so inclined.

Commissioner Jerrel: Just to add to what Lynn is looking for. Lynn, what you saw was a Salary Ordinance that states how much they were allowed to charge to hire people and what you saw was \$16 for the lead person, \$13 for the other. There is no line item so what they're asking for an increase this year from \$335,000 to \$360,000 for part-time help and the addition of a line item. Is that correct, Lynn? Of \$54,000.

Lynn Ellis: Yes, I believe that's correct because the Advisory Board recommended that be separated. The increase in the part-time salary line was also at the request and 100% of approval of the Advisory Board. That was not included by Burdette staff.

Commissioner Jerrel: I know, but again, the Advisory Board is doing a really good job but they need a little historical perspective.

Lynn Ellis: Well, the concern was the Burdette has gone through problems as of the day prior to the day camp -- it was Wednesday with them doing training for the daycamp personnel, they had people quitting because they were only making \$4.75 and \$5.00 an hour --

Commissioner Jerrel: They can't make more than that. They can't make considerably more than that.

Lynn Ellis: Some of the instances --

President Mourdock: That's the problem. There are some who make considerably more than that and there are some who make considerably less than that and yet they work side by side.

Commissioner Jerrel: Well, the ground -- well...

President Mourdock: And that's the point of the Advisory Committee that they're trying to make a suggestion where we in some way perhaps have fewer people total working, and otherwise equalize it.

Commissioner Jerrel: Well then, that is not the way the budget came down to us, so that's one thing we need to look at.

President Mourdock: Yeah, I'm not sure from the time the budget was done to the last meeting of the Advisory Committee that all that got put into one pile.

Commissioner Jerrel: Yeah, it may not have.

<b>Consent Items</b>
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President Mourdock: Okay, we are at consent items...

Commissioner Jerrel: I'd like to move approval with all of them except one that we need to make approval for but it has to go in at the part-time rate of \$6, it's some Clerk part-time help. As soon as they -- all they have to do is go through the motions of taking it to Council since they have the authority and then they can pay them retroactively. So I'd just move approval.

President Mourdock: As part of your motion, we need to add that to the consent items.

Commissioner Jerrel: And add Mark Acker's travel.

Commissioner Tuley: Okay, I'll second.

President Mourdock: So ordered.

<b>Scheduled meetings</b>
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President Mourdock: Scheduled meetings list is attached.

<b>Old Business</b>
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President Mourdock: Any old business this evening?

Commissioner Tuley: This is kind of old business, new business, back on the budget stuff, are we still going to continue to have the travel allowances controlled by us? There's a ton of travel requests in there again.

President Mourdock: Again.

Commissioner Jerrel: I don't know, so what's the alternative?

Commissioner Tuley: The only alternative was at one time, like I said, it was the Council decided each individual officeholder's budget and when they were out, if they needed to travel somewhere they had to back to Council and justify to the Council where they had been, you know, and the need for more money. Because what happens, is we're going in there arguing more money for all these other people to do all this traveling.

President Mourdock: Exactly.

Commissioner Jerrel: Well, and we're seeing -- it's always the same people, that they must travel -- it must be all they do.

Commissioner Tuley: And I'm curious, and I don't have a problem, I was on the AIC committee to put this diploma program into place, but how many of these office...employees, officeholders, department heads are actually enrolled in these things? I see there are several in that have a request to go to Columbus, Indiana for a seminar.

Commissioner Jerrel: And they don't -- that's an Auditor's...

Commissioner Tuley: Budget preparation, and I see other people going to that aspect. Now there is a core, I don't know if that's part of that core, I would probably think not.

Commissioner Jerrel: I don't know, Pat. I think your point is a good one. What are we going to do this year, because they have to have the budgets in by Friday and they don't have any travel included in the budget? So if we change --

Commissioner Tuley: We may not be able to do that for this year, but just food for thought.

President Mourdock: Well, I think we should strive to do it this year. The changes that will occur between June 13th and August 13th --

Commissioner Jerrel: That isn't the way it works. You want to explain it to him?

Suzanne Crouch: Because we have to enter every budget into the computer and then that has to be all proofed and checked and rechecked and double checked and then it has to go to Council prior to August 13th. Usually, we try to shoot to get those to Council the end of July. So usually before then, so that they have an opportunity to go ahead and look at the budgets and meet with their departments and try to decide what needs to be cut down. I guess you can do anything you want, but...

Commissioner Tuley: If it's not feasible per se, then in January after the budget is approved we could go back and have each of those individual officeholders request an appropriation and that appropriation would be taken from our travel allowance and transferred to their individual line items.

Commissioner Jerrel: You're almost -- I was with you but I was just going to suggest one more thing. I think we need to get the travel requests for the year. Or at least for a six month period so that we don't have people, every time they -- see these organizations send mailings out weekly and everybody gets a mailing and they say oh, well, this looks like something good. I'll just sign up for that.

President Mourdock: But wait a minute. You're saying they should be responsible for it but they should know before the year starts what that will be? Is that what you're saying?

Commissioner Jerrel: Well, they don't know what it will be because they bombarded by all these people.

President Mourdock: Exactly, so are you saying then at the start of the year we just set some fund up in their account and they still have the prerogative to pick and choose what they do?

Commissioner Jerrel: No, I think we need to send something to each

officeholder asking them what conference will be affecting your office this year.

Commissioner Tuley: They will know certain ones, they'll know --

President Mourdock: Wait, wait a minute. I'm sorry, I've got to ask this question. They know which ones. We're asking them which ones are they going to go to. Are we saying it's their discretion to make that call. I mean, if we'd gone through this whole process that Pat just said, they'd be totally doing that on their own, right?

Commissioner Jerrel: Uh-huh.

President Mourdock: Then why do we care what they do? Why should they have to report to us what they're going to do? If they're big boys and girls and they got elected to office, it seems to me you're trying to have it both ways.

Commissioner Jerrel: But the County Commissioners and the County Council have a responsibility. See, we need to start thinking globally of this County because if everybody goes off and does everything they want to do, --

President Mourdock: But, Bettye Lou, if they're elected to be their own officeholders, they are thinking globally. I mean, if I'm going to pick an office --

Commissioner Jerrel: My goodness!

Suzanne Crouch: Time accrual?

President Mourdock: Okay, well that's a great example, Suzanne. It's a great example because we have an officeholder who came in and recognized the problem and has put something in place to make each officeholder more responsible. Correct? That's what your program does, because they have to report. If we're saying someone is elected to office and they want to go traveling 82% of the time on the county's budget, and some future candidate wants to make an issue of that, who cares? I mean, that's their responsibility. It seems to me you're saying it both ways, Bettye Lou. You're saying we want them to take it in their budget, given Pat's scenario, but we want to tell them what they can go to.

Commissioner Jerrel: No, I didn't say about putting it in their budget. No, I think it's too late this year.

President Mourdock: Okay, but you said for next year --

Commissioner Jerrel: No, in January I would ask them right now, where are you going this year, what are your plans for your office this year. We have budgeted this much money and we are trying to arrive at a reasonable way of sharing it among all the officeholders. But at some point, somebody, since we don't have a one unit, one person, has to look at the whole picture because I feel responsible and maybe I shouldn't even...I feel responsible

that this county should function to the best of our ability within the revenues that we have and protecting revenue for these big issues that are out there. Now who cares about the big issues? Does every officeholder that the big issue doesn't affect, they aren't going to care. So we have to see to it that money is available. I'm very passionate about this.

President Mourdock: I understand that. I don't disagree with anything you just said regarding the big picture and it's just a matter of how we can get to that common point, I think.

Suzanne Crouch: It would be, since a lot of the departments have already submitted the budgets, it would be difficult to send them back and all that. So this '98, really would not be the time to do it for budget '98. I would suggest that when Council sends out their budget information and when the Auditor's Office sends out their budget information which is usually in May, that you all do it for '99 and just suffer through it one more year. Because when you start appropriating and repealing money, is that the first, in January?

Commissioner Tuley: It was just a thought, request for transfers from the Commissioners travel allowance to individual line items within those officeholders...but then I agree with you on this one. From that point on, they're big men and women. And if they're given -- I'll pick a number -- if they're given \$5,000 and they hit \$5,000 and it's June and they want to go up, let them go up before that Council and stand there and explain where they spent that money and why they feel justified to ask for an additional \$1,000 to go someplace else.

Suzanne Crouch: Why don't I do a travel report for you all for the last three years.

Commissioner Tuley: Because they send this up, they're never here and we never really get a chance to ask them a question unless we kick it back to them and it just seems like every week, as well all know, it's the same people traveling...

President Mourdock: We all know it's the same people and it almost seems like they're going to the same places and it's crazy. I mean, that again, we all agree on. Suzanne said something about getting us a travel report for the last three years?

Commissioner Tuley: That would be good.

President Mourdock: And that can be broken out, obviously, department by department.

Suzanne Crouch: For Monday, I'll try to have them in your packets by Friday, get it to Lynn.

Commissioner Jerrel: Most of the -- if you pay attention to them, I could tell you by office exactly how much they travel and most of them go to meetings that are required for certification or they go for special information that relates to their areas. Some of them

just travel to be traveling and very frankly, if you give them a budget they'll...

President Mourdock: And very frankly, we're not going to know which is which. And very frankly...

Commissioner Jerrel: I do. I know.

President Mourdock: Okay, any other items of old business?

<b>New Business</b>
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President Mourdock: New business? One issue that somehow has some relevance to this discussion and I intended to mention it anyway, Senate Bill 477 is the number, is the study committee for reorganization of county government. They will be forming several groups if they've not already done so to take input. Would it be the feeling of this board that is something Vanderburgh County should do, given this type of discussion or others regarding the age old questions that come up in this county regarding the interlocal agreements, the many overlaps and, at times, gaps in city/county government?

Commissioner Tuley: Restate that question.

President Mourdock: Does this board want to begin to consider taking any kind of or putting any thought to either participating on those panels or appearing before those panels with any issue regarding the types of things we were just discussing?

Commissioner Jerrel: I think the study committee will be an excellent one and I think we ought to be involved in establishing agenda items and I think we could develop those and I think we ought to have them up there by July 1st. I'll be prepared to give you a few items. One of them is, did you notice the story that Doug Swords wrote regarding the funding for highways --

President Mourdock: Excellent example.

Commissioner Jerrel: Well, I've got the entire funding formula for the next four years for the highways and I apologize, Doug sent it to me and I just did a little --

President Mourdock: On the first cut it was \$978,000,000 and the second cut it went to \$636,000,000, and of the entire reduction, 36% came out of Vanderburgh and Warrick Counties' proposed budgets.

Commissioner Jerrel: It is --

President Mourdock: 36% of the entire reduction at the state level came from these two counties.

Commissioner Jerrel: And Warrick virtually got --

President Mourdock: Not virtually, --

Commissioner Jerrel: Yeah, they're a virtual zero. Well, anyway, I will get those over here so we can send them because it's interesting to look at the whole state and I think there's some things along that line, as well as the impact, and this was in the county newspaper that we get. The impact of jail, we're sitting in a pear tree compared to the rest of the -- like California and Texas and Florida, as well as with juvenile, and I think that's one that we need to do a great deal of lobbying for both, with this committee and the federal, with our federal legislators.

President Mourdock: Pat, any other comments about S.B. 477, or --

Commissioner Tuley: No, I think satisfies that, and we should participate.

President Mourdock: Alright, I certainly concur with that. I feel like it is a good chance for -- who knows, study committees, you never know where they go, but I think it's --

Commissioner Jerrel: You know, I haven't really said this to you and we don't need to be on the mike, but this was a very nice culmination to that long, long Welfare To Work product. It was, I mean, I didn't have anything to do with it, but I thought it was very professionally handled and I didn't really think we'd ever get...I didn't think it would ever get pulled off, to be honest about it. It is really a credit to you and to those people.

President Mourdock: Give them the credit, though. It's interesting, because I look at that whole process, and in many ways, it seems like the federal government did a Hail Mary with the whole welfare...they knew they didn't want it and they just stood back and threw it.

Commissioner Tuley: Now let's see what you can do with it.

President Mourdock: That's right. And at least this county has caught the ball. So we'll see what happens. We haven't spiked it yet, though. Okay, any other business for discussion? Move for adjournment?

Commissioner Jerrel: So moved.

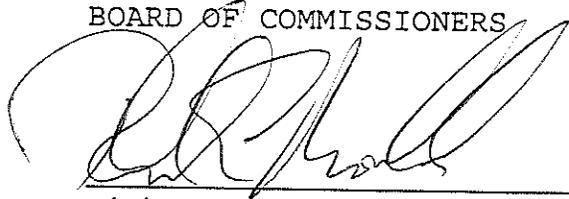
Commissioner Tuley: Second.

President Mourdock: So ordered.

Meeting adjourned at 7:41 p.m.

Those in attendance:  
Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Teri Lukeman  
John Stoll  
Mike Buente  
Cyndi Spear-Duncan  
Joe Profaizer  
Jim Flynn  
Brad Salmon  
Eric Schwenker  
Others unidentified  
Members of the media

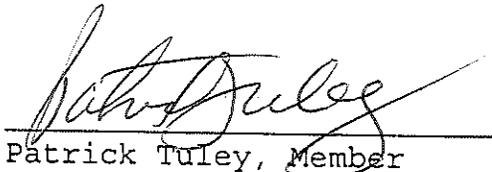
VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



Richard E. Mourdock, President



Bettye Lou Jerrel, Vice President



Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
June 16, 1997**

The Vanderburgh County Board of Commissioners met in session this 16th day of June in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the June 16, 1997 meeting of the Vanderburgh County Commission to order. At the far right, Lynn Ellis, Superintendent of County Buildings; Joe Harrison, Jr., County Attorney; Pat Tuley, County Commissioner; Bettye Lou Jerrel, County Commissioner; Suzanne Crouch, County Auditor; and our Recording Secretary, Charlene Timmons. If you would, please join me for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: We have on the table agendas for this meeting. Since I look around the room and see a lot of familiar players we are going to keep right on moving here. First thing we have tonight is the approval of minutes. The minutes are in the package from the meeting of June 9, 1997.

Commissioner Tuley: I'll move approval of the minutes.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Prior to this meeting, beginning at 4:15 today and ending at 5:30, we had an Executive Session of the Vanderburgh County Commission. At that meeting the initiation of litigation or pending or threatened litigation, collective bargaining negotiations and county personnel matters were discussed. I would ask for a motion to approve those minutes of the Executive Session.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: First on our other actions then we have Item C which is Mike Shoulders with an update on the auditorium.

Mike Shoulders: Good evening, Commissioners. Tonight we would like to give you...we have been talking with you a great deal about the design and the architectural concepts on the auditorium. Tonight we would like to update you on some of the engineering concepts for the project and to do that I have brought our Director of Engineering, Tom Durkin, who is a mechanical engineer and a partner in our firm at Veazey Parrott

& Shoulders. So, Tom.

Tom Durkin: What I have got here this evening...excuse me. What I've got here is a schematic of the mechanical system that will be in the new Vanderburgh County Auditorium and Convention Center. To allay your fears I'm not going to try and explain to you everything that is on that drawing here tonight. What I do want to do is to give you kind of some of the high points of the mechanical design and as I'm sure all of you are aware and the charge to our firm was that we want for the City of Evansville and for the County we want a state of the art convention facility, meeting room and auditorium. This system here is a state of the art mechanical system to support all of the functions that will be in the new building. This is...some of the key features of it, if you will, is that there are high efficiency components throughout the whole system. I would anticipate that our new facility here is going to be one of the most economical facilities of its kind, probably in the whole country, to operate because of some of the kind of innovative features that we've got going into this building here. We have high efficient water cooled centrifugal chillers for cooling. We have the super high efficient boilers with low heating water temperature which is very similar to the system that our firm installed in the Evansville schools that, if you recall from a couple of weeks or a month or so ago, the headline in the afternoon paper was a half million dollars that the School Corporation saved in their school buildings over the course of a year running mechanical systems with boilers similar to these. We have variable speed pumps and fans to maximize energy conservation. We are using heat recovery where it is economically viable throughout the system. Another one of the key engineering aspects of it is that we are using, if you will, intelligent outside air management throughout the facility to ensure control of humidity, to ensure good indoor air quality and to maximize energy savings. Throughout the whole thing the entire system will be controlled by an energy management computer with dial in/dial out modem capability that will allow the building operators to monitor, adjust, troubleshoot and even fix problems remotely which will relieve whoever ends up staffing the facility from the requirement of having to have 24 hour operators in the building. Throughout the building there will be about 20 air handlers for heating and cooling the various spaces and this may sound like a large number of air handlers, but that is split in that way so that only those portions of the facility that are being rented have to operate. We have some...also we have built into the system here we have built in some cost effective expandability if the additional two convention centers are to be added to the project. In addition to the mechanical system there, there is, obviously, under my design control is the plumbing system. Probably the highlight of the plumbing system is that it will work, okay?

Commissioner Tuley: That's the highlight!

Tom Durkin: There will be a large number of toilets throughout the building. I never want to say that there will be no waiting, but the waits at an intermission of an auditorium show will be minimal at best. The other thing is that the facility will be completely sprinkler protected for fire protection.

With that, I would be happy to answer any questions or if you have trouble sleeping tonight I'll let you take this drawing home and you can try and understand it. With that, I would be happy to answer any questions.

President Mourdock: Pat?

Commissioner Tuley: No.

Commissioner Jerrel: I don't have any questions.

President Mourdock: I don't have any for him. Thank you, Tom.  
Tom Durkin: Thank you.

President Mourdock: We take it on faith the plumbing will work.

Mike Shoulders: I hope that's not the headline tomorrow! Plumbing will work! I just wanted to remind the Commissioners--

President Mourdock: It will be if it doesn't work, I'll tell you that.

Mike Shoulders: I wanted to remind the Commissioners that in two weeks we will be back on June 30th for our gala Vanderburgh Auditorium presentation in which we will have various consultants. We will have an updated cost estimate. We will have an updated schedule. We will discuss...on a schedule, we will be able to enumerate almost on a daily basis between that date and January 5th what is going to go on. That's our brief report today. Any questions that do come up before the 30th please call us. Do you have any questions today at all? Other questions?

President Mourdock: I have one, Mike. Something we've been looking at as we consider that time line between June 30th and January 5th is how we shut down the facility, who is utilized and how. The question came up as far as in the package that you put together for construction, once January 5th goes by and it's January 6th have you been figuring costs to move materials out of the building that would be county property and putting them in storage or something?

Mike Shoulders: We do not have in our estimate any costs for moving county property out of the facility.

President Mourdock: Okay.

Mike Shoulders: Now, if you would like for us to build something in for that and work with your people on that we can. We hadn't included any numbers in the past. It would probably have to come out of our contingency.

President Mourdock: Okay.

Mike Shoulders: We had sort of assumed that by January 5th, though, that everything would be out so that the contractors would virtually take over the complex and utilize the spaces in there for mobilization or whatever.

President Mourdock: Okay.

Mike Shoulders: We can talk further on that if you like.

President Mourdock: At this point I don't sense we are directing you one way or the other. I just wanted information--

Commissioner Tuley: To make sure we're on the same page.

President Mourdock: Yeah, very good.

Mike Shoulders: Right. Thank you.

President Mourdock: Thanks, Mike.

**Joe Profazer - SCT**

President Mourdock: Joe Profazer, SCT City/County Cost Sharing Percentage Agreement.

Joe Profazer: Yes, my name is Joe Profazer and I am with Computer Services. Tonight I am requesting approval of the Fiscal Year 1998 Cost Share Percentage for Vanderburgh County which will be 62.3 percent. This percentage will take effect on January 1st of 1998. The county's percentage did go up .14 percent from 1997. Attached to the agreement I do have a summary spreadsheet describing our monthly county charge back percentages from May of '96 through April of '97. If there are any questions I would be glad to address those.

Commissioner Jerrel: I'll move approval of the percentages.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profazer: Thank you.

President Mourdock: Thanks, Joe.

**Amended Ordinance - County Park Rules, Regulations and Penalties**

President Mourdock: Joe Harrison, Jr., County Attorney, on final reading for the Burdette Park Rules Ordinance.

Joe Harrison, Jr.: I don't have a copy of the ordinance in front of me, but this is a second reading of the ordinance. The first reading was last week.

President Mourdock: The ever efficient Charlene Timmons has the copy of the revised ordinance.

Joe Harrison, Jr.: All you would need to do is make a motion and have a roll call vote after a second.

Commissioner Jerrel: I would like to move approval of the

Burdette Park Rules Ordinance.

Commissioner Tuley: Second.

President Mourdock: For the purpose, again, because it's an ordinance we do need a roll call vote. Commissioner Tuley?

Commissioner Tuley: yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I vote yes. It is approved.

Joe Harrison, Jr.: This particular ordinance, a copy of the same, was previously published in the newspaper.

**Ordinance - County Initiative Based Assistance Program**

President Mourdock: Next item on our agenda is the final reading, also, of the welfare to work ordinance.

Joe Harrison, Jr.: From last week...since last week there have been a couple of changes to the ordinance that was first approved last week. I'll direct your attention to the third paragraph. It has been reduced substantially. Some of the language that was in the third paragraph has now been inserted into the fifth paragraph where we define eligible families. Basically, we have defined eligible family. As you'll see in one, two, three, it's a little bit different from the one and two that we had before. Also in paragraph two one of the requirements would be that the eligible family have income that is at, below or over 100 percent of the federal poverty guideline. That has been changed as well. Going down to the seventh whereas paragraph we changed a word there. It was 'complies' and we put 'comply' there. Essentially, it's basically the same, but we have defined the terms a little better and I think have addressed some concerns with the wordage or the word definitions in this particular ordinance and hopefully this will be sufficient to get the county going on its Welfare to Work County Initiative Based Assistance Program. I would recommend that you all make a motion to approve this and this would be the final passage. We would publish a copy of the ordinance in the newspaper.

Commissioner Jerrel: I would like to move approval of the ordinance to adopt a County Initiative Based Assistance Program including the corrections or the further definitions that have been added.

Commissioner Tuley: Second with a question.

President Mourdock: Go ahead with your question.

Commissioner Tuley: The only question I had was we talk about initial funding for the first year and if this is to continue on then we just make an amendment to this ordinance or what

happens?

Joe Harrison, Jr.: Yes, the initial funding would be one third of the annual Riverboat Gaming Admission Tax monies. The reason we didn't put in there that it's forever because we may not have riverboat money forever.

Commissioner Tuley: Right.

Joe Harrison, Jr.: So, yes, that is what we could do each year. Again, it would be subject to appropriation--

Commissioner Tuley: By the Council.

Joe Harrison, Jr.: --by the Vanderburgh County Council.

Commissioner Jerrel: We have, in fact, a budget ready to submit that does, in fact, do just that based upon the revenues.

Commissioner Tuley: Okay.

President Mourdock: Right, the one third. Item 6, too:

"The IBAP Program may, from time to time, accept supplemental funding from the State of Indiana or other units..."

Commissioner Tuley: Okay.

President Mourdock: There was a motion and a second, so I'll call for a roll call vote. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I vote yes. That will now be advertised. I think there was another issue on this subject.

Joe Harrison, Jr.: Yes, the next thing would be for the body to consider the recommendation made to it last week to select Philip Lieberman & Associates to be the Gatekeeper under this ordinance. If this body then adopts that measure, then it would be subject to a contract between the two parties.

Commissioner Jerrel: I would like to move approval of Philip Lieberman & Associates as our Gatekeeper for our County Initiative Based Assistance Program.

Commissioner Tuley: Second.

President Mourdock: Phil, have any comments since you are here in the audience?

Philip Lieberman: Just briefly.

President Mourdock: Okay.

Philip Lieberman: Phil Lieberman with Philip Lieberman & Associates, Inc. I want to give to you a pledge and I'll read the pledge and then hand it to you. It's our pledge from our company and staff to the Vanderburgh County community. We pledge:

"To be innovative in our approach and performance and to share these ideas so we both can continually improve.

To communicate with the Vanderburgh County Commissioners, the Vanderburgh County Council and the community through the Initiative Based Assistance Task Force and their advisory groups.

To manage your funds in an efficient and effective manner.

To provide you with timely reports and feedback that keep you current on relevant issues.

To perform at a level which exceeds your expectations."

We thank you for letting us have this contract.

President Mourdock: Okay, thank you. We had a motion and a second and I will say so ordered as I accept this pledge for the record and we look forward to working with you. It's going to be a unique effort I think.

Philip Lieberman: Thank you.

#### **Appointment - Airport Authority Board**

President Mourdock: We have an appointment for the Airport Authority Board and I think Bettye Lou has the appointment.

Commissioner Jerrel: I would like to make the motion that we reappoint Bob Ossenberg to represent us on the Airport Authority. His appointment expires this month.

Commissioner Tuley: Second.

President Mourdock: I will certainly so order that. I know Bob is very active with that group and always contributes well.

#### **CCD Transfer - Burdette Park PAR Survey**

President Mourdock: Item H is regarding the study discussed several weeks ago to better evaluate the needs for Burdette Park. Lynn, I think you have a couple of comments on that.

Lynn Ellis: Right. We are not going to do the transfer. The money will come out of the Concessions Account that has sufficient funds available for this, so I would ask that the Commissioners approve taking the money out of the Concessions Account as opposed to the CCD and then I will ask that the item

not be heard by the Council on the 2nd.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: I will so order. I guess it goes without saying, but I'll say it anyway that, obviously, we won't be getting that money from the Concessions Account until it accumulates to \$9,500 we need this year.

Commissioner Jerrel: They've already got the money in it.

President Mourdock: They've got it?

Commissioner Jerrel: Yes, they carry \$20,000 over.

Commissioner Tuley: I was going to say that's very good.

President Mourdock: Alright, makes that one easy.

**Burdette Park security**

President Mourdock: The next item we have is Burdette Park security item. What is the Board's wish at this time?

Commissioner Jerrel: I would like to move approval that we...for this summer that we go ahead and calculate time and a half for the deputies for the coming few weeks we have left.

President Mourdock: Okay.

Commissioner Jerrel: Time and a half. Sheriff Deputies. Burdette Park security.

President Mourdock: Couple...for the few weeks that you have left...you mean for '97 operating year?

Commissioner Jerrel: Yes, for this '97 year.

President Mourdock: Okay.

Commissioner Tuley: I know the discussion, but I want to make sure the motion is--

Commissioner Jerrel: Well, maybe it isn't what I'm...maybe--

Commissioner Tuley: I want to make sure that time and a half only kicks in when it is appropriate that it be time and a half.

Commissioner Jerrel: Right, when they are needed at holidays like July 4th and Labor Day and those times when--

Commissioner Tuley: That's not where I was headed. Having worked 40 hours.

Commissioner Jerrel: They would be paid when they reached that point in their weekly, and they're on a different schedule than normal employees, but when they are eligible to receive it they

will receive it.

Commissioner Tuley: That's what I want to hear. Second.

President Mourdock: Okay, and I will so order. Any other discussion on that item as far as other options that the Board wishes to have?

Commissioner Jerrel: Well, I think we still need to be looking at other opportunities to provide some ongoing security when you just want someone available. I think maybe Lynn can continue working with the Burdette staff to do that.

President Mourdock: Okay, alright. Pat, anything to add?

Commissioner Tuley: No, it's something that needs to be done.

President Mourdock: Yeah, and I think we are all very conscious of two things. The security out there and the budget and we need to find a way to make that work and I think we need to continue to pursue that one.

#### **Auditorium Common Wage Committee**

President Mourdock: Okay, Item J we will put off for one week. That was the appointment for the Common Wage Committee for the auditorium.

#### **PIC - Local plan of service for Southwest Indiana**

President Mourdock: Item K, we have in our packets the local service plan from the PIC program. I don't know, Joe, if you have any additional comments with that item. This is one of those basic mandates that we're looking at that we participated in.

Joe Harrison, Jr.: I have no comments.

Commissioner Jerrel: I move that we accept the plan as presented by the Executive Director of the Private Industry Council.

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### **Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual wishing to address the Commission on any issue that is not otherwise on the agenda. This is your chance.

Garvin Senn: My name is Garvin Senn. My wife Carla and I are some property owners in Perry Township. We have--

President Mourdock: Would you state your actual address please.

Garvin Senn: It's 901 Agathon Drive. It's in the Grossman

Garden Subdivision. Our property is bounded in the rear by Lamay and Vanderburgh County maintains a, I guess, it's an easement, a drainage easement there. We have a problem with some water. There has been a lot of development in the area since our subdivision was originally platted and we have sort of a natural watercourse that moves across the lower part of our property. I think that this body heard from Mr. Martin Woodward who is a contractor/engineer-type fellow that we had asked to look at the lower part of our land on the 19th day of May. At that time there was some discussion that the work that we had proposed to alleviate our drainage problem be coordinated with maybe some improvements to the county's roadway. The little roadside culvert. I don't think...I think this body declined to concede to our request which is basically to lay down some pipe so that we could drain a pipe to it and connect up to it and protect the road from any wash over.

Commissioner Jerrel: I'm trying to remember exactly these circumstances. Is this a little tiny...there is one person that lives there. Is that this road?

President Mourdock: Oh, I know the one you're thinking of.

Commissioner Jerrel: That's not that one?

President Mourdock: I think that's different, yeah.

John Stoll: (Inaudible comments made away from mike.)

Commissioner Jerrel: Oh, okay.

Garvin Senn: I think there was a Thomas Goodman who is a County Engineer who maybe looked at the property and took some pictures of the road.

President Mourdock: Well, the County Engineer is right here, so maybe you can chime in John.

Garvin Senn: Do you remember that at all, Mr. Goodman?

John Stoll: I'm John Stoll.

Garvin Senn: Oh, sorry. My wife's name is Carla Aldrich. I think she met with Mr. Goodman and said that they looked at it.

John Stoll: I remember Tom being out there and if it's the one I am thinking of we saw no need to pipe the roadside ditch because the road itself was not being eroded away or anything. We routinely deny all the ditch piping request just because of all the problems it creates.

Garvin Senn: Right, I think the county's position was they didn't want the ditch buried. They didn't want a pipe and then the ditch buried. They wanted to have a ditch.

President Mourdock: Okay.

Garvin Senn: I guess the reason that the missus sent me this evening was to invite the county to coordinate with us because

we are going to have to do something about the drainage on our land irrespective of what the county chooses to do with the easement and ditch. We are going to be improving that land and that will include, I guess, some vernacular french drains or some kind of a sink drain and then a 12 inch pipe that will deliver the water that is collected on our land to the county's ditch. To the roadside ditch. I have come forward simply to alert you to what is going on and what we are planning to do with Mr. Martin Woodward's help and invite you to coordinate or have the County Engineer coordinate with us in our endeavors to keep our lands productive and useful, valuable and all that stuff.

President Mourdock: Okay, a request very reasonably stated, let me add. John, the easement that he is referring to is there truly an easement to the county? Normally our easements are for roads and there happens to be a ditch alongside the road. We very seldom have an easement for drainage that is not in itself a road, so this is just part of the road easement?

John Stoll: As far as I remember, yes. There was a ditch running alongside the road and then the pipe that they were wanting to tie in to the roadside ditch. I believe there was some riprap at the end of it. I'm not sure. We've had quite a few piping requests as of late and I don't remember all the specifics of this particular one, but I can get the pictures back from Tom and take a look at it.

President Mourdock: Okay.

John Stoll: I believe it was within right-of-way.

President Mourdock: If I may go right to the bottom line, at least as I hear it, what you are asking us for is to reconsider piping what is currently the open ditch, the open drainage way? Is that...?

Garvin Senn: Yeah, I would certainly invite you to reconsider piping, but more than that we're going to do a project on our land and there is going to be some water delivered to that ditch sort of concentrated from a pipe. I think what we are proposing is like a 12 inch underground pipe that is going to deliver water from our lands into the ditch. Whether that is the county's easement or the county's ditch or whatever it is maybe I need to look at that.

Commissioner Jerrel: Is this natural water that originates on your property?

Garvin Senn: Yes. Well, it doesn't actually originate on our property.

Commissioner Jerrel: I mean, it ends up on your property.

Garvin Senn: It just moves across our property on its way to the ditch.

Commissioner Jerrel: Could you look at that so that we could get back to...it's Simms?

Garvin Senn: Senn. S-e-n-n.

Commissioner Jerrel: S-e-n-n.

Garvin Senn: My wife's name is Aldrich.

Commissioner Jerrel: Yes, okay.

Garvin Senn: Thanks.

President Mourdock: Okay, thank you.

**Milton Hayden - County Garage**

President Mourdock: Department head reports. We'll go to Milton since John just stepped out into the hallway. Milton, if you will please.

Milton Hayden: Good evening.

President Mourdock: Good evening.

Milton Hayden: You do have the reports for the county in front of you?

President Mourdock: Right. For the record the dates on the report are from June 6 through June 12, 1997. It's both the Bridge Crew and the Road Crew and also some maintenance work and mowing items. Pat, do you have anything for Milton or Bettye Lou, at this point?

Commissioner Jerrel: No, I guess the only question I have just listening to this man reminded me of the Drainage Board meeting the last time. Are we able to be...is it still too wet to get into those ditches?

President Mourdock: It is today!

Commissioner Jerrel: Yeah, I know it. Something is going to grow everywhere.

Milton Hayden: It's been wet.

Commissioner Jerrel: I know it.

Milton Hayden: It's a never ending thing with this rain. Some we've gotten into and then some we haven't.

Commissioner Jerrel: You just have to wait until it dries.

Lynn Ellis: Milton, the Commissioners had asked previously for an update on the paving and you and I had talked about that. Can you bring them up-to-date? Because of the amount of rain not much has been done, but what you've been able to do.

Milton Hayden: I can bring you up briefly the roads that we have completed. We did get a chance to finish Schutte Road. Schutte Road is finished. McDowell Road from 62 to...east of 62, that's finished. Also on the west side of that it's finished.

Basically, we haven't had too much room to do any paving with all the rain that we've had. Hogue Road from...we do have Hogue Road finished from Tekoppel to Red Bank. We did do Short Selzer and we also went back to Burdette Park and I did get this in before the 23rd, Mr. Mourdock.

President Mourdock: Okay, I hear you.

Milton Hayden: I had to make this one claim because we decided to go ahead and do that whole walk.

President Mourdock: I'm sorry. Oh, to do the whole walk.

Milton Hayden: Do the whole walk because the walk was caving in and there wasn't any point of melding the pavement down to the sidewalk when the sidewalk was falling in so John and I looked and it was best just to go ahead and do the whole sidewalk and now it looks a whole lot better.

President Mourdock: The problem previously was from where the parking lot ended there was about, oh, what? A four or five inch drop?

Milton Hayden: It was about a three inch drop.

President Mourdock: There was concern that people walking one way or the other were going to trip and fall and you know where that would lead, so we had some work done there.

Milton Hayden: We are also doing a section of Nurrenbern that the trucks had tore up. We went over that to do that to make the road fairly evenly. We've got one lane to do on that. The rain stopped us on this, so this is where we stand at.

President Mourdock: One request I would make Milton, and I know you've got other things to do on Monday nights rather than be here with us and I fully understand and recognize that, but maybe the list that you gave us as your priority list at the road hearing whenever we had that back in early May...May 5th I think. Maybe you could weekly just send us a copy of that and check off which ones you've completed like the ones you just gave us.

Milton Hayden: Sure.

President Mourdock: Just add that to this so that we can see as the season goes on what is still out in front of us. I'm concerned that we'll get too late into the year when things start slowing down and we've got a big list out ahead of us. I know if the weather is raining you can't do it and that's understandable, but I just want to have a better tally of where we are on any given day.

Milton Hayden: That's no problem. That can be very well done.

President Mourdock: That would be the easy way, I think.

Commissioner Tuley: I need to ask a question.

President Mourdock: Sure.

Commissioner Tuley: I hate to even ask this question because I don't want to be taken wrong, but Westhaven Sub those are accepted roads?

Milton Hayden: Westhaven? Yes.

Commissioner Tuley: Can we get a patch crew, this is the reason I hate to say this, but 2525 where I am moving at there is a huge hole in front of that house in the street and also at about the same location over one street in Meadowlark Street. There is a couple of holes pretty bad at both of those locations when it comes down to...actually, the one in front of my house is on Magnolia Drive.

Milton Hayden: Okay.

Commissioner Tuley: Or my house to be as of Saturday. I hate to ask because I don't want anybody to think they're getting favors because a politician is moving in there, but they shouldn't be treated poorly either because one is moving in there.

Milton Hayden: Pat, on those two holes that you got there is that by the curbing?

Commissioner Tuley: The one is pretty close. The one on Meadowlark is pretty close to the center of the road. If you come off of Caren and start up that hill it's dead center of that lane. The other one is actually directly across the street from my house close to the curb.

Milton Hayden: Well, one of those we are going to have to put concrete in. That's got to be dug out and put concrete back in. So, well, it will be done. Is there anything else?

Commissioner Tuley: I haven't moved in yet and I'm getting questions like that. Can you get our road fixed?

Milton Hayden: Naturally.

Joe Harrison, Jr.: Milton, can I just ask you something about Waterworks Road? What's the status down there right now?

Milton Hayden: It's open.

Joe Harrison, Jr.: Okay.

Milton Hayden: Mr. Bumb called me and John and I both went down. They said they would clear it the following day. Well, they opened it on Sunday. They got all the dirt off of it. It's clear too. I mean, it can be driven now, so we can open that.

President Mourdock: We can open it or we have?

Milton Hayden: No, it's already opened. They opened it today.

President Mourdock: Okay.

Milton Hayden: He called me this morning and he said we could come down and open it up if we wanted to inspect it.

President Mourdock: Just for future reference, and I know that same thing had been done some years back...I don't know if you were on the Board yet, Pat, but I understand a few years ago they got into the same situation they had this year where the crops were already planted and they went ahead and put material on the road to prevent that flooding. I guess it worked.

Milton Hayden: Oh, yes.

President Mourdock: What they did, I guess, saved them. Was the road cleaned up satisfactorily?

Milton Hayden: Oh, yes they cleaned the road completely up.

President Mourdock: They did a good job?

Milton Hayden: They put the dirt over on the side of the road there to save that water from coming across even if we get smaller drains and we won't have to shut those gates as often now.

President Mourdock: Okay. Is the work that they did in the cleanup such that now if we get another heavy rain or we get some flooding we're not going to have mud coming back on the road or anything?

Milton Hayden: No, we won't have any mud coming back.

President Mourdock: Okay, so they did a good job?

Milton Hayden: They did a very well job.

President Mourdock: Okay, great. Like I say, I'm sure at some point in the future they're going to ask this Board to do that type of thing again.

Milton Hayden: Oh, I'm quite sure they will!

President Mourdock: Okay, any other questions of Milton? Okay, thank you Milton.

**John Stoll - County Engineer**

President Mourdock: Back to the County Engineer, John Stoll.

John Stoll: The mylar that you have in front of you is for the Oak Hill Road bridge plans. This is for the rehab project for that bridge over Pigeon Creek. I recommend that the cover sheet be signed. We'll have it ready for bid late this month or early next month.

Commissioner Tuley: Move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Commissioner Tuley: Oh, boy. Our favorite topic!

Commissioner Jerrel: Oh, is this going to answer our question?

Commissioner Tuley: Right-of-way questions it looks like.

President Mourdock: Oh.

Commissioner Jerrel: What does it mean?

John Stoll: The right-of-way shaded in pink is 30 feet off the center line, so we've got 30 feet of right-of-way along the entire west side of Ward Road.

President Mourdock: Thirty feet on either side of the center line?

John Stoll: No.

President Mourdock: Or 15 feet?

John Stoll: No. Thirty feet total off the west side of the center line.

President Mourdock: The west side, okay.

John Stoll: Then on the east side of what is shaded in yellow, we've got 40 feet off the east side of the center line and what is shaded in green we've got 25 feet off the east side so our grand total right-of-way width varies from 70 feet to 55 feet. There are two parcels that you can see there just south of Anthony Drive that do not have any right-of-way shaded as of yet and that's because we haven't found a deed that specifically calls out what that right-of-way width is. The deed just says subject to the right-of-way for Ward Road, but we can't find what that right-of-way is as of yet.

Commissioner Jerrel: So there is a lot of right-of-way?

John Stoll: Right.

President Mourdock: Oh, that's south of Anthony Drive so the McDonald house is the house that is up there on that...do you have the map in front of you?

John Stoll: No, I don't.

President Mourdock: On this 425 contour line, is that the McDonald house?

John Stoll: Yes.

Commissioner Jerrel: No, is that right? Isn't that Halcomb? Oh, yeah, that's McDonald.

Commissioner Tuley: Which one? This one?

President Mourdock: Yes.

Commissioner Tuley: That's what I thought.

President Mourdock: To put this--

Commissioner Jerrel: Well--

President Mourdock: Go ahead, Bettye Lou.

Commissioner Jerrel: I was just going to say I don't know anything about what should or shouldn't be done, but given this information will somebody, either Bill Jeffers and Valerie preferably together, make some kind of a recommendation that will solve the problem or forever hold their peace.

John Stoll: The way Valerie had drawn it up was that it would have been mainly open ditches throughout most of the whole project. None of the property owners are going to like that. That's something that we battle every day. Nobody wants a ditch, they all want pipes. Nowhere where pipes are put in does it seem like they are ever maintained properly. We wanted sloping from the edge of the pavement back to any inlets that we have installed and routinely they'll grade it straight from their house straight to the edge of the pavement and then the water can never be caught by the inlets which in turn results in the same problem that we are seeing out there right now.

Commissioner Jerrel: Some of those inlets, if I recall, are above--

John Stoll: Right, too high.

Commissioner Jerrel: They're too high so that it wouldn't catch them anyway.

John Stoll: Invariably the people who have the inlets even if it is put in right the first time they'll have a little swale to try to get the water to go to the inlets, but eventually they'll fill that in or it will just silt in itself over the years and then we would be back to the same problem.

Commissioner Tuley: What happens if we open the ditch up?

President Mourdock: Yeah, I mean, I can understand looking at this how...let's assume for a moment that we open up a nice big massive drainage ditch from where Knob Hill Drive, or whatever that is, I guess Knob Hill Drive, intersects Ward Road. We open it as far south as Anthony Drive and then we run into the unknown area. Are you even with this at 25 foot right-of-way once you get passed the unknown do you have enough easement to do anything with it knowing that at the bottom of that you are going to have to do a very massive pipe to go underneath Ward Road?

John Stoll: Are you talking keeping all...are you trying to run all the drainage all the way south to Ward...I mean, St. George Road?

President Mourdock: For the sake of argument, yeah.

John Stoll: Okay.

President Mourdock: Do you think that is not even worthy of consideration? You tell me, you're the engineer.

John Stoll: Since the watershed as it stands, what's on the west side of St. George should go to the west and what is on the east side should go east. The contours you can see, basically, how it was. (Inaudible comments made away from mike) right through here and it goes right through Bell's house.

Commissioner Jerrel: Right. That's--

President Mourdock: Which house is Bell's?

Commissioner Tuley: This.

John Stoll: I can't remember which one of these two it is right off the top of my head.

President Mourdock: It's either this one or this one.

Commissioner Tuley: That's what I said I thought it was.

President Mourdock: I think it must be the smaller one.

Commissioner Jerrel: Un-huh.

John Stoll: Given the fact that the water on the east side was supposed to stay on the east side, if we try and pipe that all the way down to St. George--

Commissioner Jerrel: It's going to be a major problem down here.

John Stoll: Right, then we're putting more problems down along St. George and there is some additional ditching that needs to be done down there as well, so I don't that those ditches could handle the extra water that we would be forcing down there.

President Mourdock: Okay, now let's go to the other side. Let's assume that we keep all the water that is on the west side of Ward Road on the west side of Ward Road. Assuming you went through these 20/30 yards opened that up with drainage even with adequate pipes underneath all those 30 or 40 driveways with whatever that gas compression station is or whatever that is sitting right there at the corner, that's on our easement the way I look at this.

John Stoll: Yes, it is.

President Mourdock: So you can't bring the water down there either.

John Stoll: Not without--

Commissioner Jerrel: This area--

President Mourdock: This can't be three years old.

Commissioner Tuley: Oh, so it's not shown on this map.

President Mourdock: Right.

Commissioner Jerrel: --is the point at which the water goes across. I mean, it just goes like a Niagara right across here.

John Stoll: It does it again somewhere down here.

Commissioner Jerrel: Yeah, right. See, I think somebody has got to tell us that knows and says this will work or this won't work and then we've got to get those people to buy into something. Maybe they need something to catch that water and disperse it slower at the back end of Halcomb's property. You know where that swale is back there?

John Stoll: Where the concrete block wall is?

Commissioner Jerrel: Well, Halcomb is up here.

President Mourdock: North of McDonald?

Commissioner Jerrel: Yeah, and this is where the water is directed eastward. There is what the problem is. This is a low area. See how that contours? That's where it wants to gather. I mean, I don't know. Maybe there are some things that are going to have to be done back there. I don't think you can direct water to this point and try to make sure it goes this way because you're going to flood everybody down there all over the place.

President Mourdock: Well, that's what is happening now.

Commissioner Jerrel: Yes, but it's going to be a whole lot worse.

John Stoll: Part of the problem is we won't be able to ever get rid of all the water just because that valley that goes down straight towards Bell's house. He's got a pipe that is too small where there used to be an open ditch next to his house so that helps compound the problems as well.

Commissioner Jerrel: Well, that's got to have something done back there--

John Stoll: Yes.

Commissioner Jerrel: --regardless of what we do here. Something has got to happen back there because it's just like there was a swale at Helfrich Park...Helfrich Golf Course behind the Helfrich home that was exactly this same situation. Until you dealt with that swale you aren't going to solve any problem and I don't know how to do that.

President Mourdock: Let me say something that may be what you just said, but I just want to state it and see if I am agreeing with what you are saying. If on this, John, along this property line if you put in a major structure right here off where that block wall is and you started the water flowing back this way in a ditch, opened up a ditch across here, it is certainly going to

keep a lot of water out of these houses by intercepting it--

John Stoll: Right.

President Mourdock: --and channeling all this through there. Is the drainage way that's down here adequate, it's over here by my shoulder somewhere, to pick up that water without backing up? I've heard Bill Jeffers stand there and say that the problem is not that water backs up out here. The problem is just that there is so much dispersion instead of in a channel it just shoots out.

John Stoll: Right. If I remember right part of the problem, too, was whenever you got to the end of Anthony Drive and it makes that turn to the north and goes behind Garrett and Rucker's house I think there is a 24 inch corrugated metal pipe that--

President Mourdock: That's what I am saying. Kind of address that before you get to that point. If you ran it across here, I think right back here you're kind of short circuiting that. You're getting right to the drainage.

John Stoll: Oh, you're going right at that concrete pipe there.

Commissioner Jerrel: A lot of that area needs to be cleaned out. I mean it's got all kind--

Commissioner Tuley: Those swales are not very big.

Commissioner Jerrel: --of those trees and everything are all growing in there. Would that...I mean, I don't even know if those people would agree to it, but would that work? I mean--

John Stoll: It should help. Like Richard said, it would intercept the water before it got to their houses as long as there was some size--

Commissioner Jerrel: There is no easement back there though?

President Mourdock: No.

John Stoll: No.

Commissioner Tuley: That's was going to be the next question.

President Mourdock: The property owner would have to allow that to happen.

Commissioner Jerrel: Yeah.

President Mourdock: I don't know if the property owner on that or those parcels is in any way negatively affected by it and if they are not they might just say what do we care? It's not our problem.

John Stoll: From what I have seen most of the time during the heavy rains the water is pretty deep out on Anthony Drive at the end of the street, but it has not flooded the properties

themselves at the end of the roads.

President Mourdock: The houses?

John Stoll: The houses, right.

President Mourdock: Yeah, I've notice that too.

Commissioner Jerrel: Would it be...if the water is coming down like this and some of it goes in the ditch, but if it makes a natural turn would we not be, I mean, wouldn't it be logical that the water would drain this way and this way that we could direct if we could get them to agree to that? A sizable ditch. What doesn't come down here then I don't know what happens here. I mean, if you've got any--

President Mourdock: If you put that ditch in there wouldn't be any more water coming past McDonald's house other than just what falls on it. I mean, he would be intercepting everything north of that line and bringing it this way.

Commissioner Jerrel: Well, in effect, that is kind of what is happening anyway.

President Mourdock: That's right. Yeah, it's just you're keeping it behind the houses instead of in them!

Commissioner Jerrel: Then it's not staying behind them because it's not deep enough.

Commissioner Tuley: Minor detail!

Commissioner Jerrel: It's not deep enough.

John Stoll: Right, it just keeps going.

Commissioner Jerrel: The pipe is little and there is a million other things wrong and it is just going right straight through. It's going down over and then hitting that.

John Stoll: It hits Anthony Drive and goes on down.

Commissioner Jerrel: Yeah. Well, I don't know you all feel and I don't know, what are we talking about ditching or making a ditch there?

John Stoll: I didn't bring the plans that Valerie had worked up with me this evening, but like I said, she had proposed a series of ditches and driveway pipes and she had sized all of the driveway pipes all the way throughout that area. I can get that to you that way I would have more details of what was going to be on which properties.

President Mourdock: What is the scale on this map?

John Stoll: One to 200.

Commissioner Tuley: Just so you know, Mr. Bell will be here next Monday night.

Commissioner Jerrel: Oh, I'm sure he would. You know, I would be too if I were him because he has had nothing but rain for--

Commissioner Tuley: Three years now since I've been sitting here.

Commissioner Jerrel: It's never quit raining.

John Stoll: Keeping all the water on the west side of St. George is not easy as well. Like you said, there's that problem down there at St. George and Ward with what the Water Department put in our right-of-way.

President Mourdock: Is that what it is? The Water Department structure?

John Stoll: Yes.

President Mourdock: Oh, I thought it was a gas structure.

John Stoll: It was the Water Department.

President Mourdock: So the city Water Department put it on the county's right-of-way?

John Stoll: Right.

President Mourdock: Irrespective of the county's drainage problems.

Commissioner Jerrel: It's the same thing they did out that road that what his name lives on. Harty.

Commissioner Tuley: Yeah.

President Mourdock: Yes.

Commissioner Jerrel: They've moved one on the other side and they've got one on there and they didn't ask us anything.

President Mourdock: Yes, yes, yes! Excellent example. I had forgotten that one.

Commissioner Jerrel: Did they move it.

Milton Hayden: No.

Commissioner Jerrel: But, Lynn, you've been with that Water Department. Why don't you get back on them?

Lynn Ellis: Well, Milton and I are working--

President Mourdock: Did I just see a buck passed there?

Commissioner Jerrel: No, but she is pretty tenacious and I like that.

Lynn Ellis: I'm ready.

Commissioner Jerrel: She got them, let's shake them a little bit.

Lynn Ellis: Milton is preparing a list for me. I've been talking with him and Stan and John and everybody to get a list and I am prepared to write a letter to tell them that they need to do this or whatever.

Commissioner Tuley: I was going to say what would we do to anybody else that built in our right-of-way if we needed our right-of-way? What would we do?

Commissioner Jerrel: Sue them. Can we sue them?

President Mourdock: County Attorney?

Joe Harrison, Jr.: Well, we've got to take a look at it. Who knows how long they've been there.

Commissioner Jerrel: I knew that--

President Mourdock: That's been there less than three years.

John Stoll: I was going to say just a couple of years.

Joe Harrison, Jr.: Oh, really? Well, we can talk about it later.

John Stoll: I was going to say wouldn't it be just like a relocation just like for any other of our road projects where if they're in our right-of-way it's at their expense?

Joe Harrison, Jr.: Right.

Commissioner Jerrel: I know they would want to cooperate. They would.

Commissioner Tuley: Sure they would.

Commissioner Jerrel: They would cooperate with us and they could move it. They can move that one out there on that other road. What's the name of that road?

Commissioner Tuley: Vanness.

Commissioner Jerrel: Vanness, yeah, they could move that too.

President Mourdock: Okay, well, I guess realizing that we haven't resolved anything, but just FYI when I last spoke with Mr. Bell I asked him...in fact, the directive I gave him was for us to proceed either as the Drainage Board or as the County Commission it was my opinion the only thing that we could begin to do would be to act if we knew there was full agreement of the people affected. I spoke to him in general terms about the Barrett Law and how that works with the various residents. My personal feeling is that because there are so relatively few people affected here I don't know that the others would want to agree and go along with that. Short of that, could some of the affected or nonaffected people would they allow it to have a

drainage way put in if, in fact, we could prove through the engineering that it is effective? If they would agree to that come in here with something signed saying, yeah, they would agree with that.

Commissioner Jerrel: May I make a recommendation that I think will solve a lot of future problems. Let's put that in a letter and get it delivered to Mr. Bell before Monday.

President Mourdock: Good point.

Commissioner Jerrel: Rather than have him come in and then we talk about it some more, let's do the letter enclose this and ask some what ifs. You know, you don't have to make any commitments, but what if and would these people actually and let's try to ask him to identify who lives there and let them do that part of the work. I hate to ask you to do anything else, John, but I know that this has been the most contentious one area that has been around for a long time and I think we need to do more than just talk about it.

Commissioner Tuley: Where does Mr. Garrett and Mr. Rucker live?

Commissioner Jerrel: Right down here.

President Mourdock: They live right at the end. Their homes, in fact, don't show up on here, but they're about right--

Commissioner Tuley: Down here at Ridge Road or whatever?

President Mourdock: That might be one of their houses. Well, no. That's too far off. It's something like right here and right here.

Commissioner Jerrel: They're right to the left. It's a little off. The whole thing is off a little bit.

President Mourdock: Well, their homes would actually be on here they just haven't--

John Stoll: This thing was taken prior to (inaudible).

Commissioner Tuley: The reason for my question of playing what if. What if we run this water this way. Is this not Oak Hill Road out here somewhere and this water drains this way as well?

Commissioner Jerrel: Uh-huh.

President Mourdock: Yes, it is.

John Stoll: Everything goes to Oak Hill. That's not a bridge, it's a little too short to be a bridge, but there is that one structure that goes over...I forget the creek name right off the top of my head, but anyway, it's right next to Keystone Subdivision. This same ditch that is the south boundary of Keystone Subdivision, all this water drains...everything east of Ward Road drains to that point.

Commissioner Tuley: John, it's been a while since I was out there, but I think you were out there last time I was. You've been out there many times since then, but the last time I was out there I think you were there and we walked all this back here.

John Stoll: Yes.

Commissioner Tuley: Weren't those swales and little ditches, they couldn't hold a cup full of water?

John Stoll: That's the problem. Everything out there drains to ditches that are probably two feet wide by two feet deep.

President Mourdock: But let me go back to what I quoted Jeffers as saying before. He was saying that the problem that we have right along Ward Road is not from water backing up out of that main ditch that goes--

John Stoll: Right.

President Mourdock: --to Oak Hill. It's simply in that small area that's kind of swelled up right there behind Rucker's, behind the other guy...Garrett--

John Stoll: Garrett.

President Mourdock: --and those. That's why I'm wondering if you short circuit that and come in over here if you start to avoid that problem?

Commissioner Tuley: Short it here, but I guess my concern is, and I want this solved, too, but I don't want to take water from here to make these guys happy and then get all these people over here mad.

President Mourdock: No, no. Again, that's what Jeffers is saying. That would make them mad if the drainage way from here on wasn't adequate. Jeffers is saying that is adequate.

Commissioner Tuley: This is adequate, so if you just get the water there as opposed to out of here and on here.

President Mourdock: Right, the whole problem, obviously, there is very little contour showing on this map. It's so flat right in here, but that's where the bulk of the problem is.

Commissioner Tuley: Okay, now I'm following you.

John Stoll: Then the problem gets towards Oak Hill. Like you said, Pat, where the ditches are so small and it is so flat it just ponds out there.

President Mourdock: If that were the problem, then I think all that...what is that? Oakridge? You would have a lot of flooding down in Oakridge beyond Rucker and Garrett.

Commissioner Tuley: We had more than just Rucker though and Garrett in here at one time. We've had several other people

that live--

President Mourdock: But those were on Ward Road, I think.

Commissioner Tuley: No, no. Back in these. A lady named Miracle who used to live back in here somewhere.

John Stoll: Okay, I thought maybe you meant some of the people in Oakview.

Commissioner Tuley: They may have been from Oakview.

President Mourdock: Okay.

Commissioner Tuley: It doesn't matter. We need to, just like Bettye said, it's time to quit talking and try to find some way to solve it.

President Mourdock: So you'll get a letter to Mr. Bell?

John Stoll: Just requesting what kind of consensus--

President Mourdock: Yeah, and that they come in writing with who is willing to participate if means affecting their property.

John Stoll: Okay.

Commissioner Jerrel: Maybe could you...why don't you have him fax it to you and you look at it before it gets mailed to him.

President Mourdock: Sure, that would be fine. That's a good idea. Okay.

Commissioner Tuley: They're the ones who brought it to us, this right-of-way.

President Mourdock: That's right.

Commissioner Tuley: Yeah, they did.

President Mourdock: Other things from the County Engineer's report?

John Stoll: Yes.

President Mourdock: More drainage.

John Stoll: Last week there were some complaints about the drainage issues out on Southport and Bob Court out in Old Petersburg Place. One of the people who lives out there who is experiencing drainage problems is David Schminke who works for Morley's office and he drew up this plan of adding another inlet to the intersection of Southport and Bob Court. What he is proposing to do is get this 24 inch pipe installed to try and drain the street better and he said that the water can get three feet deep out there in the streets and this is his proposed method of how to get that water out of there. What he was asking us to do was to put in the inlet and 48 feet of 24 inch pipe as a change order on our current contract with Deig

Brothers for the repair of these streets because this area is one area that they were working on repairing. The neighbors would in turn pick up from the right-of-way line on out to the creek with the rest of the 24 inch pipe to finish the job. He is basically asking us to take care of what is in county right-of-way and then they'll take care of everything else that would be on their own private properties.

President Mourdock: But the right-of-way as you show it on this 8½ x 11 is not parallel to the road centerline?

John Stoll: No, it isn't. It takes that 90 degree turn which is unusual, but that's the way it is on the recorded plat.

President Mourdock: It sure is.

John Stoll: This is the recorded plat and right here is where we are talking about.

President Mourdock: That is odd.

John Stoll: I wouldn't have believed it if I didn't see the recorded plat either.

President Mourdock: Yeah, I don't recall ever seeing one that way before.

John Stoll: This change would probably cost in the vicinity of \$3,000 on our contract. There is no guarantees as of yet from what Schminke had said that the neighbors are all going to pay for everything to finish the job out, so if they are not willing to do it there is no point in us doing our portion of it at this time, but Schminke said that if the Commissioners would look on it favorably then he could probably...he said he could find out whether or not the rest of the neighborhood would go along so they could finish it. He said it does affect several properties along there. He said he is just the low point out there and this was his way of trying to address it.

Commissioner Tuley: I would be willing to move approval subject to guarantees that the neighbors would complete the job.

Commissioner Jerrel: Yeah, I think that would have to be in writing. I think more than just verbal, I think we need something in writing from them. I'll second.

President Mourdock: Okay, we had a motion and a second and I will say so ordered. Obviously, that being contingent upon them getting their act together and putting it in writing.

John Stoll: They're going to have to do it in a pretty short time frame because Deig Brothers is really moving along on that concrete repair contract and we'll need an answer from the probably by the end of the week.

President Mourdock: Have you done any hydrology study, John, to just know what the flow rates are? I heard you say Schminke...is that his name? Schminke?

John Stoll: Right.

President Mourdock: Schminke--

Commissioner Jerrel: I just seen what you mean, I know what you are talking about!

Commissioner Tuley: I thought, boy, that's brazen.

President Mourdock: Did he do any details?

John Stoll: He has not submitted anything to me as of yet. I can get that prior to taking any action if you would like?

President Mourdock: Please do because I want to make sure there is some flow data to work from.

John Stoll: He was trying to be here at the meeting tonight and bring some pictures, but he had to go to the Posey County Commissioners meeting.

President Mourdock: Okay, well we know what standing water looks like.

John Stoll: Seen it all too many times.

President Mourdock: Yes, we have. Okay. What else have you got, John?

John Stoll: Next, I would like to request authorization to sign off on the residential appraisals for the Burkhardt Road properties at the southeast corner of Burkhardt and Lloyd. I have contacted United. They are supposed to be submitting me the residential appraisals and as soon as I get them, as long as you approve it, I will go ahead and send them back and that would in turn authorize making offers to those three parcels at the southeast corner of Burkhardt and Lloyd at residential land values.

President Mourdock: At residential--

John Stoll: Given the court ruling last week I guess that's currently the highest and best use for the property, so we will offer it as residential now.

Commissioner Jerrel: Well, if we are going to proceed we need to proceed and that it's going to be very beneficial to them. I would like to move that we accept those.

Commissioner Tuley: Second.

President Mourdock: You said 'accept'. I think what John is saying that he wants to go forward to get the agreements, is that right?

Commissioner Jerrel: No, he's already--

Commissioner Tuley: He's got the appraisals.

John Stoll: What United will do is submit the appraisals to me. They have to be signed off on by somebody with the county before they can make the offer and that is what I am requesting.

Commissioner Jerrel: Right.

President Mourdock: The motion was correct, the second was correct, so I will say so ordered.

John Stoll: Okay, I wouldn't be surprised if we don't end up in condemnation on those.

President Mourdock: Yes.

John Stoll: But this will at least get that started.

President Mourdock: Right.

John Stoll: Also on the Burkhardt project we are going to have a field check on the Phase 2 this Thursday at 10:00.

Commissioner Jerrel: Are you leaving Burkhardt?

John Stoll: That was all I had on Burkhardt, yes.

Commissioner Jerrel: I spoke at length yesterday with the Surveyor and he is going to get something to you in writing or contact you and speak to you if you didn't. Did that happen today?

John Stoll: He submitted a letter regarding the Maasberg Bridge, but I haven't talked to them about Burkhardt as of yet.

Commissioner Jerrel: Okay, well he is going to.

John Stoll: Okay.

Commissioner Jerrel: I talked to him about that issue and asked him to get in touch with you and it was critical that it be done this week, so he will do that.

John Stoll: I've spoken off and on with Bill Jeffers on that.

Commissioner Jerrel: I'm talking about the Surveyor.

John Stoll: Okay.

President Mourdock: John, on Burkhardt also would you schedule a meeting through my 7:00 to 5:00 office for you and I to meet with someone from United Consulting so that we may light the fire to make sure we get some data back from them as far as the engineering for the north part of Burkhardt?

John Stoll: The north part?

President Mourdock: North of Virginia.

Commissioner Jerrel: The prices.

John Stoll: Oh, the cost estimates on the construction?

President Mourdock: Everything. The engineering work, the pricing and everything. We need to keep that thing moving along.

John Stoll: Whenever I spoke with them last Friday I told them again I needed a revised cost estimate by the field check this week. I should have that Thursday.

President Mourdock: Okay. You can give me a call and we can try to find a time. Anything else then, John?

John Stoll: Just one last item that I had was a letter from the Surveyor's Office regarding the Maasberg Road bridge. They have reviewed the plans and they don't have any problem with the plans they just made three comments that they were concerned about the maximum span length. The fact that because of the span lengths not being as long as a concrete bridge would have been they were concerned about debris collecting on the piers and they made some comments about the cost of concrete bridges that they've approved of the design. I'm not sure, but Bill Jeffers may bring that up again at next week's Drainage Board just to submit it as part of the Drainage Board record.

President Mourdock: Okay.

John Stoll: That's all I've got.

President Mourdock: Okay, any other questions for John? Alright, thank you, John.

John Stoll: Thanks.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report. Joe.

Joe Harrison, Jr.: I've got a couple of matters. First of which involves Burkhardt Road. I have an Addendum to the Agreement for Purchase and Sale of the real estate that we are acquiring out there from Gershman Brown and the Hirsch Family Limited Partnership. The addendum states that the county will be piping the ditch out there on Burkhardt Road and indicates that it is going to be installed in a workmanlike fashion. John Stoll has reviewed the addendum and is comfortable with it. The terms in the addendum were items that the county was planning on doing anyway and this will facilitate the execution of the original agreement by the other parties. It is still being held up at this time, so this will facilitate that process. I've got a copy of the addendum here and I think Lynn has the original.

Commissioner Jerrel: We've already authorized this, do we need to...?

Joe Harrison, Jr.: We would need to approve this addendum.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: This will hopefully facilitate the execution of the agreement previously entered into or signed by the Commissioners on May 19th by the other parties and then I've got another item on the same subject.

Commissioner Jerrel: If you'll hand it down I'll make the motion.

I would like to move approval of the Addendum to Agreement for Purchase and Sale of Real Estate with the trustee of the William S. Hirsch Trust, the Citizen's Trust Company of Indiana and G.B. Evansville Developers, LLC.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: On the same subject of Burkhardt Road, I have a license in front of me which would permit the county to go onto the subject property that we are acquiring prior to the closing and begin doing field work prior to that time. This is a license granted to us by the Citizen's Trust Company of Indiana, trustee of the William S. Hirsch Trust and G.B. Evansville Developers. We couldn't consider this until the addendum was taken care of so this would enable the county to go out there this month prior to the closing. I recommend approval and I will give you copies of the same. This license would expire after we acquire the property.

Commissioner Jerrel: I would like to move approval for an agreement related to a license to permit us to go onto the property for various work and it will be with the same group, the Citizen's Trust, trustee of the William S. Hirsch and G.B. Evansville Developers.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Getting off Burkhardt now, the next item involves Burdette Park. The owner of the batting cage facility out there, David Austill, has apparently assigned his interest to that facility to a Judy Happel and John Miller. He is requesting that the Commissioners consent to that assignment and I have prepared a consent to that assignment and apparently they are already in the process of taking over that operation and have been working with Burdette Park officials.

President Mourdock: Under the prior agreement I would presume we could not unreasonably withhold the transfer?

Joe Harrison, Jr.: Right, that's correct. At least after speaking with Burdette they don't seem to have any problems with this assignment.

Commissioner Jerrel: Okay, I move approval of the assignment of the Burdette Park Batting Cage Agreement formally with David Austill to Judy Happel and John Miller.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Next of all the county has been approached by Phoenix Land Company to consider TIF financing for the proposed commerce center off of Highway 57. In connection with that proposal I have in front of me three contracts for consideration by the Commissioners. One is with Barnes & Thornburg to act as bond counsel in connection with possible financing that would be paid from such bond. Their fees would be paid from such bond. The second is a contract for consulting services with Wabash Scientific of Indianapolis. The second is...the third agreement that I have in front of me is with Municipal Consultants of Indianapolis and they would also be analyzing TIF considerations with respect to a possible financing for that commerce center. Again, it's with Barnes & Thornburg to act as bond counsel, Wabash Scientific for consulting services and also Municipal Consultants of Indianapolis for additional consulting services for the Phoenix Commerce project.

President Mourdock: With those several items, is it your recommendation that we do that with one vote, Joe? The reason I ask--

Joe Harrison, Jr.: That's fine, that's fine.

President Mourdock: Okay.

Joe Harrison, Jr.: I would ask for a motion to approve these three documents. Again, if this does proceed and TIF financing does take place, the professional services rendered by these three entities would be paid for from proceeds of the bond.

President Mourdock: Because there are the three separate items and they are each unique to that particular project, to be consistent I would abstain from that in the past and will continue to do so just so no one will think I've got a conflict. So I guess when the motion is made I would ask that you request a roll call vote.

Commissioner Tuley: I will so move approval as outlined by County Attorney Joe Harrison and ask for a roll call vote.

Commissioner Jerrel: I'll second, but I would like to make a point.

Commissioner Tuley: Okay.

Commissioner Jerrel: Just for clarification, what happens in this area since this is in Scott Township...is that correct?

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: Whatever is done at that property will then pay off this TIF. It is not going to affect Scott Township's rate at this point. They're not going to be affected one way or the other they are just...simply the increased development will go to pay off the cost of the bond.

Joe Harrison, Jr.: For a period of years.

Commissioner Jerrel: For a period of years, but it is not any way affecting the revenue stream, current revenue stream, of Scott Township because Scott Township...there is no revenue stream from these properties.

Joe Harrison, Jr.: Not much.

Commissioner Jerrel: I mean, there is no industrial.

Suzanne Crouch: (Inaudible comments, mike not on.)

Commissioner Jerrel: The length of time will be the life of the bond.

Joe Harrison, Jr.: Or unless paid off sooner.

Commissioner Jerrel: Yeah, right.

President Mourdock: There was a motion and a second and I will ask for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I will abstain.

Joe Harrison, Jr.: The next item, as promised, I have a draft of a county ozone ordinance that is very rough, but it tracks a lot of the language from the city's ordinance and obviously there will have to be further discussion between the two units of government, but I wanted to get you all a copy of a draft that I have prepared for your review and comments. Get back with me in the next week or two and maybe we can move forward, but I have draft here for you all. That's it.

President Mourdock: Okay. We will accept that draft.

Joe Harrison, Jr.: Keep in mind it's a draft!

President Mourdock: Ozone in the draft. Okay, you said that was the last item for you, Joe?

Joe Harrison, Jr.: Yeah.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings.

Lynn Ellis: Okay, I have drafted a letter to Resource Agency for the Deaf and Hard of Hearing. They sent a notice to the Commissioners that was dated Friday and was received today increasing the rate of their interpretation services to \$45 from \$40 an hour. The Commissioners entered into a contract May 19th with them at a \$40 an hour rate for the court system particularly and I drafted a letter, the attorney has reviewed it, for Mr. Mourdock's signature saying that we have a contract

in effect as of May 19th and that is at the rate of \$40 an hour as opposed to \$45. I would request that the letter be signed and sent to them basically denying their increase.

President Mourdock: Okay. Yeah, I need a motion to that effect.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Lynn Ellis: I finally had a phone call returned from the insurance carrier regarding the request from Soil and Water for the Burdette Park bus. Basically, they said that we could do whatever we wanted and they would support us, but they recommended not allowing the Soil and Water to use the bus because of the increased exposure to the county and the fact that the county has a \$100,000 deductible so if we get sued we pay \$100,000 before anybody else pays anything. The recommendation would be not to do that. He is putting that in writing so we should receive that. I would request permission that if the Commissioners so choose, again, they will do anything that you wish and they will get this covered if you are so inclined to do that. At the Commissioners direction I will draft a letter to Soil and Water advising them that it's not being permitted according to the insurance carrier if that is your desire.

President Mourdock: Okay, is there a motion to that effect, that we deny use of the bus?

Commissioner Jerrel: Well, I'm going to make a motion that we comply with the insurance advice.

Commissioner Tuley: I would second.

President Mourdock: I just want to clarify that because I heard Lynn say that the insurance advice was that we could anything that we wanted to do really.

Commissioner Jerrel: Oh, excuse me. I'm sorry.

Lynn Ellis: Well, the recommendation is not to do it, but he did say that he would do whatever the Commissioners' desired.

Commissioner Jerrel: Well, we don't want any exposure.

President Mourdock: Exactly.

Commissioner Jerrel: That's the bottom line.

President Mourdock: So that was the motion, to minimize our exposure.

Commissioner Tuley: I'll second it.

President Mourdock: I'll so order. As long as we are on that subject, if we could handle the other part of their request also

which was about the tables and chairs and things. This would be a pertinent time to do that. Do you have any comments on that, Lynn? Have you heard anything more? When the issue came up last time--

Commissioner Tuley: Yeah, was that at the Pagoda or something?

President Mourdock: Yeah, it was for the same event. They wanted to haul kids out to Burdette in the buses and the second part was to temporarily use for that day and they would be responsible for getting, taking over and setting up, I think it was, 150 or 125 chairs and six tables or something. We kind of shelved the two of those things together. I guess I would ask for permission to grant them the use of those.

Commissioner Jerrel: I'd so move that they can use the tables and chairs.

Commissioner Tuley: Second.

President Mourdock: So ordered. Lynn, in your letter would you include both of those items.

Lynn Ellis: Okay. Okay, um...oh, boy. Alright, the next thing, I guess, is the report for the travel account. That was finished today. There is a computer report provided by the Auditor's Office and on the top is year-to-date just for '97 identifying the monies that have been spent for travel and mileage. That was last week's request for this report.

President Mourdock: What period of time do we cover here?

Lynn Ellis: It's '94 through '97.

Commissioner Jerrel: But the front page is '97 only?

Lynn Ellis: Yeah, '97 only.

President Mourdock: To date?

Commissioner Jerrel: To date.

Lynn Ellis: It is broken down into departments. The reports that are attached are by individuals as to who received the actual check. They're not by department, so it would take us a little time to figure out which department they belong to, but we can do that if the Commissioners so desire.

President Mourdock: Do I compare two numbers correctly here then that the total appropriations of \$22,000 for the year and the sum total of the expenditures by department is \$15,000, so we are less than half way through the year and we've used up three quarters of the money?

Lynn Ellis: Right, and that doesn't...I mean, there was an additional appropriation approved by the Council which is described in that paragraph and a note. Really if you take away that appropriation you don't have a \$6,800 balance you have a \$2,800 balance in that account because we did get an additional

appropriation.

Commissioner Jerrel: I don't see anything for SCT and I think we were charged for SCT's travel.

President Mourdock: Probably showed up in the contract proposed at the time.

Commissioner Jerrel: No, I think they submitted...I don't know. They probably paid it out of their line item.

President Mourdock: Right, that's what I am saying.

Commissioner Jerrel: You're absolutely correct, but it was not part of their budgeted program.

Lynn Ellis: Is that included in the Virginia trip? Is that what you are referring to?

Commissioner Jerrel: Uh-huh.

Lynn Ellis: Because there is a separate Virginia trip line.

Commissioner Tuley: There is a line for the Virginia trip.

Commissioner Jerrel: Uh-huh, so it's the two together. That would be our total. Well, I recommend that we take a look at this and I appreciate the Auditor's Office and the other work that you all did, Lynn, you and Tony. I would think that we need to look at this. I think we need to develop some sort of policy that speaks to the travel so that it is fairly distributed and reflects called meetings that people are required to attend and perhaps needed conferences.

President Mourdock: I'm curious. The names that were struck out. Was that done in our office?

Lynn Ellis: Actually, Tony used a pink highlighter and when you use a pink highlighter the copier blacks it out.

President Mourdock: Ah, okay. Not nearly as surreptitious as it would have been.

Lynn Ellis: No, it was not intentional.

President Mourdock: Okay. Alright. Anything else, Lynn?

Lynn Ellis: Okay...let's see. I think that's...well, unless you want to talk about the Y.M.C.A.'s request for cars? It has been done in the past to transfer property to non-profit organizations. The Commissioners have donated property, they've donated vehicles, they've donated other items.

President Mourdock: Okay that was the question from last week. Had we done it in the past and the answer is yes and we did it on a gratis basis.

Lynn Ellis: Yes.

President Mourdock: Okay.

Lynn Ellis: The decision then would be whether we want to make one of these cars available and wait until the Sheriff surpluses some of theirs and use one internally or make both of these available to the Y.

Commissioner Jerrel: That ought to all happen within a week or two. I would recommend that we just wait until we get all that information rather than do something tonight.

Lynn Ellis: I think that's it.

President Mourdock: That's it? Okay.

### **Burdette Park**

President Mourdock: Anything to report from Burdette beyond the ordinance that we just did and the Sheriff's business?

Commissioner Tuley: Their regular weekly report was in here.

Lynn Ellis: Right, the weekly report is in your file and they would just appreciate everyone's prayers that it stop raining!

Commissioner Jerrel: I guess.

President Mourdock: Okay.

### **Consent items**

President Mourdock: Consent items are in the packet regarding travel items, travel requests, employment changes. Burdette Park Advisory Board minutes are also included in that.

Commissioner Jerrel: Just one comment about the consent items.

President Mourdock: Sure.

Commissioner Jerrel: This is the perfect opportunity, because of the requests, that we need to do something about policy about the transportation. That even is reflected...some of these may necessarily need to be paid out of Reassessment. If we are training everybody in offices, then in anticipation of that, you know, we may need to do that down the road. I'll tell you what, I will volunteer to speak to them. I worked with all of them when they did the last reassessment, so I'll talk to these people about the travel.

President Mourdock: Great. Any comments Pat?

Commissioner Tuley: The numbers speak for themselves.

Commissioner Jerrel: Are you ready for new business?

Commissioner Tuley: We haven't approved consent items yet.

Commissioner Jerrel: Oh, I move that we accept them.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Okay, now we're in new business. Actually, we skipped scheduled meetings. Just to say it officially they are in the packet.

Commissioner Jerrel: Okay.

**New business**

President Mourdock: Now, go.

Commissioner Jerrel: I would like to ask for permission to advertise the Personnel Policy. We've got one little line item to get...you remember I talked to you about the vacation and I haven't been creative enough yet to think of a real simple way to explain that, but everyone I've spoken with has said, yeah, that sounds like it will work.

President Mourdock: That's basically the system that if you are hired before the end of June you get your vacation that year?

Commissioner Jerrel: You get five days and then anyone hired after that doesn't get five days until the next year and then they get the 10 days that everybody gets and then they can take their five after their six months has been reached and it's all calendar year and it seems to work very easily, but I'm not through talking. I'm going to talk to all the others. I'm going to talk to them because I don't want any...based upon that I would like to ask for permission to advertise that policy.

President Mourdock: Let me just clarify one thing. Can we advertise it, Joe, with that loose end? I presume we certainly can.

Commissioner Jerrel: It isn't loose. It's not going to change what's in there. It's just going to have some examples.

Commissioner Tuley: Some clarification.

Commissioner Jerrel: Yeah, it's not going to change anything.

President Mourdock: Okay.

Joe Harrison, Jr.: What you could do is advertise the fact that we are going to amend the Personnel Handbook and a copy of the proposed amendment to be considered by the bodies on file in the Auditor's Office, the Commissioners' Office and wherever else. Whatever the standard language is.

Commissioner Jerrel: Got that Charlene?

Joe Harrison, Jr.: It would have to be advertised two times over a period of ten days.

Charlene Timmons: Will we have like a reading on it or...?

Joe Harrison, Jr.: Yes, first and second.

Charlene Timmons: Just like a regular ordinance?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Okay, alright. I'll put something together.

President Mourdock: So there is a motion to advertise.

Commissioner Tuley: Second.

President Mourdock: So ordered. Just to say one other thing about that, I think the County Auditor deserves a pat on the back.

Commissioner Jerrel: Lots of...let me just say that, well, the attorney needs a little bit, too, because he had to sit for three or four hours and listen to all this stuff and then worked on it a lot. But B.J. and the Auditor were very instrumental in getting this to this stage and it's all consistent, you know, all the things that everybody suggested are included to the degree that they could be and except for good clarification on that one we are ready to go.

President Mourdock: Do you have another item?

Commissioner Jerrel: Well, it deals with the budget. I would like for us to make it part of the public record today that our main thrust this time in the area of technology is to upgrade the court's package. It is going to be very costly and we've talked about it many times. In the Data Board meeting we have described that to everyone, but people keep turning in request for G.I.S. which could be even more costly than that, so I think that G.I.S. is not going to be done by the county in 1998. I guess maybe we just need to...I would like to make that in the form of a motion.

President Mourdock: I'll ask for discussion. Pat, any comments?

Commissioner Tuley: No, I think the court's package is far more critical. I don't think there is anything wrong with G.I.S., but if I had to toss the two up in the air and classify one of them as priority over the other it would have to be the court's package. So I will second your motion.

Commissioner Jerrel: Thank you. Just one other point about that, the thing that happens, the courts have to have this in order to keep scheduling. We have to be accurate keeping prisoners in jail and letting those out that belong out. G.I.S. is a nice very fine piece of technology and it gets better every year, so I think probably if we have that year to wait it will be even better and cheaper.

President Mourdock: Technology is one of the few things that gets cheaper year-by-year. There was a motion and a second and I will say so ordered. I will just also add the comment that in

the comments that I sent out to the different departments and division heads asking them to put in words not just numbers a longer term plan than next year's budget year the one thing that was striking to me was that there was not any great uniform consensus as to how G.I.S. might be used. Certainly as a technology it seems to me that is something that various departments ought to be coordinating their efforts on otherwise we will end up with four or five different types of G.I.S. programs that won't be compatible.

Commissioner Jerrel: Right... we have--

Suzanne Crouch: Change the tape.

Commissioner Jerrel: Oh, okay.

**TAPE CHANGE**

Commissioner Jerrel: Continuing along the G.I.S., there is a committee, you know, you said you didn't know if...there is the committee. We don't have a representative on there and perhaps, you know, Lynn could sit in on that occasionally. It would be nice for us to know what they are doing. I would like to move that we have Lynn check on that because we don't have a...

President Mourdock: Let me just modify if I may? Let's say we need to be consistently represented whether it's Lynn or if I am available certainly I would like to sit in on that too.

Commissioner Jerrel: That would be wonderful. I just think it is something that we need to know what is going on.

President Mourdock: We need to be represented on.

Commissioner Tuley: Okay, I'll second your motion with the amendment.

President Mourdock: So ordered. Something else, Bettye?

Commissioner Jerrel: I was just going to say, you know, we're moving along on the budgets and we're going to have to get them in. Obviously, Council has final say about those budgets, but they don't need to be voted on or anything.

President Mourdock: Right, okay. Any other new business then?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: Nope.

President Mourdock: Motion for adjournment?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:12 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Lynn Ellis  
Charlene Timmons  
Mike Shoulders  
Tom Durkin  
Joe Profaizer  
Philip Lieberman  
Garvin Senn  
Milton Hayden  
John Stoll  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
June 23, 1997**

The Vanderburgh County Board of Commissioners met in session this 23rd day of June in the Commissioners' Hearing Room of the Civic Center Complex at 5:34 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening and welcome to the June 23, 1997 meeting of the Vanderburgh County Commissioners. By way of introduction, at the far right will be in a minute or two, Lynn Ellis, who is our Superintendent of County Buildings; Joe Harrison, Jr. is our County Attorney; to my immediate right, County Commissioner Pat Tuley; to my immediate left, County Commissioner Bettye Lou Jerrel; then we have Suzanne Crouch, who is our County Auditor; and to Suzanne's left, Charlene Timmons, who is our Recording Secretary from the Auditor's Office. If you did not pick up an agenda, I see the stack is diminished, but if you need an agenda we can get you one. We have some additional copies. Also, by way of procedure, if you wish to address the Commission this evening because all of our minutes are taken on tape, we record everything verbatim, we would ask you to come to the microphone and speak and state your name and address for the record. Having said that, would you join us in the Pledge of Allegiance? One other item, immediately after this meeting the Drainage Board will meet so if you see a crowd gathering in the hallway I guess that is sort of a sign for us to keep the meeting moving along, so if we seem a little terse if you have a real long comment to make please don't be offended, but we are trying to keep it moving so we can keep the Drainage Board on schedule as well.

**Certification of Executive Session**

President Mourdock: The first item on our agenda tonight is the certification of the minutes of our Executive Session which was held beginning at 4:15 today and ended at 5:25 and during that session we discussed collective bargaining negotiations that are ongoing. I would ask for approval.

Commissioner Jerrel: Move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Approval of minutes**

President Mourdock: The second item on our agenda then is a part of your packet which is the minutes of the meeting of June 16th of the Board of Commissioners.

Commissioner Jerrel: I would like to move approval of the June 16, 1997 minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Alvin Holder - City/County Purchasing**

President Mourdock: The first item beyond our minutes is Mr. Alvin Holder with a pager agreement and uniform bid request.

Alvin Holder: Thank you. My name is Alvin Holder and I am the City/County Purchasing Supervisor. I have two items that I wanted to present tonight for your consideration. The first is permission to renegotiate current existing department agreements on City/County pagers into one agreement. Right now we have five or six individual departments who have their own contracts and I would like to bring those together into one contract, negotiate that and then present it again to you on July 14th for your consideration as one agreement.

Commissioner Jerrel: Alvin, I have a question.

Alvin Holder: Okay.

Commissioner Jerrel: Are these contracts, the five or six, are these actual contracts that have months and years to run yet?

Alvin Holder: Yes.

Commissioner Jerrel: Are we going to make them bid?

Alvin Holder: We're working toward a bid, but right now with departments having individual contracts as they've had before we can't bid because they do have individual signed contracts, some of which don't run out until June of '98, a year from now. What we are wanting to do is bring all of them...one supplier has 75% of the business now, so basically we're wanting to negotiate one with that majority supplier, bring them in, hopefully, for a cost reduction currently, you know, and then as the other agreements run out we will have to bid those at that time, but ultimately we're working toward one annual price agreement on pagers.

Commissioner Jerrel: Are the average monthly costs in excess of \$7?

Alvin Holder: It would be close to that figure if you look at the three different types of pagers. I've had indications that the prices are going down. I would expect to see a reduction in the costs.

Commissioner Jerrel: You can't bid those? You've got to do it like this?

Alvin Holder: At this point, it is my understanding that this would be the most practical way to handle it at this point, yes.

President Mourdock: One question from me, Alvin, and I did hear you say then that the ongoing contracts that are out there are from either the city or the county--

Alvin Holder: Yes.

President Mourdock: --and you're seeing some efficiency if we do those under one?

Alvin Holder: Yes.

President Mourdock: Pat, any questions?

Commissioner Tuley: No, that was my concern when we started talking about getting rid of other contracts, but you are just waiting for those to expire and you want to negotiate and bring those in as the others expire, is that correct?

Alvin Holder: Yes, in some fashion, yeah.

Commissioner Tuley: It makes sense.

President Mourdock: Okay. You would be back when?

Alvin Holder: In two weeks, July 14th. I guess that is more than two weeks, but July 14th is when I would like to make the presentation.

President Mourdock: Okay, is there a motion then to have Mr. Holder to pursue those contract negotiations for consolidation of pager contracts for the city and county?

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Alvin Holder: Thank you.

President Mourdock: Do you have a second item?

Alvin Holder: Yes, the second item was uniforms. We have an annual price agreement on uniforms and it has expired, so I just want to actually request permission to advertise for bids on an annual price agreement for uniforms. I would want to present that at the meeting on the 21st.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Alvin Holder: Thank you very much.

**Roger Lehman - Building Commissioner**

President Mourdock: The next item, we have Roger Lehman.

Roger Lehman: I've got about a three hour presentation. I'll try to condense it into about five minutes.

Commissioner Tuley: Well received.

President Mourdock: You're on the right track.

Roger Lehman: If I get too long, please feel free to speed me up. Basically, I am here on two issues tonight. One is the Showcase Community for which I sent you all a memo indicating kind of the high points. I think I'll just touch on some of the points and then maybe open it up for questions if you would like to do that. We had a workshop in April called Disaster Resistant Communities which is a FEMA initiative to promote hazard mitigation or trying to keep things from getting worse and even trying to make people more aware of disasters and how to prevent further damage than is necessary caused by tornados or earthquakes or floods or whatever. FEMA has finally come to the point where they are looking at the fact that if they don't encourage mitigation, and that's not a good word but it's the one we use all the time, that they're going to keep paying out more and more and more money and the cycle will never stop. This is an initiative, like I said, on the federal governments' part to try to have communities become disaster aware and become intelligent and informed and educated on things that can be done at no cost, low cost, moderate cost and even high cost in some cases, things that can be done to reduce the amount of damages. One of the recommendations of the Disaster Resistant Communities Program, and this is such a new program there is no disaster resistant community yet, so we are right now kind of on the leading edge of this program. One step towards that program is a program that is sponsored by the insurance loss, I can't remember what it stands for I've got it in there somewhere, Insurance Institute for Loss Reduction or Property Loss Reduction. They have come forward from the realization of the insurance companies and they represent a lot of insurance companies, not every one but most of them, and they have realized after the hurricanes and so on in Florida and the east coast that places that have strong building codes, good inspection, code enforcement, good disaster preparedness they spend less of their insurance money after a disaster, so now the light is coming on to them, hey, if we can have people do things before the disaster happens we won't be paying out so much after the disaster happens. There is a comparison of the south Florida areas that have strong building codes and had like a third of the losses as areas that had weak or no building codes or non enforced building codes. There is a significant savings to the insurance industry, so they are not doing this out the goodness of their heart, but it is a program that I think can benefit us as well as nationwide eventually. The Showcase Cities Program is one that is designed by the Insurance Institute for Property Loss Reduction that is kind of a first step in a disaster resistant community program. They have put together a program that says that if the city and county will do certain things, then the insurance industry, meaning those participating companies which to date is like All State, State Farm and most of the major companies are participating in this program, will in turn look at providing benefits to the people who are taking steps to reduce losses. Again, just looking down the memo on the first page it says that if Evansville/Vanderburgh will designate ourselves as a Showcase Community, or if we will do a resolution stating that we intend

to do this, that the Insurance Institute will non-structurally retrofit all not-for-profit day care buildings in Evansville and Vanderburgh County. What that means is that they will come in and bolt down their water heaters. They will tie up their light fixtures. They will provide fire extinguishers, smoke detectors and make these nonprofit day care centers safer and less apt to increase damages and will actually reduce damages in those places and what better place to start, of course, then where our children are and our young children? They are going to do that at their cost. We're going to go in and do a write up on them and tell them what needs to be done and then they will come in and do the installation and buy the materials at their cost. Another benefit to the city and county will be that the insurance companies, again, currently State Farm, All State and several other major companies will work to reduce deductibles on, for instance, earthquake coverage. If you bolt down your water heater and you tie up some bookshelves or something and can prove to them you did it by inspection that they will reduce deductibles or perhaps even reduce premiums for the people who do that. One potential action would be that they would if we are declared a disaster resistant community that they might provide a very small, albeit important reduction across the board in premiums by the companies who participate. That is pretty significant when you look at the number of people in our city and county, obviously, and it may be small to one person, but it is large overall. Now, to do that they ask the city and county to do a few things and they're listed starting at the bottom of page one which we already do, adopt the latest building code. We adopt a state code and we do not amend it locally, so that's...step one is cleared. Step two is building code effectiveness grading. What the insurance industry is going to do in Indiana in 1998 is they are going to go into each building department in each community and score them according to how well they do building code inspection and how much we enforce it and so on. It's much like what they do with fire departments now. If you live in the city you get a certain rating. If you live in the county it is usually a lower rating and the further out you are the less rate you get and the higher your premiums are. What this will do is with a strong building code department, which without bragging, like I say we do have, we will receive very high grades on that and that is part of the requirement for Showcase Communities. That is going to happen whether we do Showcase Community or not. So that one will take place next year and, of course, the insurance industry is aware of the timetable so that would not effect our ability to be classified as a Showcase Community. The second thing is a community rating system. This has to do with flooding. There is a system in place that we can apply and provide certain information on what we do for flood loss reduction. This automatically, if you meet the base level, will give you a 5% reduction in premiums for all flood insurance policyholders. There's...I don't have those numbers with me. I think 3,000 or so flood insurance policies in effect in Vanderburgh County and Evansville, so immediately upon getting our CRS process completed we would receive a 5% reduction in those premiums. As you progress up the scale you receive up to a 20% reduction by doing certain things. Those things we, with the Area Plan Commission, have committed to do. Fourth thing, minimum fire suppression grade of eight and we exceed that already. Undergo

a community risk assessment by IIPLR. That means they will simply come in and evaluate the whole community as far as mitigation and as far as disaster preparedness and so on. The sixth thing, develop training for engineers, architects and contractors. We have been doing that for several years here, so we automatically qualify for that. Do the assessment of day care centers. Our staff will do that, our inspection staff. Public education currently is being done by EMA and Red Cross. They have met with representatives of Bristol Meyers and several other large companies and are preparing public education portion of this program. Provide K through 12 natural hazards curriculum. We do this to a great degree now and there may be some other information that the insurance industry might provide us that they would like to have provided at the school system. It would be like a handout or some instructional materials. Ten, develop emergency recovery and post disaster recovery plan. We have those in process and those actually are constantly in process. We change those annually. Use natural hazards as consideration in land use planning. The APC already does that. Develop a disaster recovery business alliance to develop disaster planning for business. Bob Quick from the Chamber has agreed to be the focal point of the disaster recovery business alliance for our area. Dale Olsen from Citizens Insurance and Southern Indiana Gas & Electric and several other corporations are already involved in this and this program will go on also regardless of Showcase Community or not. Just a quick thumbnail, if I could, on the disaster recovery business alliance because it has a little more far reaching effect. In the past government has tended not to pay a whole lot of specific detailed attention to businesses in disaster. In other words, if there is a disaster the government comes and we seal everything off and we are sure everybody is rescued or whatever, get them to the hospital and get them taken care of. At that point we are kind of through our response mode and the next step is what we have been kind of weak about. This was brought out significantly in the Oklahoma City bombing where they roped off about 40 square blocks of Oklahoma City and they put about 250 businesses out of business because people couldn't get to them. No cash flow, no business. Other things that happen is everybody now is using just in time...

President Mourdock: Inventories.

Roger Lehman: Inventories, thank you. It just slipped away. If we have a, say, a minor earthquake and it takes a bridge down between a business that uses that material and a place that supplies the material, then what are they going to do? In the past we have looked at that as far as getting emergency equipment in and getting, you know, help in and getting people out, but we've never really looked at it as what is it going to do to this business? If this business cannot operate, then they cannot pay their employees to work. If the employees aren't working they are not collecting salaries, there's no taxes and they can't buy stuff. It's a very big picture and the circle keeps getting bigger. Business is beginning to recognize the fact that we haven't really been...well, they haven't been tuned to that. They've made provisions to perhaps even make their building seismically safer than it has been in the past, but they really haven't looked beyond their own structure and their

own business. If they can't get supplies then they are out of business and that really hasn't been looked at very closely. This disaster recovery business alliance is to promote the businesses to look at themselves and also to create a liaison between the business and the government. Final, look at private/public sector incentives. At some point in time we could perhaps give reduced permit fees for earthquake or flood mitigation. If you are going to go in and raise your house up and it is going to cost you \$10,000 which might cost you \$100 for a permit now we may look at if you are going to do that on your own and pay for it out of your pocket that we would give you a half priced permit for doing that. The Commissioners and the Mayor...or the City Council would have to agree to that. Anyway, the way I look at it there is not a financial commitment at this time. Number 13, which is about as close as it comes to a financial commitment on the incentives is something that we have to look at as part of being a Showcase Community. Not something we have to actually do initially, but it is something that the insurance industry would like to show that the public sector is also very much in favor of doing something to reduce damages. There is a sample of a resolution attached to the memo and this was provided by the IIPLR, the insurance industry, and it was based on some sample resolutions we sent them and their attorney put together, so this isn't a resolution of this common council. Like it says, it's a sample of what one might look like. I would appreciate it if the Commissioners would look at that and, based on the information that I have provided and any other information you might like, would at some point in the near future be willing to adopt such a resolution. I'll open it up to questions at this time.

President Mourdock: Okay, Pat.

Commissioner Tuley: Roger, I'm sorry. I don't have your memo in front of me.

Roger Lehman: Okay.

Commissioner Tuley: You went through it pretty much point by point and one thing I did remember reading through it was a lot of those things we are already doing?

Roger Lehman: Right.

Commissioner Tuley: You've got the staff to do it, so there really is no additional cost?

Roger Lehman: Right.

Commissioner Tuley: It doesn't make sense to me why we wouldn't want to try and achieve it.

Roger Lehman: There is also no Showcase Community in the United States yet.

Commissioner Tuley: Right.

Roger Lehman: There is one other city in Massachusetts that's--

Commissioner Tuley: Close.

Roger Lehman: --kind of close, so if we get this thing off the ground in the next few weeks to a month at the most we would probably be the first one in the United States, therefore the world.

Commissioner Jerrel: I was just going to ask you, Roger, what does it take? Is it going to take another Evan Browning to get people to...? Put the water heaters and put the--

Roger Lehman: That's the question that nobody has been able to answer yet and finally, I think, the federal government and the Insurance Institute is saying we're not going to get those very often. We're not going to get an earthquake very often, we hope, and so the answer is make it worth somebody's while. Now they are going with incentives to do stuff. In other words, instead of just telling you it's unsafe and you've got to fix it or you're going to kill your children or something they say, okay, here is a way to do it and if you do it we will pay you to do it. It's not in this documentation, but the insurance industry representative that we spoke to said they want to make to where if costs you \$1,000 to do something you'll get \$1,110 of incentives, so it almost...you almost can't afford not to do it is what the purpose is. Good point and this is trying to be an answer. They haven't found one yet, but they think this might be the answer.

Commissioner Jerrel: I only said that because Monday was my first day home really and I cleaned out a front closet and I had my emergency for Evan Browning in there. I had my dog food and my iodine and some band-aids. The important things you know?

Roger Lehman: Right, absolutely.

President Mourdock: A.J. was well taken care of!

Commissioner Jerrel: That's right.

President Mourdock: The house may come down, but the dog will be well!

Roger Lehman: That's great. I'm glad you had it and I'm sure you remembered it was there.

Commissioner Jerrel: Oh, yeah. Well, I would like to move approval on this process and move toward the resolution.

Commissioner Tuley: Second.

President Mourdock: So ordered. I do not have the resolution in my packet. Maybe it is in the signature file. If we don't have--

Roger Lehman: I'll give it to your lawyer.

President Mourdock: I, like Pat, I've seen a copy of it. Okay, thank you, Roger.

Roger Lehman: I appreciate that and if you have any questions on any of this, you know, call me at any time.

President Mourdock: Okay.

Roger Lehman: Just as a side light we do have a...I did receive something from International City/County Management Association that has asked us to apply for a community spotlight award for 1997 as a result of us going this far in the process.

President Mourdock: Okay, thanks very much.

Roger Lehman: Like I said, disaster resistant communities is something that's coming and I'll be back to talk about that in the future, but it may be a month or two or a few more because they aren't really sure exactly what that is going to be. I think Evansville is going to help them decide what it is going to be, so we'll be on the leading edge of that.

President Mourdock: Okay.

Roger Lehman: The second thing is flooding and the report from the DNR. I assume...have all of you seen that?

President Mourdock: That we have.

Roger Lehman: I assumed that on the last one. I am going to pass out...what we have done relative to the flooding since it happened is within a week of the roads being opened up back in to the county we did a windshield survey of all the houses and "camps" that were damaged in the flood. We gave these a number of one through three. One being minor damage, two being moderate and three being major. The process we chose to use, we've only got two structural inspectors, so we really couldn't go out and spend a lot of time on each house. What we did was we issued permits on the 'ones' without doing a physical inspection of the building. In other words, if it was a one on our windshield survey and somebody came in to get a building permit we issued them a repair permit on it. If it was a two or a three we gave them this handout that you all have and on the front of it explains what the state standards are and the requirements are for repairs if you are in the floodplain or if you are in the floodway and if you are major damage or minor damage so on and so forth. We have issued...there was about 285 houses on our initial list that we went through. This included all the houses in Union Township and also Lynn Road and it seems like there was another little road over there on the east side, but I don't recall the name of it offhand. We have to date issued about 45 permits which is, obviously, a fairly small percentage of the total. On an inspection tour which the state had told us they were going to make a few weeks after we had done our initial inspection, we had a meeting with them concerning that and they brought up some issues on some houses that were questionable. The main question, particularly on the letter, if you recall, on the second page it had a list of 11 houses. The major question on those houses were whether or not they were built prior to Vanderburgh County adopting a floodplain ordinance or adopting the FIRM...FEMA FIRM rules which was in 1980. A majority of these houses listed appeared

to be newer than 1980 to a FEMA representative and a state of Indiana representative. I did a check with the Assessor's records on those 11 houses plus a few more and found that with one exception they all were constructed prior to 1976, initial construction, which isn't to say they weren't torn down and rebuilt or whatever. There was a building there prior to 1980 in all the cases except one of the addresses they gave us. We have had a little problem assigning addresses and therefore finding Assessor's records and ownership records on a lot of these camps. Some of them are leaseholds, some of them are recent sales and I have asked the Union Township Assessor to please provide me with a list of names and addresses particularly on the camps and to date I have not received that. We have followed the state's guidelines when someone comes in that has a damaged building that is a two or a three. We require them to provide us the value of the building which the insurance value has been acceptable, so if they insure it for \$30,000 or \$40,000 that has been acceptable for pre-damage value. If the repair cost is less than 50% of that they can prepare it as it is. They don't have to do anything. They don't have to raise it up or reduce--

President Mourdock: Yeah, if I may interrupt, Roger.

Roger Lehman: Sure.

President Mourdock: The point of this letter being to this Commission is that you need the documentation? You said that you contacted the Trustees about the documentation that you needed?

Roger Lehman: Well, we contacted them about getting the owner's names.

President Mourdock: What you are requesting of us at this moment is the two items that are in bold on this document, the letter that you sent us? June 13th letter. The second page says:

"However, for the remainder of the properties as well as the above noted site documentation is required demonstration that written notification..."

Do you want us to get that information to you?

Roger Lehman: No, no. This is FEMA's letter to you and to us.

President Mourdock: Okay.

Roger Lehman: Okay, so we received a copy. They want us to provide them that information and that's what we intend to do. We have not done to date a mailing to each of the addresses because we haven't got an address list, so what I decided we would do is we will send it out to everybody that we've got and we will not send it to the ones who already have permits, but send it to those who do not.

President Mourdock: Okay.

Roger Lehman: I drove down there last week and I can say there

is probably several buildings they have been working on that don't have permits on them.

President Mourdock: Okay, so this is just informational for us?

Roger Lehman: Yeah, this was a letter that comes to you automatically and then it's really based on what we do and I'm really just reporting to you what we've done to comply with what is requested here.

President Mourdock: Okay.

Roger Lehman: Let me see if there is anything else. I don't think there is anything else that I need to add to that other than we intended to do another windshield survey to check on work in progress and compare that to permits last week, but we had a little problem that kept us from doing that so that will be accomplished this week and we provide that information to the state also.

President Mourdock: Okay, very good. Any other questions for Roger?

Roger Lehman: Does anybody have any questions on Union Township?

President Mourdock: I don't think so.

Roger Lehman: If I might be excused?

President Mourdock: Alright, thanks Roger.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: The next item on the agenda we will stick in Mike Shoulders real quickly. I know you've got a real brief report, yeah, which you presented.

Mike Shoulders: I simply wanted to submit to you tonight a draft of the agenda for some of the issues that we would like to discuss next Monday so that you could study it over and comment tonight, ask questions and then call me if anything else...if there is anything on your mind that is not on this listing. Running down through it we'll give an overview of the project status as of that date and any changes in the project since our previous presentation. We would like to discuss the name of the facility. We need to know for our signage specifications. Right now we are showing...on the drawings we are showing "The Centre", C-e-n-t-r-e, so we've got to do something specific or we would like to. We'll throw that on the table.

President Mourdock: Did you run that through spell check?

Mike Shoulders: Yeah, it didn't show. It said, are you in England or where?

President Mourdock: The theatre!

Mike Shoulders: Yeah. Food service management issues that we will discuss has to do with the kitchen equipment. The site

sculpture, the stainless steel sculpture. Of course, we are talking to counsel about the disposition of that. Who owns it? Does it revert to somebody if it is moved? All those questions. We have a site that we like out here in the area between this building and the School Corporation that you would see it as you come out of our auditorium building, but, again, that is something that there are other factors than just where we think it should be.

President Mourdock: Yeah, and we've received a number of comments from the public where it ought to go.

Mike Shoulders: I bet you have. Auditorium overview in terms of specifically the seating, the disposition of the seating. The fact that we're going to have it in the bid specs that the seating will be...we'll get credits. We'll be in essence not selling, but the contractor will take and for salvage value there is a market for parts and pieces, so we will derive a credit and a salvage value for those seats in the final bid price. We may have all new seats. We may have refurbished seats. We may have refurbished seats from some other facility. It's all going to be a question of price and value and what we get and that will all be evaluated in the bid specs. Budget, we'll be submitting the line item accounts on all components in the project and we'll report on the contingency that we are remaining with in the budget as we go into bidding. We'll talk about the contracts, the bid form, the bid procedures, the advertisements for bidding and the number of contracts under the bid. We'll talk about the alternate bid items. We'll give you a listing of those and approximate costs. Then we'll report on the schedule, the broad issues of the entire schedule and then we'll also give you a daily listing of events up until January 5th which is the closure in '98 of the facility. We'll throw it open for questions and discussion. That was sort of what we...our vision of the meeting and we're open to any additional items that you might suggest for the meeting as well.

President Mourdock: Okay. Pat, any comments?

Commissioner Tuley: No, I think you're going to have enough to discuss right there.

Mike Shoulders: That's quite a bit and if something comes to mind why please call me and we can be prepared for any other items.

President Mourdock: Go ahead.

Commissioner Jerrel: Actually, item number three, I don't think that's the way we want that in there.

Mike Shoulders: Okay.

Commissioner Jerrel: Because that's not the...the main issue there has to do with the management company and we are, you know, the finalizing of the employee shutdown and food service is not the main topic.

Mike Shoulders: So number three...you want to leave out number

three?

Commissioner Jerrel: No, we want it in there, but that shouldn't be the focus of it.

Mike Shoulders: Uh-huh. You're talking just discussion of the kitchen equipment only per se?

Commissioner Jerrel: Oh, is that what you're thinking of? We're looking at--

President Mourdock: No, I don't think that was what Mike was thinking of. That was a question, I think.

Commissioner Jerrel: Oh.

Mike Shoulders: Well, I guess what I was thinking of and it may not be appropriate at that meeting, but when we bid the project we had talked about bidding the kitchen equipment as a single contract and we'll know what that costs us and then there are different ways to package that. We could get a lease back and not have it in the bond. We could have a food service company that provides that and it's a lease payment for us. There is just different ways to structure the provision of equipment and that does start to dabble into the management issues. I'm not so concerned with that. I'm concerned of how we deliver the equipment and the fitting out of the spaces and whether that is done through a management contract or the contract and that really is what I am concerned about.

Commissioner Jerrel: Well, the point I am trying to make and I didn't do a very good job of it, site sculpture and the kitchen are not...I mean, we have a big concern that evening that we want to talk about that doesn't relate to any of that.

Mike Shoulders: Uh-huh.

Commissioner Jerrel: That is when do we shut the building down and how do we do it and if we need to have...you know, how we are going to get what is county property out? It's very important to us and, you know, the site sculpture and that sort of thing is...I don't know.

Mike Shoulders: Well--

President Mourdock: If I may, let me make a suggestion here. Obviously, we have some other business to take care of on our normal Monday night meeting next week in addition to having the bulk of that meeting dedicated to this purpose.

Mike Shoulders: Sure.

President Mourdock: Why don't we just basically condense some of this into our agenda.

Mike Shoulders: Okay.

President Mourdock: Bettye Lou, Pat and myself will have a look at the agenda before it gets published next week so that we'll

all have a chance to either add an item or not.

Mike Shoulders: That's exactly what I wanted you to do. We'll be glad to talk about whatever and if you want to condense any of this, you know, just let us know and we'll come prepared to talk about whatever you want to.

President Mourdock: Bricks and mortar and schedule is I think--

Commissioner Tuley: More than anything.

Commissioner Jerrel: Right.

Mike Shoulders: Okay, good enough. Any other questions?

President Mourdock: I would suggest at least as an outline in coming back to us, and if you would, Lynn, make sure we fax over a copy of the agenda to Mike for that meeting and for your part of the presentation, Mike, I would just suggest that you and your folks maybe kick it off with no more than 30 minutes of discussion going through whatever items end up being listed on the final agenda and then we will open it up for questions.

Mike Shoulders: That's fine. Okay. Thank you.

**Cheryl Musgrave - Approve contract with David Hurst**

President Mourdock: Okay the next item we have is a contract on behalf of the County Assessor. Is Cheryl here or David? I don't think so, but we have in our packet a draft of a contract with Mr. David Hurst who is the individual signing to provide services for the County Assessor. Joe, do you have any comments about this agreement?

President Mourdock: She redrafted the agreement and I believe that the term of the contract will extend...what was the...Lynn is trying to find the original.

Commissioner Jerrel: It's \$400.

Joe Harrison, Jr.: No, but the term...yeah, I think the term is to go until August of 1997. She's got in her draft May 10, 1997 and we have already gone past May 10th I hope. At least I thought we had gone beyond May 10th. Lynn is looking for the original somewhere around here.

President Mourdock: I think in the original it scratches `97 and goes to `98. I seem to recall seeing that.

Joe Harrison, Jr.: Yes, so as far as the amounts are concerned there is no problem. She has done this in the past years, it's just that the term will extend up until, I think, September or so of this year as opposed to May.

Commissioner Jerrel: Is it appropriate that we can approve this subject to the correction of the dates?

Joe Harrison, Jr.: Well, she has corrected it. It's just that Lynn is looking for the original.

Commissioner Jerrel: Okay, well I am going to move approval of this agreement with David Hurst subject to the correction of the dates.

Commissioner Tuley: Second.

President Mourdock: So ordered. Again, I think in the signature file it has some scratched and corrected. I've seen that.

**Old State Road Barrett Law project - Confirmation of resolution**

President Mourdock: The next item we have is regarding the Old State Road Barrett Law project. Joe, again, I will turn it to you.

Please come ahead, Mr. Salmon.

Joe Harrison, Jr.: On the agenda this evening are two final resolutions for consideration by the Commissioners. What we want to do is take each one separately and each is a public hearing regarding the project. The first is the, and Mr. Salmon is here for, Old State Road sanitary sewer Barrett Law project. I have a copy of the resolution in front of me. If you would like, I would read the same into the record if you want. If not, we can approve the same, but basically what is being done is that the residents along Old State Road who are going to be affected by this particular project have all been notified of this particular public hearing here this evening for them to show up if they so desire to make any comments concerning the proposed project that would enable them to have a sanitary sewer and tap-in of that sewer for their benefit. The estimated project cost for this particular project is \$115,000. This would utilize the Barrett Law pursuant to IC 36-9-36. There are other guidelines that are going to have to be followed down the road which will enable them to, hopefully, get their sewers hooked to their property in the near future, but there will be an advertisement of bids and that will take place, hopefully, in July. I believe, July 7th and then from there the process will get started on their particular project. One of the things that the Board has to do and if you will I will at least read...I think I should read this into the record. Again it's called:

“FINAL RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF VANDERBURGH COUNTY APPROVING THE CONSTRUCTION OF  
THE OLD STATE SANITARY SEWER BARRETT LAW PROJECT,  
THE ISSUANCE OF BONDS TO FINANCE SUCH PROJECT  
AND ADDRESSING MATTERS RELATED THERETO

WHEREAS, IC 36-9-36 permits the Board of Commissioners of Vanderburgh County to construct, among other improvements, sanitary sewers and sanitary sewer tap-ins and fund the construction of such improvements through the issuance of bonds payable from Barrett Law assessments received from property owners which benefit from the constructed improvements; and

WHEREAS, the County has been requested by property owners to construct certain sanitary sewers and sanitary sewer tap-ins in the vicinity of 8417 Old State Road; and

WHEREAS, the project is located in an unincorporated area of the County that contains residential or business buildings and is not located on a tract of land that consists of at least ten acres and contains only one building that is used for residential purposes or that is used solely for agricultural purposes; and

WHEREAS, on June 9, 1997 the County Engineer filed with the Board of Commissioners of Vanderburgh County information indicating that the maximum estimated cost of the project including all incidental, legal, inspection and engineering costs and the estimated cost of the maintenance of the project for three years is \$115,000 and cross-sections, general plans and specifications for the project; and

WHEREAS, on June 9, 1997 the Board adopted a resolution (the Declaratory Resolution) approving the construction of the project pursuant to the plans and the financing of the project through the issuance of bonds pursuant to the Act payable from assessments to be levied against the property benefited by the project; and

WHEREAS, attached to the Declaratory Resolution as Exhibit A is a list of property owners affected by the project; and

WHEREAS, pursuant to IC 36-9-36-8(a), the Board published notice of the adoption and substance of the Declaratory Resolution in accordance with IC 5-3-1, which notice stated that a public hearing on this matter would be held on the date hereof and that at the conclusion of the public hearing the Board may take final action on whether the benefits to the property liable to be assessed for the cost of the project will equal the estimated maximum cost of the project; and

WHEREAS, pursuant to IC 36-9-36-8(b), a copy of the notice was sent to each of the property owners at the addresses that appear in the records of the Vanderburgh County Assessor; and

WHEREAS, the Board has on the date hereof conducted the public hearing at which all interested persons have been heard and after considering such public comment, desires to take final action on whether the benefits to the property liable to be assessed for the cost of the project will equal the estimated maximum cost of the project."

Before we go further, I think it might be appropriate now for you to speak at this time and then if they are so inclined to finish the rest of the language in the resolution that will be the act which will get this project for you all going even further.

Brad Salmon: Thank you, Joe. My name is Brad Salmon. I'm the attorney representing the Old State sewer project. Joe has described most of the procedure. I won't bore you with many more details other than the project itself involves 1,900 feet of sewer approximately from Mount Pleasant/Old State south and it would involve 25 landowners and we have a petition that should be part of the packet you already have where at least 60% are in full support of this project. With respect to the benefits, those in support of the project, the Health Department has received complaints from neighbors that are adjacent to the west side neighbors on Old State about open sewage that is running and certainly in this day and age when you have a group of county residents that want to come together and are willing to absorb most of the costs, if not all of it, to eliminate that problem I think is certainly something that this county should take a good long look at. The septic systems that are in place now would not be approved if they were applied for today. They use a sand pit that is no longer permitted. Most of these properties, as Joe indicated, are single family dwellings and it is certainly something that there is just not enough space for the field bed that would be sufficient and the clay soil that is present is also is a detriment. I think the health risk is certainly something that should be considered as well as the shared financial increase to the property by having access to being able to tap in to a sewer. I would simply ask those that are here in favor of the project to stand up tonight. Andy Easley has done a fantastic job of designing the project and I know he is available in case specific questions are addressed.

President Mourdock: Okay, thank. Any questions for Mr. Salmon or Joe Harrison?

Commissioner Jerrel: I would like to make a motion for the final resolution of the Board of Commissioners of Vanderburgh County approving the construction of the Old State Road sanitary sewer Barrett Law project.

Commissioner Tuley: Second.

President Mourdock: So ordered. Except we need a roll call vote, I believe.

Joe Harrison, Jr.: Yeah, and before you go further you might see if there are any others that may want to address the Board that may not of stood up. Are there any others?

President Mourdock: Yeah, thank you Joe. Anyone wishing to speak for or against? Please come forward, sir, and state your name. I know we do have, in fact, I was about to mention at least one written objection where someone wishes not to be included.

Bill Mattingly: My name is Bill Mattingly and I live at 8015 Old State Road. This thing all got started quite a while ago and at that time there was 28 residents that were supposed to be in this. I was wondering what happened to the others?

Brad Salmon: I think I can answer that one.

President Mourdock: Excuse me, you need to come to the microphone otherwise we won't pick you up.

Brad Salmon: Some of the neighbors would be north where Mount Pleasant and Old State come together. They have no desire to be a part of this project, so they have been eliminated from this project entirely. Correct me if I am wrong, Andy, but I believe that is the case. They were not interested so the sewer line will not be run that far north to help save on the cost of those that do want the system.

President Mourdock: Joe, will you clarify?

Joe Harrison, Jr.: So you are saying that only those who would potentially be benefitted by the project are those included within its boundaries?

Brad Salmon: Correct.

Andy Easley: These three decided to drop out.

Bill Mattingly: Well, I don't understand why were they dropped? I live way down there on the south side.

Andy Easley: They would of had to of paid more...I mean, the project would have been longer and--

Bill Mattingly: It's almost infeasible to even hit these houses with sewer. Especially that one.

Andy Easley: You can't get a gravity sewer, but you can get a sewer in front that they can pump to.

Bill Mattingly: Yeah, right. They would have to pump to it along with a lot of other ones down through here too right?

Andy Easley: No, I don't think anybody else is going to have to.

President Mourdock: Andy, would you step a little closer to the mike, please?

Bill Mattingly: Basement drains that are below the eight foot sewer or...?

Andy Easley: You normally aren't required to serve a basement.

Bill Mattingly: With your sewer? You just let all that run out on the ground then or what?

Andy Easley: No, if you have a sump pump the sump pump for the foundation drains is not supposed to go into the sanitary sewer.

Bill Mattingly: Well, you've got a sanitary basement drain. What if you've got a restroom downstairs?

Commissioner Jerrel: Well, you can't have--

Andy Easley: This contour line shows that you are sufficiently

above that.

Bill Mattingly: I'm not talking about me, I was talking about the rest of them.

President Mourdock: Excuse me, let me bring us back on track here if I may. The question regarding why people were excluded, I think I heard Mr. Easley say, and correct me Andy if I didn't--  
-

Andy Easley: This is Andy Easley. The three...there were three houses at the north end of the original proposed project. When they were out canvassing they originally thought those three wanted to be included and then they found out there is two houses that were below, way below, the street level and would of had to of had pumps. They elected not to pump to it. They said if they couldn't--

President Mourdock: Okay, who elected? The homeowners?

Andy Easley: The homeowners, the homeowners.

President Mourdock: Okay, thank you.

Bill Mattingly: Well, I wouldn't of asked if I didn't want to. You know, that's what I don't understand.

Andy Easley: Well--

Bill Mattingly: If you went and asked all these people if they wanted a sewer...I was asked one time and turned down. You know, I turned it down and said I don't want the sewer and I never was approached again until I got this registered letter.

Andy Easley: Well, the sewer is starting at a manhole down here close--

Bill Mattingly: I know exactly where the sewer is at.

Andy Easley: It has to go in front of your property.

Bill Mattingly: Right.

Andy Easley: It has to go in front of your property and I guess if you don't want to connect to it, if you don't have any problems--

Bill Mattingly: Do you have to connect to it?

Andy Easley: I think--

Bill Mattingly: Do you have to, this fee that you're going to--

Andy Easley: I think if you are within the boundaries of the Barrett Law sewer I believe that you will have to pay an assessment.

President Mourdock: Wait a minute. I want to make sure I understand and I want to word it correctly because Mr.

Mattingly's question is very specific. You're saying that it's going to run across your property, Mr. Mattingly?

Bill Mattingly: Run in front of my property.

President Mourdock: Okay, but not on your property?

Bill Mattingly: I believe the sewer is on the other side of the road.

President Mourdock: Okay, so you are not connecting to it? The way it is drawn right now you are not connecting to it?

Bill Mattingly: They show me on the plans...they show me connecting to it, yeah. They show an outlet right across the prints that show a sewer outlet to my property.

President Mourdock: Okay, let me go backwards. You do want to connect to it?

Bill Mattingly: No, I do not.

President Mourdock: Okay. Alright. Go ahead, Joe.

Joe Harrison, Jr.: There is a procedure--

Bill Mattingly: I'm one of the 40%, I guess. I thought there was more than 40%, but we're just told that there is 40%.

Joe Harrison, Jr.: Okay, there is a procedure whereby you can object and you have to file a written objection with the Board of County Commissioners within five days of today's date. So you may...if you need help from an attorney you may want to contact an attorney, but I am telling you--

Bill Mattingly: I mean, it kind of sounds like a done deal because they've already got all the roads marked and everything else you know.

President Mourdock: Continuing down that road, Joe, if he files his objection does he have to pay?

Joe Harrison, Jr.: Yes. If, in fact, the project proceeds and there aren't 40% of those who object or there is another period of time within which people can remonstrate down the road as well, so if those who are supportive of this project outnumber those who are against, pursuant to the ramifications set forth in the state statute, if the guidelines are followed and those who are supportive of this project outnumber by law through the numbers that are required--

Bill Mattingly: What are the numbers?

Joe Harrison, Jr.: --then the project will proceed forward if that's what this group wants.

Bill Mattingly: Less than 50%?

Joe Harrison, Jr.: Well, as far as the written objections are

concerned it's got to be 40% of those owning property abutting to the improvement. You have five days from today's date within which to file a written objection to this Board.

Bill Mattingly: I mean, that's a lot of money to railroad people into that don't want a project like this you know?

Joe Harrison, Jr.: That's why...the statute is passed by our legislators up in Indianapolis and they design this law to enable individuals who want this particular law to take advantage of it if, in fact, it works.

Bill Mattingly: Take advantage of the ones who either can't afford to pay or don't want to pay.

Joe Harrison, Jr.: Well, that is the way the law is written, so if those who want it prevail over those who don't want it, then those people are going to prevail.

Bill Mattingly: All these limited income families are going to have to go ahead and pay their--

President Mourdock: It's basically a matter of numbers, Mr. Mattingly.

Bill Mattingly: Okay.

President Mourdock: If, in fact, and you raised the question whether or not the numbers were right and you said you were part of the 40, but you are only told it's 40. If the number of people who object end up being greater than the number of people who sign in support of it, then the whole thing is a dead issue. I mean, it basically doesn't happen. That's really the procedure that is out there.

Bill Mattingly: I guess we can't count the three up on top of the hill that didn't want it, you know?

President Mourdock: You can count them if they are within the area defined by the resolution.

Bill Mattingly: By the resolution, okay.

Joe Harrison, Jr.: And they follow the law.

President Mourdock: Right, yeah.

Bill Mattingly: Okay.

President Mourdock: Was there anyone else wishing to speak for or against.

Brad Salmon: If I might just clarify. There is a difference between having to pay the cost of construction and having to pay to tap-in. You will not have to pay to connect if the line is put in. You just would have to pay your share of the construction.

Bill Mattingly: Right, but that's a lot for a lot of people.

Brad Salmon: I understand.

Bill Mattingly: These people don't realize what it is going to take to get this sewer in the back of their house, through their driveways and it is unbelievable some of it.

President Mourdock: Okay. Thank you, Mr. Mattingly. Anyone else wishing to speak for or against the resolution? Yes ma'am.

Rosemary Datzman: I'm Rosemary Datzman and I live at 8514. I don't know if I am one of the three at the top of the hill. I don't know what they are talking about, but I was wondering, do you have to have a lawyer to say you don't want it? I don't care if the other people have it that want it, but I don't want somebody to be railroaded into paying if they don't want it. We paid...our house was built in the late '30's. It's old, but our septic system lasted until about four years ago. We paid about \$3,500 and it should last that long again or longer. Anyhow, it's a good septic system and that's a heck of a lot cheaper than paying sewer bills every month. I mean, I can understand if people are having problems. Also, do you have to have a lawyer? That's my question.

President Mourdock: Okay.

Joe Harrison, Jr.: Ma'am, what's your name again?

Rosemary Datzman: Rosemary Datzman.

Brad Salmon: Joe, if I might add she is one of them that was at the top that is not part of the project. In fact, I don't believe she was even served.

Rosemary Datzman: Yeah, I was.

Brad Salmon: You were served notice?

Rosemary Datzman: Yeah.

Brad Salmon: She was not supposed to be part of the scope of the project.

Rosemary Datzman: Can I speak for my sister?

Commissioner Jerrel: Okay, well I think...wouldn't it be appropriate--

Joe Harrison, Jr.: What is your address ma'am?

Rosemary Datzman: 8514.

Commissioner Jerrel: You need to verify if 8514 and you two need to talk.

Rosemary Datzman: Because they've got lines up there. They painted the lines there and they painted them all the way to the corner. That's all I am asking.

Joe Harrison, Jr.: We didn't send her notice.

Rosemary Datzman: My sister gave me her notice.

Joe Harrison, Jr.: Where does she live?

Rosemary Datzman: She lives at 8410.

Joe Harrison, Jr.: Well that's different.

Rosemary Datzman: I know. I know, but I am saying the lines are there. Are they going to dig it up and put me in to?

Joe Harrison, Jr.: You're not included in this proposed project.

Rosemary Datzman: And it is definitely not going--

President Mourdock: Wait a minute ma'am. I just want to be sure you understand. The fact that there is a line on the ground doesn't mean one way or another that you are involved.

Rosemary Datzman: They are not going to dig there?

President Mourdock: No, no. It may mean that they will dig on the easement that is already there.

Rosemary Datzman: But I don't have to hook into it?

President Mourdock: Bingo. There you go. That's the point.

Rosemary Datzman: Thank you.

President Mourdock: Okay, County Attorney John Stoll rushing to the microphone with something to add I'm sure.

Commissioner Tuley: He's the Engineer there.

President Mourdock: Or County Engineer!

John Stoll: I just wanted to add that the last manhole is in front of 8500 Old State Road, so it will not go up as far as 8514. The last manhole stops just short of there. It's in front of the Worsdorfer house.

Commissioner Jerrel: Joe, we can't hear you.

President Mourdock: Yeah, say that much louder, John. I couldn't hear you either.

Commissioner Jerrel: They need to be able hear you.

John Stoll: The last manhole on the project is in front of 8500 Old State Road in front of the Worsdorfer house and there won't be any construction north of that point, so it won't be built in front of the 8514 address.

President Mourdock: Okay, thank you.

Norma Scott: I'm Norma Scott at 8514...I forgot my address! That's her address; 8410 Old State. So, what does that mean for me? I don't care if it is out there, but I was not planning on

hooking up.

President Mourdock: Okay, Joe, the address is 8410 Old State Road.

Joe Harrison, Jr.: Well, again, you're going to have to file a written objection within five days of today's meeting and file that objection with this Commission body if, in fact, you're opposed to it. If that's what you want to do.

Norma Scott: Why wouldn't I have known that before?

Joe Harrison, Jr.: Well, I don't know.

Norma Scott: I mean if anybody has had an objection to this before because some of us have and there is more of us than there are here--

Joe Harrison, Jr.: That's why you got notice of this hearing tonight.

President Mourdock: Right.

Norma Scott: That's why I got notice that I can object?

Joe Harrison, Jr.: Right.

President Mourdock: Right, exactly.

Norma Scott: What do I have to do? Do I have to have a lawyer?

Commissioner Jerrel: No.

Norma Scott: Just write it?

Commissioner Jerrel: Yeah, just write a little--

Joe Harrison, Jr.: Yeah, I mean if you send written notice to this body within five days from the date of this letter saying that you live within the proposed project and object to it for whatever reason I am sure that would be counted as an objection.

Norma Scott: Okay. May I ask just one more question?

President Mourdock: Sure.

Norma Scott: What is the difference, and maybe you've said it and I didn't hear it, but why is there a difference in some people having to do it and others not in this area?

President Mourdock: Having to do what?

Norma Scott: Well, having to hook up or be assessed or whatever? She said for 8514 that she is not on it.

President Mourdock: Because she is outside the area.

Commissioner Tuley: The defined area, yeah.

President Mourdock: There is a geographic area that this project defines. She happens to be outside of it based on her address and you happen to be inside of it based on your address.

Norma Scott: Alright, thank you.

President Mourdock: Okay. Yes, sir.

Leroy Walther: Leroy Walther, 8417 Old State Road. On the petition we have, we have 60% that have signed. I have verified with the 60% and they are in favor of the system. Referring to the marking that is on the road I think that has been erroneous as far as where the tap-in is. This is something that the engineers have did. On the...as far as the people that was left off they were not interested or if they were interested but they said that the sewer had to be able to access their basement without an ejector pump and so we dropped those and we went to the end of the ones that were in favor of the system.

President Mourdock: Okay.

Leroy Walther: Are there any questions?

President Mourdock: Just one question for Joe. If, in fact, someone is in that situation now where they are within the geographic area defined by the resolution and they have previously said that they didn't want to be hooked up, but then they change their mind there is nothing that needs to be amended by us in that situation is that safe to say? They're within the geographic area of this resolution and, for instance, they are saying because as Mr. Walther just cited perhaps initially they looked at it they thought well my basement is lower than that elevation I don't want to put in a sump pump just to handle that and therefore I don't want in, but if later they decide either A, they don't have any flowage coming out of their basement so they wouldn't need a pump or they go ahead and put in the pump they can still tie into this system granted there would be tie-in fees at that point?

Joe Harrison, Jr.: Well, the thing is that everyone within the district is going to have to pay some costs. Whether they want to be in or not they are going to have to pay. So if they don't want to be in, they are going to have to file a written objection otherwise they are going to have to pay.

Commissioner Jerrel: Even if they file the written objection if 40% do not then they still pay.

President Mourdock: Still have to pay.

Joe Harrison, Jr.: That's exactly right.

Commissioner Jerrel: I couldn't get that--

Leroy Walther: There are ten that object to or was not interested. If the ten...if nine of them file the project still goes forward correct?

Joe Harrison, Jr.: I've got to look at the numbers. It just

depends on what comes in.

Leroy Walther: The ten is 40%, so if they had nine they would not have 40%.

Joe Harrison, Jr.: That's under your math, but we're going to have to see what comes in within the next five days.

Leroy Walther: Okay.

Bill Mattingly: Can I say one more thing please?

President Mourdock: Sure. While you are coming to the microphone let me just clarify something. Joe, is that by lots, by real estate tracts or by individual owners?

Joe Harrison, Jr.: Well, it's by owners of the lots.

President Mourdock: So if you have--

Joe Harrison, Jr.: One vote per family or one vote per lot.

President Mourdock: Yeah, one vote per lot.

Joe Harrison, Jr.: Okay.

President Mourdock: An important distinction there. Okay, Mr. Mattingly.

Bill Mattingly: I don't like this five day stuff, but that's probably your procedure or whatever.

Commissioner Tuley: It's the law, a state law.

President Mourdock: It's not our procedure. It's the State of Indiana.

Bill Mattingly: These people have been working on this for months and then that gives us five days to...these people don't realize what they're...I'll give you these. They don't realize how much this is going to cost them and I think his 60% of his people would go way down if they really realized what it was costing them to put this sewer in. Five days to get all these people together is kind of hard to do.

President Mourdock: Again, that is the statute of the State of Indiana. That is not something that we control. We didn't set that. We didn't even ratify that.

Bill Mattingly: But there was never any meetings talked after the first time that they started this thing you know. They had meetings. Regular meetings of the people that wanted it, but I don't think some of these people realized what it was even going to cost them.

President Mourdock: Well.

Bill Mattingly: The price has gone up since the first notice that they sent me because there were 28 people involved then and

I assume the Barrett Law makes everybody divide it up between all the people involved right?

President Mourdock: Joe?

Joe Harrison, Jr.: Yeah, it will be split up among all of them.

Bill Mattingly: Split up, right, for the whole \$115,000 or if it runs over or--

Joe Harrison, Jr.: Who knows what the cost is going to be. It will probably be less than that, hopefully.

Bill Mattingly: Well, that is what everybody always thinks.

President Mourdock: You're right on that.

Commissioner Jerrel: But it is also spread over the life of the bond, right?

Commissioner Tuley: Fifteen years, isn't it? Or roughly?

Joe Harrison, Jr.: If the people partake in the bond aspect of it. They may want to pay their portion up front.

Bill Mattingly: Well, then you double your payment for whatever it costs you. I don't think all these people realize really what they are paying.

President Mourdock: Well, you have five days.

Bill Mattingly: Five days. Thank you.

President Mourdock: Again, I'm sorry. Mr. Walther?

Leroy Walther: Everyone in the area was notified of our meetings prior when we first started. The paper he had I had them to mark whether they wanted to pursue it with the Utility Board or with the Barrett Law and 60% chose the Barrett Law to make everyone pay their fair share of the cost. Mr. Mattingly's house is 400 feet off of the road.

Bill Mattingly: It's 600 feet.

Leroy Walther: Okay. He has 360 feet of frontage that he could sale and anybody could go in at a later time and go into the sewer line at no cost except the tap-in fee.

President Mourdock: Okay. Thank you. We had a motion and a second and--

Commissioner Tuley: This needs to be read into the record.

Joe Harrison, Jr.: That now and therefore all needs to be read in.

President Mourdock: Okay, so to read this into the record then and this would require a roll call vote:

"NOW, THEREFORE BE IT RESOLVED BY THE VANDERBURGH COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

1. The Board hereby finds reasonable and approves the estimated maximum cost of the project of \$115,000. The Board hereby further finds that such maximum cost equals the benefits to the property liable to be assessed for the project.

2. The Declaratory Resolution is hereby confirmed without modification.

3. This Resolution shall be in full force and effect upon its adoption.

The foregoing was adopted by the Board of Commissioners of Vanderburgh County this 23rd day of June, 1997."

So, I will call roll call vote favoring that as read. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I would vote yes. So that is approved. Again, five days to accept written notice. Lynn, do you have to original of this in the signature file to keep us from being confused?

**Westwood Hills Barrett Law project - Confirmation of resolution**

President Mourdock: Okay, the next item we have on our agenda then is a similar Barrett Law function. This is for the Westwood Hills Barrett Law project. Anyone here to speak to that issue? Joe?

Joe Harrison, Jr.: This is similar to the last resolution that was just passed by the Board. This relates to the Westwood Hills Subdivision Barrett Law project. What is in front of you all is:

"FINAL RESOLUTION OF THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY APPROVING THE CONSTRUCTION OF THE WESTWOOD HILLS SUBDIVISION BARRETT LAW PROJECT, THE ISSUANCE OF BONDS TO FINANCE SUCH PROJECT AND ADDRESSING MATTERS RELATED THERETO"

I will read this particular resolution and stop where I did before the final language and then let anyone who wants to address it.

President Mourdock: Is that necessary by statute? I know we have done this in the previous years where resolutions on these had to be read in. I'm just curious.

Joe Harrison, Jr.: I would prefer to given the nature of these.

President Mourdock: Okay.

Joe Harrison, Jr.: I'll read quickly.

"WHEREAS, IC 36-9-36 permits the Board of Commissioners of Vanderburgh County, Indiana to construct, among other improvements, improvements to streets and fund the construction of such improvements through the issuance of bonds payable from Barrett Law assessments received from property owners which benefit from the constructed improvements; and

WHEREAS, the County has been requested by property owners to construct certain improvements to the streets in the Westwood Hills Subdivision known as the project; and

WHEREAS, the project (i) is located in an unincorporated area of the County that contains residential or business buildings and (ii) is not located on a tract of land that consists of at least ten acres and contains only one building that is used for residential purposes or that is used solely for agricultural purposes; and

WHEREAS, on June 9, 1997 the County Engineer filed with the Board of Commissioners of Vanderburgh County information indicating that the maximum estimated cost of the project including all incidental, legal, inspection and engineering costs and the estimated cost of maintenance of the project for three years is \$203,000 and cross-sections, general plans and specifications for the project; and

WHEREAS, on June 9, 1997 the Board adopted a resolution, (a Declaratory Resolution), approving the construction of the project pursuant to the plans and the financing of the project through the issuance of bonds pursuant to the Act payable from assessments to be levied against the property benefited by the project; and

WHEREAS, attached to the Declaratory Resolution as Exhibit A is a list of property owners affected by the project (known as the "Property Owners"); and

WHEREAS, pursuant to IC 36-9-36-8(a) the Board published notice of the adoption and substance of the Declaratory Resolution in accordance with IC 5-3-1 which notice stated that a public hearing on this matter would be held on the date hereof and that at the conclusion of the public hearing the Board may take final action on whether the benefits to the property liable to be assessed for the cost of the project will equal the estimated maximum cost of the project; and

WHEREAS, pursuant to IC 36-9-36-8(b), a copy of the notice was sent to each of the property owners at the addresses that appear in the records of the Vanderburgh County Assessor; and

WHEREAS, the Board has on the date hereof conducted the public hearing at which all interested persons have been heard and after considering such public comment, desire to take final action on whether the benefits to the property liable to be assessed for the cost of the project will equal the estimated maximum cost of the project."

President Mourdock: Okay, thank you Joe. Is there anyone here wishing to speak to the Westwood Hills Barrett Law issue?

Jim Ackerman: Yes, my name is Jim Ackerman. I live at 1406 Westwood Hills Drive. As we have presented to you earlier, petitions and so forth for this project and we have very few that may be against it, but we hope that you will proceed and adopt this tonight so we can get on with our project. Thank you.

President Mourdock: Thank you, Mr. Ackerman. Anyone else wishing to speak for or against?

Richard Gibson: My name is Richard Gibson. I live at 5700 Woodland Knoll Lane. The only question I have about this as the bids are coming in for the project, who has approval of the construction companies that are going to be doing the construction work? Would that be us or is that you?

Joe Harrison, Jr.: This body.

Richard Gibson: This body?

Joe Harrison, Jr.: We approve the bids.

Richard Gibson: Okay.

President Mourdock: Let me take that backwards step. This body relies on the County Engineer's office to review those types of estimates since he is the engineer. He is the expert and we're not.

Richard Gibson: Okay, thank you.

President Mourdock: Okay, thank you Mr. Gibson.

Ken Lang: Hi, my name is Ken Lang, 1235 North Boehne Camp Road. My only real question is the maximum of \$203,000...I have people who have done concrete work for me...I just recently built, and they say that there is no way that much work is going to be done for that cost. What will happen if the bids come in above?

Joe Harrison, Jr.: Probably have to start over.

Ken Lang: Thank you.

President Mourdock: Yeah, that's a very good question. Any other questions regarding the Westwood Hills project either for or against? Okay.

Unidentified: I have a question. My brother and my mother live at 5637 Woodland Knolls.

President Mourdock: Excuse me. If you would, state your name and address please.

Jeanne Gebhardt Bornefeld: Jeanne Gebhardt Bornefeld. I represent Marie Gebhardt and Paul Gebhardt. They both own land on Woodland Knoll Drive.

President Mourdock: Okay.

Jeanne Gebhardt Bornefeld: How are they assessed? Frontage or is everything just equal as divided up among everybody?

President Mourdock: Joe.

Joe Harrison, Jr.: Just proportionately by lots.

Jeanne Gebhardt Bornefeld: Okay, it's just by lots? Everybody has an equal amount no matter how much land they own?

Joe Harrison, Jr.: Right, each lot will be assessed the same since they will be for the most part benefitted the same.

Jeanne Gebhardt Bornefeld: Okay, does it matter if there is a house on there or not? It's just access.

Joe Harrison, Jr.: No.

Jeanne Gebhardt Bornefeld: Okay.

Joe Harrison, Jr.: Which landowner were you referring to?

Jeanne Gebhardt Bornefeld: My mother is Marie Gebhardt. She lives at 5637 Woodland Knoll Lane and my brother lives two doors down towards Boehne Camp, but he doesn't have a house there. It's just a lot.

Joe Harrison, Jr.: Oh, here we go. Paul Edwin and Marie Gebhardt? 5637 Woodland Knoll?

Jeanne Gebhardt Bornefeld: Right, that's my mother. My brother lives...he doesn't live two doors down. He owns property two doors down.

Joe Harrison, Jr.: Okay, Lot 33. What is your brother's name?

Jeanne Gebhardt Bornefeld: Paul. It may be under my mothers name.

Joe Harrison, Jr.: Yeah, okay.

Jeanne Gebhardt Bornefeld: Okay, she'll be assessed for two lots then? These are questions I know she will ask.

Joe Harrison, Jr.: The other lot that we have for them is Lot 35, so they own lot 33 and 35?

Jeanne Gebhardt Bornefeld: Right.

Joe Harrison, Jr.: Is that right?

Jeanne Gebhardt Bornefeld: Right. They'll just be divided up among the people? She broke her hip and that is why I am here and that's why she is not here.

Joe Harrison, Jr.: I think there are...it looks like it starts at three and goes to 96. It looks like there are 93 or so lot owners.

Jeanne Gebhardt Bornefeld: Okay, and that will just be divided up. Will she be billed or how will she pay for it?

Joe Harrison, Jr.: There is a long process that will take place here, but at some point the County Assessor's Office will notify her of the proposed assessment and then there is a period of time within which to object to that particular assessment. That sum of money can be paid then soon after that notice or if she chooses she may want to take part in the bond issue that will be issued so she can pay over a period of 10 or 20 years if that is what she wants to do.

Jeanne Gebhardt Bornefeld: She was worried that her property was going to be attached.

Joe Harrison, Jr.: If--

Jeanne Gebhardt Bornefeld: For payment of it. I don't know what she meant by that.

Joe Harrison, Jr.: If, in fact, what will happen is if she does not pay up front there will be a lien against her property for the period of time that the amount is outstanding just like a mortgage would be on a house, but if she chooses to pay up front there will be no lien assessed.

Jeanne Gebhardt Bornefeld: Or are they attached to her house payment or whatever or a payment over a period of time?

Joe Harrison, Jr.: Yes, she could pay over a period of time, but there would be a lien that would be attached assuming that she didn't want to pay up front. The same thing would happen to all of them. That's the only way that the bond holder will have, you know, a lien against the property should the person not pay their fair share.

Jeanne Gebhardt Bornefeld: Alright. Okay, thank you.

Joe Harrison, Jr.: Okay.

President Mourdock: Thank you.

Ken Lang: The total count, Ken Lang, has kind of got me confused. My brother owns property which was adjoining my lot

which I did a mini sub on, Lot 4. I was told that his property on 5501 Upper Mount Vernon Road--

Joe Harrison, Jr.: Yes, that apparently is not in.

Ken Lang: Not in, okay.

Joe Harrison, Jr.: I think at one point it was considered in, but it's not in.

Ken Lang: Okay.

Joe Harrison, Jr.: Your's is though.

Ken Lang: Mine is.

President Mourdock: Very good questions. Anyone else for or against this project? In that case I would, again, read part of this resolution which states:

"NOW THEREFORE BE IT RESOLVED BY THE VANDERBURGH COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

1. The Board hereby finds reasonable and approves the estimated maximum cost of the project of \$203,000. The Board hereby further finds that such maximum cost equals the benefits to the property liable to be assessed for the project.
2. The Declaratory Resolution is hereby confirmed without modification.
3. This resolution shall be in full force and effect upon its adoption.

The foregoing was adopted by the Board of Commissioners of Vanderburgh County this 23rd day of June, 1997."

So I would ask for a motion to accept that.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: Roll call vote. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I vote yes, so it is approved. Again, anyone in the audience who may be in objection to this, you have five days to notify in writing this Board of your feelings. Thank you for your questions and patience.

**Resolution of support - American Eagle jet service to EVV Regional Airport**

President Mourdock: The next item we have on our agenda is the support of a resolution regarding American Eagle jet service to the Evansville Regional Airport and I am not going to read that into the record.

Commissioner Tuley: I would move approval of the resolution at this time then.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Ronald London - Permission to advertise vacation of easement**

President Mourdock: We have two requests for vacation of easements. The first is on the property of a Ronald London. Anyone here on that particular issue or Joe do you wish to comment about that?

Joe Harrison, Jr.: I don't have any comments. I assumed that someone would be here this evening.

Charlene Timmons: They come through my office and it is just a request to advertise and then we will have the actual hearing. They both agreed to July 14th and if you give me permission to advertise I will advertise it and then they will send out their abutting property owner notices.

Commissioner Jerrel: I move approval to advertise the hearing date for the petition to vacate easement requested by Ronald London to July 14, 1997.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Kip Husk - Permission to advertise vacation of easement**

President Mourdock: We have a similar matter for a property by, and forgive me, it is either a Mr. or Ms., and I'm not sure which, Kip Husk to vacate an easement. Again we need a motion to advertise.

Commissioner Jerrel: I would like to move that we grant permission to advertise to vacate the easement requested by Kip Husk. Is that date also the 14th?

Commissioner Tuley: Yes.

Commissioner Jerrel: July 14th.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Burdette Park - Campsite rate increase**

President Mourdock: The next item we have is a report from Lynn Ellis regarding the campsites at Burdette Park.

Lynn Ellis: The meat of this agenda item was left on your desk this evening. There is a letter to the campground renters, those that have the trailers on the Burdette Park site with proposed changes to the rates being charged to them. I would ask that the Commissioners approve this. The Advisory Board approved these increases. These are in line with the surrounding parks in and around the tri-state area.

President Mourdock: Okay.

Commissioner Jerrel: Should these be read, Joe? These amounts?

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: I need to read it:

**"Seasonal rates**, April 1 to October 31, sites equipped with water and electric:

\$ 11.00 per day  
\$ 66.00 per week

Reservations will be taken but a two week maximum will be imposed. The two week maximum may be waived if the campsites are not full.

**Off season rates**, November 1 to March 31, sites equipped with water and electric:

\$ 11.00 per day  
\$ 66.00 per week  
\$225.00 per month

**Seasonal rates**, April 1 to October 1, full hook-up:

\$ 12.00 per day  
\$ 72.00 per week

Reservations will be taken, but a two week maximum will be imposed. The two week maximum may be waived if the campsites are not full.

**Off season rates**, November 1 to March 31, full hook-up:

\$ 12.00 per day  
\$ 72.00 per week  
\$250.00 per month"

That's a motion to approve.

Commissioner Tuley: Okay, the only question I have and I wasn't sure I heard you say October 31 or October 1st on the Seasonal

rates, April 1--

Commissioner Jerrel: Seasonal rates, April 1 to October 31.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Suzanne M. Crouch - Certificate RE: Annual Financial Information Disclosure**

President Mourdock: Suzanne Crouch, County Auditor, has an Annual Financial Information Disclosure statement to submit and discuss.

Suzanne Crouch: Yes, this is just your signatures attesting to the information in the Annual Financial Statement. That information has been verified by our office and it is required by the repositories for the bond issues that the county currently has. I'll be happy to read the entire agreement if you so choose!

Commissioner Tuley: One more reading and I am leaving.

President Mourdock: Yes. Just for the record, that is an independent audit correct?

Suzanne Crouch: That's financial, yes, that Umbaugh & Associates did.

President Mourdock: Right.

Commissioner Jerrel: It includes our four bonds. The Economic Development Lease Rental of '95; Revenue Bonds of '96, Series A; Tax Refunding Revenue Bonds of '96; and Excise and Income Tax Lease Rental Bonds of '96. It would be the auditorium, Azteca, the TIF and something else.

President Mourdock: Is there a motion to accept?

Commissioner Tuley: So moved.

President Mourdock: There is a motion to accept.

Commissioner Jerrel: I second.

President Mourdock: Okay, so ordered before it gets fully read into the record!

**Any group or individual wishing to address the Commission**

President Mourdock: Okay, any group or individual wishing to address the Commission on any issue not discussed this evening or on the agenda? Ma'am.

Dolores Goebel: Dolores Goebel, 13325 St. Wendel Road. This letter states review of Jarboe Subdivision at 6:30.

President Mourdock: You need to go--

Dolores Goebel: It said Room 307.

Joe Harrison, Jr.: Drainage Board?

Charlene Timmons: It's on the Drainage Board.

President Mourdock: Oh, for Drainage Board. We'll get to it. We adjourn and then come back together and reconvene as the Drainage Board.

Dolores Goebel: I'm sorry.

President Mourdock: Same issue ma'am?

Barbara Hancock: I have a question. My name is Barbara Hancock, 8909 Hedden Road. This is about the drainage on Five Oaks Subdivision. Is that going to be addressed next because it is not on the agenda? When he looked at it he said it wasn't there, but it is going to be addressed?

President Mourdock: It's a Drainage Board issue, so I think it's--

Commissioner Tuley: What one was it? Jarboe is on there and what was your's?

Barbara Hancock: Five Oaks Subdivision. It's on Hedden Road between Kansas and Millersburg.

Commissioner Tuley: I don't see it on the Drainage...okay, Five Oaks Sub, I don't see it.

Barbara Hancock: I may need to leave and come back some other time, I don't know.

Joe Harrison, Jr.: You might want to ask Mr. Jeffers. He ought to be here in just one second.

Commissioner Tuley: Yeah, he is the Deputy Surveyor.

Commissioner Jerrel: It starts in two minutes.

Barbara Hancock: I just don't want to sit through the whole thing and find out it's not going to--

Commissioner Tuley: Right, that makes sense.

President Mourdock: Don't give out misinformation. Okay, we will definitely get to that one in a moment. Any other comments?

**John Stoll - County Engineer**

President Mourdock: Okay, we then have our department head reports. County Engineer, John Stoll. We need to be ready to go to Drainage Board in one minute, 36 seconds.

John Stoll: The first item that I've got is a Notice to Bidders for contract number VC97-06-01, Culvert replacement on County

Line Road West. This will be a culvert replacement on that small piece of County Line Road that is entirely within Vanderburgh County up in the vicinity of Baseline Road.

President Mourdock: Okay.

John Stoll: I recommend it be approved.

President Mourdock: Okay, is this the original? Lynn does not have this in the packet?

John Stoll: No, she doesn't have it in the packet. That is the original.

President Mourdock: Okay, I'll hand that to her just so we can keep it all straight.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I would like to request the Commissioners' authorization for me to sign off on the applications for the disposal of the sand and paint chips resulting from sandblasting the Stringtown Road Bridge. I've got an application that goes to BFI for the disposal of those materials and I just need your authorization to go ahead and sign off on it.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next I've got street plans for Keystone Subdivision, Section VI.

Charlene Timmons: While he is passing those out can I have permission to advertise the Notice to Bidders?

President Mourdock: Sure. Yeah, Pat.

Commissioner Tuley: I'm sorry.

President Mourdock: The first item that John gave us regarding the advertisement for that culvert repair on County Line Road we need formally a motion to advertise.

Commissioner Jerrel: I move approval of the advertisement of the County Line Road bids.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: These streets in this section of the subdivision are all going to be curb and gutter with asphalt. This section of

the subdivision will tie into Heckel Road with one connection that ties into the remainder of the subdivision that crosses over to Oak Hill road. The plans have been reviewed in my office and it's recommended that they be approved.

President Mourdock: For roadway?

Commissioner Tuley: Roadway, yeah. Keystone there on Oak Hill.

John Stoll: This is Heckel over here and then the connection back to the remainder of the subdivision where you get out to Oak Hill Road is right here.

President Mourdock: Boy, that area has really developed.

Commissioner Tuley: This...actually the drainage plans came in and Jeffers gave them real high marks.

President Mourdock: Yes, drainage and erosion control plans for construction. He has said they have been the model for what we have tried to do on several different occasions.

Commissioner Tuley: Right. I would move approval of the road plans as requested by the County Engineer.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The only remaining item that I've got is in regard to Lemcar Lane. This is a small gravel road that we have been requested to have removed from our accepted road list because Mr. Robert Bumb says it has never been maintained by the county. Mr. Bumb, in order to keep it a private lane, he had requested that we have it deleted from the road list. In researching this we found that there is no right-of-way for this road. There is no record of any maintenance done by the county on this road and there is no official record of acceptance of this road by the county, but it does appear on our accepted road list. I've talked this over with Joe and basically it sounds like in order to remove it from the road list permanently it would just take a vote by the Commissioners to have it removed. We've not found any records whatsoever that the county has maintained it and how it got on the accepted list I really don't know. We can't even pinpoint what year it showed up on the accepted list.

President Mourdock: Are there any homes on this?

John Stoll: Just Mr. Bumb and a neighbor.

President Mourdock: This is Fred Bumb?

John Stoll: No, it's Robert Bumb.

Joe Harrison, Jr.: Again, this is a list that the state has, is that correct?

John Stoll: Correct.

Joe Harrison, Jr.: The list that for one reason or another shows this road being on there, but we've never had any desire to have it on this particular list. Is that true?

John Stoll: Right. We periodically find roads that have no record of acceptance by the Commissioners on that list and typically it is not an issue where somebody wants it removed, they're quite happy that the county is maintaining the road, but in this instance there is no right-of-way and there has been no maintenance. I don't know why or how it got on the list.

President Mourdock: Are we formally vacating it?

Joe Harrison, Jr.: No. What he would be asking is that the Board give him the authority to notify the state that this road should have never appeared on the list. Who knows if it was their mistake or how it got on there, but that would be my recommendation is that he send a letter to them at some point notifying them that this road should never appear on any list because it has never been accepted by the county.

Commissioner Tuley: What was the name of the road again?

John Stoll: Lemcar. L-e-m-c-a-r.

President Mourdock: Okay.

John Stoll: There is really no right-of-way to vacate so that's why--

Commissioner Jerrel: I would like to move approval of authorizing the County Engineer to send a letter to the state removing Lemcar Road from the approved list since it never was on there in the first place.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else?

Commissioner Tuley: I've got a question for you John. County Line West, did we have any plans in the near future for completion of the paving? Remember we had the agreement with Posey County? This area in particular is north of Mount Vernon there along Five Dollar...close to Five Dollar Road. Do you know where that is at?

John Stoll: Uh-huh. There are no plans that I know of. Posey County...it's Posey County's responsibility unless there is an interlocal agreement like there was a few years ago and Posey County, to my knowledge, hasn't approached us about doing anything like that.

Commissioner Tuley: Like we did on the other part of it?

John Stoll: Right.

Commissioner Tuley: Okay, so that is their responsibility unless we agree to do it like we did that other section.

John Stoll: Right, east and south boundaries are what you're supposed to maintain.

Commissioner Tuley: East and south, okay.

Charlene Timmons: Excuse me. Could I change the tape real quick?

President Mourdock: Sure.

***Tape change***

Commissioner Jerrel: John, I have something that is partly, I think, in your jurisdiction and part of it is in the Surveyor's. I am going to give it to you first. It concerns a place on Telephone Road where a large culvert is collapsing. The ditches, I think, they pay ditch reassessments so maybe after you look at their pictures of it and the little map shows you where it is and then maybe you could pass it on to Bill Jeffers after you.

President Mourdock: Anything else for John?

Commissioner Tuley: No, that's all.

President Mourdock: Thanks, John.

John Stoll: Thanks.

**County Garage**

President Mourdock: The County Garage. We have in our packets the report from Milton Hayden regarding the activities of the Road and Bridge Crew. Just informationally, I will be meeting out there tomorrow morning with Lynn at 6:30...7:00? Seven o'clock, okay.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Burdette...or well, County Attorney. Joe, do you have anything?

Joe Harrison, Jr.: No, I don't have anything.

President Mourdock: Okay.

**Superintendent of County Buildings**

President Mourdock: Superintendent of Buildings. Lynn.

Lynn Ellis: There are a few things. One, I'll just pass this out. There is a summary of the phone calls that we've received so far regarding what to do with the sculpture at the auditorium.

President Mourdock: Okay, why don't you, if you would, hold that for next week since it is part of the auditorium project. You

can circulate it, but bring it up at that point. We don't need to discuss it. I wonder if this includes...yeah, these include the comments I caught Saturday morning when I was in here. The phone was quite active.

Lynn Ellis: Okay, there is a request from the Cooperative Extension to declare surplus 50 non stacking hard plastic gold chairs. They were used in the conference room and they don't want them anymore so they would like them declared surplus.

President Mourdock: Does anyone have any comments?

Commissioner Jerrel: I didn't hear what she said.

Lynn Ellis: The Co-op when they moved they had more furniture than they knew what to do with. They have 50 stacking chairs. I think they have purchased new equipment and furniture and they have 50 non stacking hard plastic chairs that they would like to have declared surplus.

Commissioner Jerrel: I don't...I mean, I move that we declare them surplus.

Commissioner Tuley: I can't imagine that any department or office would need them. I'll second your motion.

President Mourdock: So ordered. Anything else, Lynn?

Lynn Ellis: Um, yes. I received a quote or a request from Computer Services to make a request regarding the Wage Board convening for the wiring to do the court's package for the computer system. It has to be rewired and the project will exceed the \$75,000 bidding requirements and therefore we have to get the Wage Board together to do the common wages for the project. So I would request your permission to ask the state to do that. You have your appointment, I don't need an appointment. I just need permission to request the Board convene for that project. The work needs to be done while the bid is out for the data equipment.

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else, Lynn?

Lynn Ellis: Um...lord have mercy. I think that's it for right now.

**Burdette Park**

President Mourdock: We have in our packets also the Burdette Park weekly report.

**Consent items**

President Mourdock: Consent items. Employment changes, travel requests, Weights & Measures Annual Report and also the minutes

of the last Burdette Park Advisory Board are included.

Commissioner Jerrel: I would like to move approval of the consent items.

Commissioner Tuley: So moved...second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: We have scheduled meetings posted.

#### Old business

President Mourdock: Item 8, old business. One issue specifically listed on the agenda is the draft ozone ordinance which the County Attorney distributed last week. Joe, I think you've gotten from me the written comments that I made. I don't know if the members have submitted any comments to Joe. It seems to me that there is one thing in particular that we need to give some direction on. First item is each section refers to violations and penalties. At this point it simply reads:

"Violations and penalties. Failure to comply with any provision constitutes a violation of this section and is subject to the following:..."

Then there is this large blank white space. I think at the discretion of this Board we should give Joe some direction as to what kind of dollar amount on a per day basis we should put in there if, in fact, that's how we would do it. I think that would be normal and customary. Joe, is that...?

Joe Harrison, Jr.: Yeah, I agree and maybe the city by now may have come up with some thoughts on the same subject. I think we ought to be somewhat consistent with their fine proposals, but I have not received anything from them.

President Mourdock: Yeah, the last copy I have seen of their draft ordinance it was a blank as well.

Joe Harrison, Jr.: Maybe we can get the ball rolling if you want to provide me with some suggestions.

President Mourdock: Sure, let's put something on the table.

Commissioner Jerrel: I don't have any idea. Did anybody talk to IDEM about anywhere else where ordinances of this sort are in effect so that we are asking for fines that are--

Joe Harrison, Jr.: I've got a draft from one other area and I need to come up with some more information from some other parts of the state. What I can do is speak with maybe the Commissioners Association. They might be able to provide me with at least some other county ordinances.

Commissioner Jerrel: Does Porter have one?

Joe Harrison, Jr.: I don't have...I think the one I have was over near New Albany.

President Mourdock: For what it is worth and the examples I have seen have not been from inside Indiana, but there are some things out on the Net that I have found and I have seen a wide range. Anything from as little as \$500 per day that you are in violation to \$25,000 per day.

Commissioner Tuley: I can find out about Porter for you real quick though or at least by Wednesday. Suzanne, are you meeting with any of the Auditor's coming in on Wednesday?

Suzanne Crouch: (Inaudible, mike not on.)

Commissioner Tuley: The Porter County Auditor is going to be here.

Commissioner Jerrel: Yeah, well that would be good to find out at least because they are in an area that at least we can have an idea. We don't want to...we want the fines to result in corrections, but we don't want to be so punitive that we put somebody out of action.

President Mourdock: Exactly. Do we want to suggest a number at this point then, Bettye Lou? Are you saying let's wait and get more data?

Commissioner Jerrel: I would be more comfortable if we waited and put the numbers in Monday night, next Monday.

Commissioner Tuley: I agree.

President Mourdock: Okay.

Joe Harrison, Jr.: Or at least find some other examples out there. You know, we do have some similar type of violations. For instance, Weights & Measures has, you know, violations for certain things and they have, you know, kind of a standard type penalty and I can look at that as well.

President Mourdock: Since some of these violations could conceivably be going at the same places that they are otherwise frequenting it would be good to be consistent. Okay. If you could report back to us next week on that one. Also, as part of this same subject a very large question that I have is in regard to enforcement within the city given that we are establishing this as a county ordinance. I'll pick an example that may be an extreme one, but just to make the point that during the high ozone or the ozone alert days it has always been voluntary in the past that businesses do things, or even individuals, encouraged not to mow your lawn for instance. Businesses that have drive thru windows have been suggested to be closed, but to my knowledge that has never been even discussed as being mandatory. If this Board chose to include language, again, using this as an example, that drive in windows be closed during days of high ozone alerts, as the county is there any reason we have jurisdictional problems for those drive thru businesses in the city?

Joe Harrison, Jr.: We don't have any jurisdiction within the city.

President Mourdock: Under this ordinance is there any way that can be or should be contemplated?

Joe Harrison, Jr.: If the city would grant us mutual jurisdiction then that would be something that the county could do, but they are going to be passing their own ordinance. Just like they have their own city ordinances the county's ordinance, for instance, with respect to zoning even though it is virtually the same they've got their own particular city ordinance and we've got our county ordinance. Our jurisdiction only relates to those areas outside the city of Evansville within Vanderburgh County, but outside of Darmstadt. It's possible, you know, that we could have some mutual enforcement if we can work something out with the city.

President Mourdock: It seems to me that is going to be the critical thing to get done through their agreement and ours. If, as it says on the board behind you, we have an Ozone Enforcement Officer to simply say that officer has jurisdiction under the county is a non starter because most of the businesses, most of the places that would be emitting the VOC's, are by definition in the city. I guess, my point is that as this process continues along, Joe, would you talk to Kevin in this coming week and see how that specific issue can be addressed.

Joe Harrison, Jr.: Okay.

President Mourdock: Any other comments about the draft that we had? Okay, oh, sure, sure.

Kent Brasseale: I'm Kent Brasseale, an attorney with Kahn, Dees, Donovan & Kahn. I just wanted to speak real quickly concerning the draft ordinance. I'm Chamber Environmental Committee Chairman and also I was a member on the ACORN Committee. I just want to say that the Chamber is happy to see this ordinance coming up. We do support it and I would like to just reiterate, I guess, the ordinance language that encourages the P2 Program, the Pollution Prevention Program. The ozone...I'm sorry, the ACORN study that I think you all got copies of does put pretty much emphasis on the pollution prevention program and as far as making strides on ozone reduction we do believe that is going to go the farthest. In your scenario about the drive thru and things I think the education that the Pollution Prevention Program could promote, not only to industry but also to individuals in the county, would do a lot to help our ozone situation.

President Mourdock: Just to reiterate what you said, under their plan I think 65% of what they were forecasting of ozone reduction came about from the actions of the pollution prevention.

Kent Brasseale: The estimates were that the bulk of the reductions would come from that program, yeah.

Commissioner Jerrel: We have the curriculum that is available

throughout the country that can be integrated into the school curriculum here in the Evansville-Vanderburgh County schools. We've already started doing that, though I am not there to do it, the person that is going to be working on it and I have been talking the biggest part of the summer, so that will be in place next fall.

Kent Brasseale: That's great. That's great. Okay, thank you.

President Mourdock: Thank you and thanks for your patience for waiting through all that. Okay, any other old business?

**New business**

President Mourdock: New business items?

Suzanne Crouch: Yes, I have...I apologize for this coming in late. It's coming from my office. It's a resolution authorizing Kevin Joest...or Kevin Kain and Karen Joest, who are bookkeepers in the Auditor's Office, it is authorizing and empowering them to act as agents for PERF, which is the Public Employee Retirement Fund of Indiana. This rescind the former one you signed which named Karen Joest alone. Any time you add someone or make change we have to have it formally approved by this Board, so I would like to submit that for your signature at this time.

Commissioner Jerrel: I move approval of the addition of two names to the PERF representation for the Auditor's Office. Kevin Kain and Karen Joest.

Commissioner Tuley: Second.

President Mourdock: So ordered. Thank you, Suzanne. Any other new business?

Lynn Ellis: SIGECO?

President Mourdock: Yeah, I have one item. In your packets and also in our signature file is a letter that is from the Board to Mr. Ron Reheman, President of SIGECO. As you know, Replas is looking to acquire the property immediately south of SIGECO's property at roughly 15000 North U.S. 41 North. As part of the state's package of funding that they're helping in a business development grant to relocate Replas they are also requiring some improvements be made to roads and frontage roads. SIGECO has tentatively agreed to go ahead and extend their road across the property from Azteca south to tie into this. I would just like approval to go ahead and sign this letter and send it over. It's confirming to SIGECO what the county's role is in helping Replas and also asking them to formally commit to their part of the project.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any other new business? I would look for a motion of adjournment before we reconvene as

the Drainage Board.

Commissioner Jerrel: I move that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered. We will take about five minutes to sign all these things we just voted on and then we will reconvene for Drainage Board.

The meeting was adjourned at 7:20 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Alvin Holder  
Roger Lehman  
Mike Shoulders  
Brad Salmon  
Bill Mattingly  
Andy Easley  
Rosemary Datzman  
John Stoll  
Norma Scott  
Leroy Walther  
Jim Ackerman  
Richard Gibson  
Ken Lang  
Jeanne Gebhardt Bornefeld  
Dolores Goebel  
Barbara Hancock  
Kent Brasseale  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
June 30, 1997**

The Vanderburgh County Board of Commissioners met in session this 30th day of June in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call this meeting of the Vanderburgh County Commission to order for June 30, 1997. I appreciate all of you joining us tonight. We've got a special meeting in that most of the latter portion of this meeting, in fact, all of the latter portion of the meeting will be dedicated to discussions about the Vanderburgh Auditorium. With that in mind, the items in our agenda, items one through seven...well, let's call it one through eight, which are available over here on the desk. We're going to move rather briskly, we hope, through those items, but if there are any of you who wish to address the Commission on those issues please don't let us get away from it before you have a chance to raise your hand and stop us to make your point. If you do, in fact, wish to address the Commission, because all of our notes are taken verbatim on a recording system, you must come to the microphone and please state your name and address. As we get started introduction-wise, at my far right is Lynn Ellis, Superintendent of County Buildings; Joe Harrison, Jr., our County Attorney; County Commissioner Pat Tuley; County Commissioner Bettye Lou Jerrel; Mr. Bill Fluty, who is Deputy Auditor, Chief Deputy Auditor; and our Recording Secretary, Charlene Timmons. Please join me for the Pledge of Allegiance. Before we do anything official, also just to recognize three of our other elected folks, County Council people Betty Knight-Smith, Curt Wortman and Phil Hoy are with us tonight and I don't see any other elected folks, so I appreciate you joining us to find out about the auditorium project.

**Approval of minutes**

President Mourdock: In our packets this evening we have a number of items and we will start off with our minutes of the June 23rd meeting.

Commissioner Jerrel: I would like to move approval of the June 23rd minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: We have also a certification document from the Auditor's Office that I would ask you to sign regarding the Executive Session we had this evening that began at 4:40 and was completed at 5:30. During that session we discussed the initiation, litigation or pending threatened litigation against the county, collective bargaining negotiations and also other

county personnel matters. I would ask for approval of those minutes.

Commissioner Jerrel: I would like to move approval of the Executive Session minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Opening of RFP for Bridge Inspection Services**

President Mourdock: County Attorney, Joe Harrison, on the opening of some RFP's for Bridge Inspection Services. Those are the boxes in front of Joe.

Joe Harrison, Jr.: I'm not exactly sure which is...it looks like the Bridge Inspection Services RFP is item number C. Is that correct, Lynn?

Lynn Ellis: Right.

President Mourdock: That's right.

Joe Harrison, Jr.: If there is a motion I will open those particular RFP's and report back during my report.

Commissioner Jerrel: I would like to move approval of the opening of the bid proposals, RFP's, for the Bridge Inspection Services. Can we do the other one at the same time?

President Mourdock: Why don't we do them as two?

Commissioner Jerrel: Okay.

Commissioner Tuley: I'll second the motion.

President Mourdock: So ordered.

### **Opening of RFP for Construction Engineering Services (Fulton Avenue Bridge)**

Commissioner Jerrel: I also would make the motion that Joe open the proposals for Construction Engineering Services.

Commissioner Tuley: Second.

President Mourdock: So ordered. Obviously, the County Attorney will take those both under advisement and report back to us.

### **Resolution - Phoenix Commerce Center**

President Mourdock: Next on our agenda is a resolution for the approval of a project agreement for the Phoenix Commerce Center. That document is in your packet and as in the past because of a potential conflict of interest that I may have down the road, I would abstain from any discussions on that.

Commissioner Jerrel: I just had that in my hand with the names! I would like to move approval of the resolution and I would like on Page 2 to insert the names on Section 3:

"Pursuant to Indiana Code the Board hereby appoints Jerry Ramsey and Mike Robling to serve on the Common Construction Wage Committee for the improvements."

Commissioner Tuley: I will second your motion. You should have to so order as Vice President.

President Jerrel: Oh, that's right. Excuse me. I so order.

President Mourdock: Alright, thank you.

### **Vanderburgh County Amended Personnel Policy - First reading**

President Mourdock: We have for first reading this evening the Vanderburgh County Amended Personnel Policy. That has been the subject of a number of discussions with officeholders and department heads over the past few months. We have it redrafted and I would look for a motion on first reading for approval of that.

Commissioner Jerrel: I would like to move approval of the amended ordinance adopting the Vanderburgh County Personnel Policy Handbook first reading.

Commissioner Tuley: I will second on first reading.

President Mourdock: Since that is an ordinance I would ask for a roll call vote also then. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I vote yes.

### **Auditorium Wage Committee**

President Mourdock: For our upcoming auditorium project, item G is referring to the Commission appointment we need regarding common wages. Lynn, that is on your name. I don't know that you have anything to add to that.

Commissioner Jerrel: Is this...I have one question. Is this one or two?

Commissioner Tuley: This one is just one, isn't it?

Commissioner Jerrel: This is one.

Joe Harrison, Jr.: Just one.

Commissioner Jerrel: I would like to move approval of Jerry

Ramsey as the Commissioners' appointment.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Item H, any group or individual wishing to address the Commission on any issue other than the building, the Vanderburgh Auditorium, which we will be getting to shortly. Okay.

**John Stoll - County Engineer**

President Mourdock: Department head reports, County Engineer, John Stoll. Do you have anything for us this evening? I have one item of new business as well to bring up with that.

John Stoll: The only item that I've got, I put a Notice to Bidders for the Oak Hill Road Bridge project on the consent agenda. That's the rehab of the Oak Hill Bridge over Pigeon Creek. Other than that, I have nothing to report.

Commissioner Jerrel: Well, that doesn't require a motion does it?

President Mourdock: No, it's in the consent items.

John Stoll: Yes.

Commissioner Jerrel: Yes. Was he going to speak to the Old Petersburg?

President Mourdock: Yes, momentarily. Charlene, I saw you start to raise an eyebrow.

Charlene Timmons: Do you have a copy of that?

John Stoll: I can get one if it's not there. It's supposed to be brought over.

President Mourdock: Is that in our consent package, Lynn?

Lynn Ellis: I'm sorry I missed that.

President Mourdock: The Oak Hill--

John Stoll: Oak Hill Notice to Bidders.

Commissioner Tuley: It is under there right there, Notice to Bidders.

Charlene Timmons: Right, but I need the actual notice to be published in the paper.

Lynn Ellis: No, I don't have it.

John Stoll: It should have been included. I'll get a copy before the meeting is over.

President Mourdock: Charlene, obviously does need that for advertising.

John Stoll: Right.

Charlene Timmons: And permission to advertise.

President Mourdock: Okay, that's a very good point, Charlene. Even though that is in the consent items, probably we ought to do a formal motion now to advertise that, so I would ask for a motion to advertise the work on the Oak Hill Bridge.

Commissioner Jerrel: I'll make a motion to approve the rehabilitation of the Oak Hill Bridge. Isn't that what it is?

John Stoll: Yes.

President Mourdock: And posting for advertising.

Commissioner Jerrel: And post for advertisement.

Commissioner Tuley: Second.

President Mourdock: So ordered. Thanks, Charlene. The other item of new business, John, before you leave the microphone there, you are well aware of the Daylight Sewer Project and some easements that we've been trying to get out there. It's my understanding that there is a tentative agreement reached that rather than causing us to have to condemn any properties or have further delays that we could have access to some properties to put the easement alongside Old Petersburg Road, but that would temporarily require us to store the dirt that is dug out from that trench on Old Petersburg Road.

John Stoll: Right.

President Mourdock: There is a section totaling about 3,500 feet and the trench that is being cut is nine foot deep by three foot wide, so the material that they bring out will use up all the road for right-of-way, so I understand it has been suggested that we close Old Petersburg Road during that section from 8:00 a.m. to 5:00 p.m. for as many as six days a week realizing that they may not work every Saturday for basically a period from now until about...what? The third week in July? About 16 or 18 days.

John Stoll: Yes, is that the correct date Bruce? Sixteen to 18 days?

(Inaudible comments made from audience)

John Stoll: Roughly until the end of July.

Commissioner Tuley: Will they be able to work with Traffic Engineering to get some kind of detour signs so it will reroute

people?

President Mourdock: That's my question, yeah. If we do that will you be able to work with them and the Highway Department and square everything up so we can also post our notice that the road will be closed during those hours so that we can facilitate that project and get this thing going?

John Stoll: Yes. Yeah, we can contact the County Highway Department and talk to Traffic Engineering about any signs and things like that to try and make sure of proper notification.

Commissioner Jerrel: Since that is not listed as an action item, could we drop down and put that in new business and do it now?

President Mourdock: Sure.

Commissioner Jerrel: Since we have John here and that is the current topic.

President Mourdock: Right, we can do it that way.

Commissioner Jerrel: I'm correct, that requires a motion?

President Mourdock: Right, and let me just add one other thing. As you prepare to do this would you be sure to double check with our insurance people and make sure that the people doing the work have adequate coverage or whatever we need to have? I'm sure that's a fairly routine thing, but I just want to make sure as we are storing, taking dirt on and off, that we are protected liability-wise.

John Stoll: Sure.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move that we do grant permission to close Old Petersburg Road for the purpose of providing the dirt removal (inaudible) for that distance that is needed for the Daylight Sewer.

Commissioner Tuley: Second.

President Mourdock: Okay, and with the understanding that would be from 8:00 a.m. to 5:00 p.m. for as many as six days per week, I will say so ordered.

John Stoll: Thanks.

President Mourdock: Nothing else, John?

John Stoll: No.

President Mourdock: Okay, very good.

**County Garage**

President Mourdock: We do have submitted in our packets a report

from the County Garage on the status of highway paving, bridge work and also drainage and ditch work. Also on our desks this evening as we came in we have the 1997 proposed paving list and I have directed Lynn Ellis to work with the County Garage to give us a running total week by week how far we are into completion. In other words, if we're 10%, or more realistically if we are 40% through the season are we somewhere close to having 40% of the work done, or 10%, or whatever we need to have. So she'll be doing that by next week. Those two reports are in your packets. Lynn, did you have anything else from the Garage?

Lynn Ellis: Uh...no. They have their report and their road update. That's all at this time.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report. Joe, do you have anything beyond the RFP's?

Joe Harrison, Jr.: Nothing other than that, but if you would permit me time later on, maybe at the end of the evening, I can report back as to who submitted the bids on these two projects.

President Mourdock: Okay, alright.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings, Lynn Ellis.

Lynn Ellis: Not anything at this time.

President Mourdock: Okay.

**Burdette Park**

President Mourdock: Our Burdette Park item is also included in our package this evening and it is discussing the routine maintenance work that is being done out there. I would also add just FYI that we've had a meeting with the people who are doing our use survey to help us get a better feel as to where the park is and what we might need to do and there is another meeting scheduled, I believe, for this Wednesday with that group. Wednesday or Thursday.

**Consent items**

President Mourdock: Item number six. Our consent items including employment changes, travel requests, reports from the County Assessor, County Treasurer and County Clerk's Office are in your packet.

President Jerrel: I would move approval of the consent items.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Scheduled meetings are attached.

**New business**

President Mourdock: Item eight, any new business for the Commission?

**Old business - Auditorium Renovations**

President Mourdock: Alright, we are at item nine.

Commissioner Jerrel: That's a record!

President Mourdock: That is a record. We ought to do it that way every week! Wow! See how this is done, Curt? You just keep them moving! Okay, item nine, and we'll start that off with Mike Shoulders our Architect. Again, all of you who are here to speak on this issue, that microphone is open to every single person tonight. Our purpose, quite honestly, is to do two things. Number one, there is always too many criticisms, I think, of government that every big decision is made behind closed doors and we want to make sure that everyone realizes that is not the way this is happening. The three Commissioners have many questions...thank you. I didn't expect that nor deserve that. This is the biggest project financially that Vanderburgh County has undertaken in many, many years if not ever. We do want to get as much input from as many sources as we can. You may leave here tonight not knowing an answer, but we may leave here not having an answer. We're hoping to take information in tonight so that we can come back in the next couple of weeks and make the final decisions that we need to make prior to having the facility closed down and know where we are going with it in the future. That's also why our County Council folks are here and, again, I appreciate you guys being here too. With that, Mike, the podium is yours.

Mike Shoulders: Thank you. Commissioners, tonight we would like to give you an update on three primary areas. The schedule for the new Vanderburgh Auditorium and Convention Center project, the structure of the contracts with building contractors and vendors, a little bit about that issue, and then also an update on the budget. We've received updated figures from our cost consultant on the budget having used the 85 to 90% drawings to prepare that cost estimate. I will start tonight on my segment, but first I would like to introduce three people who are with me tonight. In the back row, first, Bill Conner. Bill, would you stand? Bill Conner is our theatrical consultant from the firm Jerit/Boys in Chicago. Bill will talk in a bit about some of the theater systems. We have Mike Buente, staff architect and project architect on the project from my office, and also the lovely Charline Buente, his wife, who is also a registered

architect in the state and who is also a project architect with our firm. Each of those individuals will be making a report to you tonight. I will talk to you about the schedule. I've given you a handout and what this endeavors to do is to show you a bit about the broad scope of the project. The good news is that in the broad scope we are right on schedule. I talked a bit to the Convention & Visitors Bureau today. They're booking conventions and if we can keep on this roll that we're on schedule-wise, we'll be able to meet the requirements of the first or second or third convention that they're booking. We're in contact with them and they already have booked convention activities and events for the fall of '99 which is good. What I thought I would do is with that in mind work backwards and begin to give you virtually an almost daily synopsis of events between now and January 5th when we will close the facility to the public and then a few items even beyond that date. So if you will follow along with me, obviously, tonight is our important coordination, public coordination meeting, which we will discuss the topics on the agenda. We will then be doing our final detailing and engineering work in the next month, from July 1st to August 1st, and all the decisions that need to be made and that will go into the final documents and the final engineering set of drawings and specs will need to all be encompassed and in and finished in the next month. We will take a period...as you know, and as you've seen in the project directory, we have numerous consultants on this project. We have at least a dozen different disciplines and we will need a period of time to go back and after all the drawings and specs are finished to coordinate the disciplines and check the work to be sure that everything is in sync, there are no contradictions and conflicts, so there will be a two week period of nothing but checking over, going back, picking up on any conflicts of information and coordinating the documents. We have the Convention & Visitors Bureau, with the approval of County Council, I believe, has approved three professional renderings to be done and we will begin coordinating with the professional renderers out of Dayton, Ohio for three color renderings. We will start that work on August 11th. They will generate computer generated first sketches of how those will look.

President Mourdock: What exactly are those for?

Mike Shoulders: Promotions primarily. They will appear in color brochures. They will be displayed for visitors who come and ask about conventions and so forth.

President Mourdock: So it's just a marketing item?

Mike Shoulders: It's marketing and promotions, but it will be the first...or it will be one of the early illustrations of how the facility might appear. Some of the detailing in the theater and the atrium. We will begin the local Site Review process...as you know, for facilities and projects and activities in the downtown around the core of the central business district there is a Site Review process which includes and involves the Redevelopment Commission, the Area Plan Commission and Center City. We will have a series of meetings with Barbara Cunningham, with Rose Zigenfus, Herb Butler, with people from the Redevelopment Commission and they review all of

our site development issues including signage, including access and egress with regard to the overall flow in the downtown and beyond. We have had some communication with them. We haven't kept them in the dark by any stretch and we've talked back and forth, but we will go through the formal process that has to be done prior to issuance of a building permit. We will start that procedure on August 11th. Our first advertisement for bidders will go out on August 18th. That will be a preliminary indicator, a preliminary notice. The specs and drawings won't be totally printed yet. It will be putting bidders on notice that at a certain point down the road, you know, clear the decks because this will be coming out and bid specs and contract documents will be available. We will advertise three times. The law requires us to do it twice, but we will have this preliminary first advertisement to, again, alert people out in the bidding environment that this is coming up, when it is coming up, when the plans will be ready so they can hit the ground running.

President Mourdock: Is that first attempt, or I shouldn't say attempt, that first advertisement for bids, do you see that as a prequalification process? Are you using that to prequalify? Are they responding to you in any way?

Mike Shoulders: No, it's just a public notice.

Commissioner Tuley: Mike, along that same line is that strictly something that we will do here? Will we send notices to Indianapolis papers, Louisville papers or where are we going to send them to?

Mike Shoulders: We will definitely be in the local papers. We would also publish these for the clearinghouses, the Dodge Reports and the Construction Market Data. I am open to a debate and discussion about Louisville, Nashville and Indianapolis. It might be a good idea. We haven't, you know, really come to any final decision. We would like the Commissioners' input on that. We would like people to know, as many people as possible to know about this project. It's a big project and I am sure there might be some interest out of town, so we would like to spread the word. On August 19th, that's what I call the final compilation. That's putting everything together checked and double-checked, all the disciplines, all the engineers, all the consultants and everything is compiled and ready to go, packaged and the next day we are delivering it to the printers so that they can begin to print the official construction documents and bid specs. The printing will take...I think we've got a weekend within there with that five day period, so we say August 20th through the 25th. I think the 24th and 25th are a Saturday and Sunday, but anyway we will get bid sets ready to go for bidders to pick up with their deposit and begin the bid process. At that same time when we receive our first two sets of documents we will send those off to the State Fire Prevention and Building Safety Commission, Fire and Building Services, for state approval. We have to record and send the documents to Indianapolis and ultimately get a review of the project and what they call a state plan release...a placard that will be posted on the job which will allow for a local building permit to be issued. So that August 24th is the first step in that process.

Now, on August 25th our second ad will go in the paper. That ad will say that there are plans available at the...actually at the printer's office and that will be the first day that bidders can pick up bid specs on August the 25th. We will then, on August 26th, go out for our first advertisement for environmental bids. As you know, we have sort of two tracks here. We are bidding the environmental work completely separately over here from the bricks and mortar construction work. There are good reasons for that and I think we've discussed those before. The first advertisement for environmental bids will be a separate legal ad on August 26th. By September 1st we will complete, successfully complete we hope, the Site Review process. That is the local review with the Plan Commission, Redevelopment and with EUTS.

President Mourdock: Excuse me, Mike.

Mike Shoulders: Uh-huh.

President Mourdock: Go backwards for one second. The first advertisement for environmental bids. What environmental work do you see is still out there that needs to be bid that we have not dealt with already?

Mike Shoulders: You remember the date when Rick Reising came in--

President Mourdock: Right.

Mike Shoulders: --and you authorized his Phase 3? What you authorized him to do was prepare bid specs. We've had proposals and bids to do the auguring and testing--

President Mourdock: Right, right.

Mike Shoulders: --but now there is evidence of some asbestos. I think he mentioned there is some in the plaster, but not in the plaster ceiling of the auditorium, etc., so what will happen is that he will bid specs for an environmental mitigation firm to come in alongside the contractor and remove asbestos. Primarily asbestos.

President Mourdock: Okay, and I guess it doesn't make any sense...I was thinking of it in my own mind that would be something that would happen before the construction people showed up, but logically I guess they have to pretty well--

Mike Shoulders: Yeah, they can't get into some of it until the guys start their demolition and tearing in the walls and all that, so it almost needs to happen together. So we're going to try and bid them on similar time frames and have that person identified so that all the contractors know that if they run into something that is suspect, they call this person and the person comes and is under contract to assess whether it is insulation or floor tiles or plaster and actually abate it if necessary. There are also notices...there are specific time frame notices that must be given to EPA prior to any work and so forth. It will be the responsibility of the environmental firm that we hire through this bidding process to be sure that all those notices to the appropriate agencies, EPA and others for

air quality and so forth, will be met. They should be expert in that. Okay, so we'll complete our Site Review process with local officials on September 1st and then our third and final advertisement for bids will be September 1st. Now the state law requires that we bid or that we advertise a public project two times seven days apart and then after the second one there has to be at least ten more days of bidding prior to any bid date that it would be due. We have a...since the size of the project is large, we have given a full month of bidding so that there is time for all the various suppliers and vendors and the communication that is necessary to put this bid together. That is another reason for the three advertisements. We will also have the second advertisement of environmental bids on September 2nd. The environmental bid period is a shorter period. It's a two and a half week bid period where the whole building project is more like a four week plus, so we'll take the environmental bids first. They'll be due at the Building Authority, I believe that is the procedure we are using, on September 15th. I'm sorry...yeah, that's the environmental bids due at the Building Authority September 15th and then the bids on the building or project will be due September 24th of '97. The next day, receipt of state...it takes about four weeks for the state of Indiana to review...the Fire and Building Service Department to review the plan. We would expect a reply and approval by September 25th. During the period of September 25th through the 29th we will be doing a bid evaluation. We will be taking bids under advisement with counsel and going over and thoroughly analyzing the bids, making sure the bonds are in order, making sure that the bid documents have been submitted by the bidders and going over it with a fine-tooth comb. Our final goal will be to come back with a report about the bid structure and the bids on the project first to the Commissioners on September 29th...I think that is one of your Monday...I think that's a Monday. The next day, I think, the Building Authority meets on the last Tuesday of the month, so the next day would be the recommendation after we have discussed it with you to go to the Building Authority Board at their September meeting. If everything is in order at that point, then we will assist in drafting contracts along with counsel and be prepared to submit those to the Commissioners and to the Council after each has participated and we will do this during the time period of September 30th to October 6th. We would have drafts of the contracts with all bidders and contractors who are successful at that point. Approximately October 7th, somewhere in that neighborhood, we are advocating that somewhere just around the Fall Festival that we have a ground breaking ceremony on the site where all the dignitaries have their golden shovels and we celebrate the wonderful opening or the breaking of the ground. Sometime around there. That's not hard and fast, but sometime in that neighborhood of time. If you'll turn the page the final execution of contract signing by both the county and the contractors and beginning construction, then, is October 14th of '97. This date is geared so that we can get in and do some excavation and foundation and footing work prior to the closing of the building. So we will be mobilizing on the site. We'll be closing the side. If you've watched what is going on with the Victory we will probably be asking for perhaps partial closure of some of the adjacent streets. We will have a plan and we will have to go through the Board of Public Works for

that. That's not on here. I need to find out a little bit more about their scheduled, but we will be trying to come up with a scheme to determine how much space we need for staging on the side and whether, you know, we'll have to close Walnut or not. That will be fun. In any event, the footings and foundations will be October 15th through December 23rd. They'll still be going on, but the bulk of it...and then I threw in here that we hope that the final professional renderings will be finished by December 23rd as well. In '98 we are scheduled to close down the facility to the public on January 5th. We believe in order to make the schedule we need to allow for the contractor to fully take over that facility and if he needs to, to actually begin his demolition work anywhere he wants to in that facility by January 10th.

Commissioner Tuley: Mike, can we ask for clarification on the January 5th date? Are we talking about the last function would be held January 4th and we turn it over on January 5th or the last function could be January 5th and we turn it over the morning of the 6th?

Mike Shoulders: It is actually closed on the 5th. I think the 5th...the idea to the 5th was that is after all the New Year's functions. The 5th is a Monday, so you have the prior Wednesday is New Year's Eve and the 1st falls on a Thursday and then we'll still have it open through the weekend.

Commissioner Tuley: Okay.

Mike Shoulders: We would expect that it be closed down to the public for the 5th which would then allow for management to take that time period, the 5th through the 10th which is a week, and Dan Spindler, I think, is going to talk more about this, but then be able in that week period without the public there and before the contractor gets possession to do whatever last minute planning and disposition of furniture and so forth that needs to be done.

Commissioner Tuley: Okay.

Mike Shoulders: That's the idea. That the 5th through the 10th is simply a float week in there prior or after closing to the public and before turning over to the contractor. Now the construction period after talking to...I want to add that we've had help on a lot of the discussions today from Jerry Schmits and from Steve Utley who are both here. We've had discussions even with some of the local contractors and we believe that this project is about a 21 month construction project. We envision from October 14th to July 15th of '99 that the bulk of the work will be completed and then there will be the punch list and the move-in from July 15th and on. Now, we believe that the theater/auditorium portion is more rigorous, more challenging and probably will see completion of certain parts of the building and that might be last, so I guess what I am saying is for those function which are meeting rooms, banquets, exhibits and that, we may be able to accommodate some of those before this, but this presumes completion of everything including the auditorium.

President Mourdock: Before which date?

Mike Shoulders: Before August 15th. August 15th is the final day when we see this opening to the public.

President Mourdock: Punch list totally complete?

Mike Shoulders: Punch list done and move-in, you know, furniture and all that. The Convention & Visitors Bureau is working, you know, with conventions no sooner than that particular date. Now, we've brought figures to you on budgets and contracts on most of the hard construction, bricks and mortar. I would like for Charline Buente who is heading our interior architecture efforts and our furniture and furnishing efforts to come up and talk about how we will begin to structure and bid for the loose equipment and furniture and talk to you a little bit about our budget on those elements. Charline.

Charline Buente: Good evening. The furniture and furnishings loose equipment packages are a little bit different from general construction and I thought tonight I would take the opportunity to brief you a little bit on how we perceive we will package those. Typically, on something of this size, and we're talking about a project of furnishings and loose equipment that is about \$1.5 to \$1.9 million and that's determining which pieces we are putting in to it. We tend to break that up much like you would in general construction you've heard the term multiple primes, we'll package the furnishings in a similar way in like materials. For instance, we'll break it into seating package, a table package. These are very substantial on a project of this size. We are talking in the neighborhood of 4,000 plus stack chairs. That adds up quite a bit in dollar amounts and we can get some quite competitive bid packages going if we don't lump everything together, but rather break it down into more sizable chunks in the \$300,000 to \$400,000 range of a package. This also affords the opportunity for many more bidders to participate in the project. Obviously, they'll need some bondability capacity and many of the furnishing contractors do not have the same substantial bonding capacity that perhaps a general contractor would. This affords a lot of local participation. We will potentially have multiple contracts on the furnishings. Let me walk through with you the seven packages that we are going to be structuring the furniture in.

Package #1 - Seating. That would be occasional and office seating. It would include those 4,000 stacking chairs that I mentioned. All the various loose chairs that would happen in the office areas, the atrium, the lounge prefunction area, lounge-type seating, as well as the loose auditorium seating. In the auditorium, in the new plans, we have boxes and we also have areas for handicap accessibility. When those are not utilized for the handicapped we can put loose chairs in their place and those become then revenue generating seats. Those chairs are also part of package number one.

Package #2 - Miscellaneous steel shelving, work benches and storage cabinets. Kind of the down and

dirty package, but a very significant one in the overall scheme of the project. That would handle custodial and building maintenance storage in the various storage rooms around the facility. Those types of things are usually provided by a non furniture dealer. They're a whole different kind of a trade group that we would be reaching and a different competitive group.

Package #3 - Tables. The many folding tables, banquet and meeting-type tables.

Package #4 - Case goods, files and accessories. Now this is office case goods. Desk, credenzas, file cabinets, the various elements handling the administrative functions. We would also have accessories like the lecterns, the trash receptacles, the many things like this that are very functional to the building and kind of fall within an odd category.

Package #5 - Platforms, risers, portable levels and stages.

Package #6 - Orchestra enclosure. This is the shell-type structure that is portable. It is located on the stage and can be wheeled off when there is not an orchestra performing.

Package #7 - The final package would be the fixed audience seating.

Now the first six total roughly \$1.5 million and Package #7, the fixed auditorium or audience seating is around \$400,000 for the 2,500 seats. May I answer any questions you might have on how we perceive packaging these?

President Mourdock: I have one question, Charline.

Charline Buente: Sure.

President Mourdock: As far as the orchestra shell-type enclosure I guess I am a little confused on that one. Number one, there is an orchestra shell over there that I understand does not work for the Victory Theater and Mr. Berger with the Philharmonic has talked to me how they would like to either put that in storage prior to them selling it or otherwise disposing of it. I guess there are several points. Number one, if the Philharmonic is going to the Victory do we even need to have an orchestra shell for that facility and number two, if, in fact, we need an orchestra shell is the one we have no longer going to be sufficient for the task?

Charline Buente: I think I am going to pass the buck a little bit to Bill Conner, our theater consultant, to answer some of your technical questions. Yes, in fact, we do need an orchestra shell and I'll let Bill respond to you with the details of why and why that particular one will not be conducive to what we need. Any other questions? Thank you.

Commissioner Jerrel: I do have one.

Charline Buente: Sure.

Commissioner Jerrel: It relates to number one, the occasional chairs. Is there a decor or design or style that you have decided upon?

Charline Buente: Yes--

Commissioner Jerrel: If there is when will we see it?

Charline Buente: There is not a defined style. We have some stylistic ideas, but this is going to be a very competitive bid package and we have selected several options, several different seating options and different manufacturers, so that we can get competitive packages. We won't know exactly what it is going to look like until we get those final numbers in from the various ones. We do have a theme which is with keeping with the rest of the exterior design of the building. It's not a defined style, if you will, as far as a period style or a historical style. It's very basic non--

Commissioner Jerrel: Are we going to know about it?

Charline Buente: Yes.

Commissioner Jerrel: Okay.

Charline Buente: Yes, you will be presented with it. It will not be defined until we get those bids in and we know exactly who was the competitive bidder in the end, but they are very similar in style. We will be taking unit pricing on all of the items. We have mentioned various amounts in the bid packages, but if bids come in high or bids come in low we have adjustability because every item will be based on unit pricing. We can play with those numbers if we need to in the end.

President Mourdock: For those of us, Charline, who when it comes to matching paints and wallpapers and carpets can best be described as taste challenged, can you give us a couple of words. I mean, what is the general decor?

Charline Buente: Well, as far as coloration and tone it is very natural materials and natural colors. A lot of rust, natural beige, some grays. Very neutral tones that would not clash with exhibits or various things happening. We have some wood tones worked in as well and those are cherry tone and we have natural materials in a granite blend tile that is beige and sort of what I would call a rusty red and grays, so, again, neutral tones. The furnishings, like I mentioned, are really very neutral as far as style. They are kind of timeless much like some of the things that were over there. They aren't going to look exactly the same, but I would say if one was to look at them they might say a little more modern than historical, but if you'll recall the renderings of the exterior of the building and the elevations in keeping with that contemporary facade.

President Mourdock: Thank you.

Charline Buente: Thank you.

Bill Conner: Bill Conner from Oak Park, the theater consultant to Veazey Parrott & Shoulders. I'll answer the question about the orchestra shell first. The existing shell is really inadequate in both size and mass to work in the larger hall acoustically. I think it suffers a little bit aesthetically. If you are going to have an orchestra shell, the existing one won't work. The question of whether you need an orchestra shell is, I think, yes because I think you are going to find that there is a market for other music, natural acoustic music events, and more importantly management here feels strongly that there is a market for the Louisville Symphony or symphonies from other areas and some smaller groups. In terms of the stage equipment, one of the things I was asked to talk about, was reuse of it. General theory is that because there is never enough and because an inventory that we work with in the program isn't 100% of what you need, but some approximation of what is going to cover most events and knowing that you are going to have to rent in between or borrow, or beg, or steal or do without. Basically, we want the contractors that are handling that sort of equipment new to be responsible for that existing equipment. For its removal and cleaning and storage and refurbishment if necessary. For instance, the curtains that...part of the rigging system that is lumped together in with the curtains and tracks. I would like the rigging contractor who is going to be providing new curtains to come take those out. Take out the existing curtains, clean them, retreat them for flame retardants and then rehang them at the end of the job at the appropriate time. Sound equipment, there isn't a lot of sound equipment that is...there isn't a lot of sound equipment with value in terms of reuse, but I still think the sound system...I think some of the things the sound system contractor is the best person to take care of that. It's a small amount of equipment. Stuff that would all fit in the back of a station wagon in terms of scope, so I don't think it is a burden on that contractor to store it in the interim. Some of the lighting systems, the fixed part of it, will be reused. The theater...the dimming equipment for the theater will be reused in the meeting rooms and ballroom and prefunction areas. There will be a new lighting system and that should obviously be the electrical contractor's job to take that out, save it and reinstall it. What is the other item? Portable stage lighting equipment was the one orphan. The spotlights that move around and plug in. I have been talking with Dan Spindler and he is going to look into storage. They need to be dry. They don't need to be heated. They're worth storing. Then the question of the theater chairs, I know some people have asked about the fixed theater seating. We're recommending that the contractor for the new fixed seating be responsible for removing and disposing of the existing seating. We feel that will get the most...the best return on the existing seating. In talking to two of three major companies, they feel that, you know, the value of the chairs if you were to go out and look for somebody to take them they would, you know, besides taking them away, providing the labor to take them out and truck them away, somewhere between zero and \$5.00 per chair. That's the basic scheme. I just feel you'll get the most return by letting the contractor take them.

President Mourdock: Is that zero to \$5.00 a cost or a benefit? I'm not quite sure I am understanding.

Bill Conner: Benefit. If you were to contact people who buy old theater chairs--

President Mourdock: Okay, they would pay us up to \$5.00 a chair maybe?

Bill Conner: It seems to be a fluctuating market.

President Mourdock: I thought I heard at one time, not this evening, but I thought I heard at one time a suggestion that the existing chairs that are there would, in fact, be refurbished and put back in. Is that not something that is likely?

Bill Conner: Yes, we're going to look at, besides bidding a new comparable seat from three manufacturers, we are going to look at including an alternate in the bid that would allow the reuse of basically the cast iron standards and hinge and the steel seat bottom. That would be the only pieces that they would reuse and they take those and sandblast them to bare metal and prime it and coat them like new. We're going to invite a manufacturer to bid that. One of the three manufacturers also does a lot of refurbishment. I think it will have the effect of driving down the cost of the new chairs since all three of them tell me that. Since they've all worked for each other. It's a pretty small business.

President Mourdock: Thank you.

Mike Buente: Hello, I'm Mike Buente. As Mike Shoulders mentioned earlier, we have received an updated cost projection from our cost consultant. I just received it this afternoon, as a matter of fact. We do not have it broken down in detail yet. That will be forthcoming, but I will review and sort of give you an overview of where we are standing on the project. The first category...we have kind of a summary sheet of various work division that he would use in his breakdown and using a unified type bidding situation, which means one contractor bidding the entire project, our base bid total is \$31,951,041. Now, to that base bid we have established several basic major alternates. They're all going to be add alternates, so we are going to set it up so that the base bid is the low number and as money is available you would add to them. We will probably, as we finish up the construction documents, add to this list some major items and some of the other disciplines. The ones that I am going to read to you are primarily just architectural alternates.

President Mourdock: Again, let me repeat that back to be sure I understand it. You're saying that if in the latter phases of the project we still have money available, then these things that you are about to mention would be brought into being?

Mike Buente: No, these are going to be bid as alternates. You will get prices on these items. After you receive bids and you evaluate the base bid prices, the alternate prices as well as the furnishing prices, because that plays a big part in the total bond issue monies available, we'll look at which ones we are going to accept and then we will make a determination. We will probably have additional alternates that we have not

identified yet. Some in the electrical scope of work; some in the mechanical scope of work. Those are a little harder to identify than some of the big items that I have. Some of these big items that I am going to list here, in fact, do affect some of the electrical...an elevator for instance does affect the electrical contract as well. The first one was one we had mentioned previously and that is the escalators in the meeting room lobby. Along Martin Luther King there is a prefunction space. We have four escalators total. Two of them are coming around the concourse to bring major convention traffic from the exhibit halls. The other two are along Martin Luther King Boulevard. They serve in more of a secondary capacity, so we feel that we could live without those because there are also ornamental-type stairs leading up to that area as well as an elevator, plus the other two previous escalators that I mentioned.

Commissioner Jerrel: Before you go on let me get this straight. How many escalators in the area that is facing Walnut? Not Walnut, but Locust Street.

Mike Buente: Locust Street, there are two.

Commissioner Jerrel: Two.

Mike Buente: They would remain.

Commissioner Jerrel: Okay, and they're in the base bid?

Michael Buente: Yes.

Commissioner Jerrel: Okay.

Michael Buente: There is also an elevator along Locust.

Commissioner Jerrel: In the base bid?

Michael Buente: Yes.

Commissioner Jerrel: So these two on Martin Luther King are alternate?

Michael Buente: There are desirable.

Commissioner Jerrel: Yeah, sure.

Michael Buente: We believe that they will probably be more needed during a full blown convention. The type of uses that we've experienced in the past in the facility that are in the Gold Room you won't need them. We've got an elevator, two escalators plus two large ornamental stairs. It's when you are trying to move masses of people from either the hotel or from the exhibit end of the building up to a performance or a meeting that is going to happen, you know, within like 15 minutes or 10 minutes after an exhibit break. That is the type of activity you would use these escalators. The number for that is \$245,000. We...I mentioned this earlier at some earlier presentations, alternate two, is an additional elevator in the atrium lobby. The atrium is that portion of the building that

serves as sort of the entrance or outer entrance into the theater/auditorium space. We have two in the base bid. We have room for a third one. The add price for that would be \$72,000. Even if we didn't put this in initially, we have the growth potential to come back and put it in should the need arise. We're not certain initially that the need is going to be there to have three elevators. The third alternate is the food service equipment which is an add of \$750,000. Again, as we get to the point where we are receiving bids this could be put into the project or it could be a portion of it put into the project. We are also going to have unit prices in this alternate similar to what Charline talked about, so if you have a cart or a certain piece of equipment there will be numbers identified so that you can scale back or add to the pricing that is going to be submitted at the bid time.

Commissioner Jerrel: What is in the base bid relating to kitchen?

Michael Buente: The base bid would be rough in mechanical and electrical and plumbing.

Commissioner Jerrel: Okay.

Michael Buente: No actual service...no actual equipment going in. All the finishes would still be in the base bid. I may have to tailor those so that if we don't do the kitchen right away we may want to be able to identify those prices. We may write that one so that it may have a longer period of acceptance rather than the day you write contracts. That would give you some time to negotiate with some potential vendors or operators. You know, give a particular date, you know, a year into the project. A-4, the fourth alternate, is one that we investigated. I need to do a little more investigation on this. The existing flyhouse we were cladding with brick like the remainder of the project. One of the alternates that we investigated was to add a veneer stucco like material on it. As our cost estimator says, that will be an add of zero dollars. He says it is basically a trade out. We've got to determine whether we want to design that second building system for that area. We've got one designed, but, again, we've got to make that determination.

President Mourdock: For those of us who aren't architects, what is a flyhouse? Somebody had to ask!

Michael Buente: That's the stage area where all the rigging is and the curtains go up. It's the tall portion of the building now.

President Mourdock: Okay.

Commissioner Tuley: I'm glad you asked because I know there are three Commission members that don't know what he is talking about.

Commissioner Jerrel: I was acting kind of smart.

Mike Buente: The stage rigging area. That's the tall portion

that will stick up in the middle of the project. The fifth alternate is the exhibit hall light frames. The exhibit hall is a very large space. We've got 30 foot clear to the bottom of the trusses and then you've got another 10 to 11 feet up to the bottom of the deck. In that area you've got lighting fixtures, you've got duct work and so forth. The typical convention center approach is to paint all that out black. Our approach is going to paint it out darker, but not black because in our opinion the black adds too much contrast. We have a series of frameworks that suspend in these bays, sort of square grids, open grids, that will reduce the scale in the space that we feel will allow it to be more flexible for non convention-type use, so if you had a ballroom activity or a night-type of engagement it would reduce the visual scale a little bit in that space. It would also allow some flexibility to hang some different props and decorations and so forth. It's not really a necessity, but it is a design feature that again if the costs are there, you know, this is one we would like to see in there. It's identified as \$60,000. A-6 is the exhibit hall operable wall. Currently we have Exhibit Room A and B with a large moveable partition down the center. Again, that's a large ticket item that could be put in later or wait until you see how the space is going to be used. For flexibility, though, it needs to be in there. Again, it's a big ticket item so we've took an alternate on it. It's \$285,000.

Commissioner Jerrel: What's the base have in it?

Mike Buente: The base bid would still have the truss work and the wall above. These trusses are like at 10 foot to 11 foot tall. We would design the center truss with an enclosure on each side so that sound from one to the other would not go through it if and when the partition ever went in. It would be sized to accept a partition. The pockets would still be there for when they are open. The storage pockets would still be there. These are, again, 30 foot tall panels of wall. The seventh alternate is the stage floor. The base bid would be a composite-type wood material. It is often used on stages. It's a little less refined looking than a regular wood. The alternate would be to go to a full wood system. That would be \$48,600. Again, that is the extent of our alternates right now. To give you a summary then, the hard construction costs that I mentioned earlier the price was \$31,951,041. The furnishing bid package as a total of all the things that Charline talked about was \$1,900,000 and that included the seating as you will recall, the fixed seating. So our subtotal or our base bid subtotal on those is \$33,851,041. That line item is within our budget or below our budget. Then we've got the alternates that I mentioned. From that if you total all the alternates that I listed, accepting all of them, that would give you a total of \$1,460,600. So as you can see, if this projection is correct you would not be able to accept all of those. Now, in the past several weeks we have had several meetings and discussions on how to package or how do we want this building to be built? Do we want it to be built under a unified contract? When I talk about this, this is not including the furnishing packages, that's a different animal, or do we want to break this out into separate or multiple prime contracts? There are pros and cons on both of those situations. It's not really our decision to

make. We're waiting a recommendation on that, but we did say we thought we ought to at least look at these costs, at the 85/90%, to see where we stand. I did ask our cost consultant to look at one scenario of multiple prime contracts and the breakdown was like eight or nine different multiple prime contracts. It really isn't important which ones they are because we can...there are pros and cons on which one and how you want to break it up as well. With those, the ones that he did, we had a potential savings with multiple prime contracts of \$515,366. Basically, what you are saving on that is the general contractor's markup. You can break those into smaller packages or less and go with just three or four. I wasn't really going to talk about that in too much detail because as Mr. Mourdock knows it is a complicated subject. We've already spent several hours discussing, but I did tell you that we would try to look at a comparison and I think we did throw out a ballpark figure of around \$500,000. To say that you are going to save more than that is probably stretching it, but, again, what the bid climate is at the time when we bid this will have a big factor in it.

President Mourdock: That brings up an interesting point and I didn't hear Mike address this today, but I know in some of our previous discussions when we've talked about how we might bid this and the timing of the bid, at one time there was some consideration or maybe even concern is a better word that there might be another major project out at USI that would basically overload the--

Michael Buente: We've accommodated that in Mike's schedule. He didn't mention that, but that was a big factor. There is a \$15 million liberal arts project that I have got a letter from Mr. Steve Helfrich, who is the head of the Physical Plant, he is the Director of Physical Plant in that area, and he is telling me that they're...he doesn't have a definitive date, but that their bids are going to be probably accepted around the 15th or the 18th.

President Mourdock: Of?

Michael Buente: Of August. We have scheduled ours and worked that into our schedule so we do not have an overlap. Now if theirs would slide into ours it would not affect it dramatically because they would be receiving bids as our was kind of going out. Where it might affect it is if you've got people who think they're low after they receive them, but they haven't received word yet and they may delay picking up and start seriously looking at this project. That could have an effect. If they stay on schedule and we stay on our schedule that Mike proposed to you today there won't be an overlap. They will be like a week or two apart.

President Mourdock: The question of having multiple prime contractors or one unified lump sum bid I think is a very, very important one. I want to make sure the Commission is fully aware of what those terms mean. If there are any questions, please ask them. I know Steve Utley, is back there as well, with the Building Commission. He's been involved in some of those discussions. Anything you would wish to add one way or the other, Steve, please feel free to do so.

Commissioner Jerrel: Could somebody come up though and speak to that? It's been a long time...it has been the '70's, but we did about six big projects in the city during that time and I would like to...I would like for somebody to speak to those two.

Michael Buente: I can give you a brief overview unless Mike wants to.

Mike Shoulders: Go ahead.

Mike Buente: The uniform bidding situation or a single lump sum contract is where you have a general contractor. He is given the task of building the entire scope of work. He usually has a certain percentage of his own manpower on staff and then a certain percentage of the project has subcontractors. He would be responsible for bonding the entire project. The advantages of that are you've got one source of responsibility. You've got a person who has the ultimate responsibility for scheduling all the manpower, how people mobilize around the site which is important on this because it is a tight site. He also has the purse string, so to speak. He sends in one application for payment which has all the subcontractors work on that. If they...it's up to him to pay them. If they don't perform, then his pay ap would probably reflect that. He has leverage over his workforce. The other way--

President Mourdock: If I may, let me add one other thing to that.

Mike Shoulders: Sure.

President Mourdock: He also is responsible since he has the total job, he is responsible for the total coordination of all the different things that have to go on within that project so that one subcontractor doesn't get in the way of another or another or another.

Michael Buente: Correct. That's a good point. Also, in all the submittal process there is a tremendous amount of work that will take place on this project that you will never see. That is all of the preparation of the shop drawings, fabrication detail drawings. All those in this sort of scenario would go through the general. It is his responsibility to coordinate and check those to make sure that if there is a change on the steel, for instance, that the reflectance of that over to, say, the person who is hanging a piece of finished equipment he knows about it. Or if we send out a supplemental drawing or something has changed for some reason or another, you've got one person to distribute that information. A good contractor doing his job will coordinate that. The other way is called a...or the other way we mentioned this evening was the multiple prime contracts. That is where you subdivide the work into different work categories. The School Corporation does this. Several school corporations do this across the state. The State of Indiana also does this. Now, how you divide it up depends on the particular owner. The more typical way of doing it is you have a contractor for general work, which is like the general contractor. You have a contractor maybe for electrical work. You have a contract for HVAC and mechanical work. That's three. That's a very typical way of breaking it down. In that

scenario, the general contractor submits a bid price, the electrical contractor submits a bid price and the mechanical contractor submits a bid price. They are basically forced to work together, the low bidders on those. The general contractor still has the responsibility of coordinating the work, doing the schedule, and the other two are supposed to follow suit. The disadvantage is...the advantage is you may have less cost as I presented tonight because you have less overhead or markup being put on each of the contractor's work. Each of those main contractors have to provide a bid bond, so they are all bondable on their own. The disadvantage is we have in this case three sources of pay applications. Three sources of submittals. If something comes into one side that changes or something needs to be coordinated, you know, we and the owner are involved in making sure this all happens. Theoretically, the general contractor is supposed to, but it depends on his working relationship with the others. You may have the possibility of contractors who may not normally work together working together side-by-side. It kind of just depends on how the chips fall on that. I mentioned three multiple primes. You could have up to, you know, eight or nine or more. Obviously, the more you get the more complex it gets with the paperwork, the more communication lines have to be coordinated. That in a nutshell is the difference.

Commissioner Jerrel: Okay, thank you.

Michael Buente: Unless I left anything out. One other downside has been mentioned and is usually the case on multiple prime contracts is it's more difficult to keep a schedule because the general contractor is supposed to be pacing the schedule, creating the schedule and making sure everybody keeps up and doesn't have any leverage on any other contractors. Each pay application comes in independently. What you see often is that those tend to...the schedules tend to slip.

Commissioner Jerrel: Are we going to include in the bid contract...I guess you couldn't do it if you had multiple primes, but in one unified would you include a penalty clause for--

President Mourdock: Liquefied damages.

Michael Buente: Liquefied damages. Well, we've had some discussions about that and that's a long discussion as well. There are some pros and cons of that.

President Mourdock: Yeah, you might just list those fairly quickly, Mike.

Michael Buente: Well, you have liquidated damages in a unified bid contract you've got one source who is responsible for the schedule. It would be more easy to enforce a liquidated damage in that situation, in my opinion. You still have to prove that you had...you know, your attorney could probably talk on this better than I could. You would have to prove that yes, in fact, there was some damages incurred before you would be able to obtain liquidated damages. Now, the other scenario is that you give a penalty and a bonus clause, so that he would get a bonus

for so many days being early and he would in turn get a penalty for being late. The problem with that scenario is where is the bonus money going to come from?

Commissioner Jerrel: Can't you just have a--

Michael Buente: Unless you have a contingency.

Commissioner Jerrel: What if we don't have a bonus? It's just due on this date and you're penalized if it is late.

Michael Buente: It can be set up that way. I would ask...you would have to talk to your attorneys on the enforceability of that. I personally have never been in a situation where that has ever been applied. I know you'll talk to Mr. Schmits back there, in the highway construction apparently that is very common, but highway work and road work usually has a lot of things hinging on it. In this case we do have conventions being booked, so it may be easy to prove liquidated damages, but I don't know if the county is incurring those costs or is it the community by not having the project open on time? What was the other one? Non liquid...

President Mourdock: That was it, basically.

Commissioner Jerrel: That was both of them.

President Mourdock: It was whether we should have liquidated damages or not have liquidated damages and some way of having a bonus or penalty.

Michael Buente: One thing we had talked about a schedule a little bit--

President Mourdock: Oh, excuse me. I know what you were thinking of. You were explaining how the liquidated damages typically work with the unified contract and I think you intended to add a couple of comments.

Michael Buente: Okay, if you go multiple prime it becomes, obviously, more sticky because you've got people pointing to each other about they held me up. Litigation may occur back and forth and to the owner. In any kind of liquidated damage scenario, the owner needs to make sure that they themselves are not part of the delay. I mean, decisions have to be made in a timely manner. Pay applications have to be done in a timely manner. You run the risk there too, that if you don't have your house in order and you put liquidated damages in it may come back to be a penalty on you in the end.

President Mourdock: Clearly in that subject I think we're looking to the Building Authority for some guidance since once this project goes out for bid it seems to be just the way the documents are established, and I think this is the right way to do it, that while the County Commission is dealing with this up to the point that the bids go out once the bids come back in through that construction process the Building Authority needs to deal with the day-to-day handling of it. Up to the point of putting out the bids I see us being very critical in that

decision, but beyond that I think Steve and the Building Authority need to add a lot to that.

Michael Buente: If the decision is made to put liquidated damages into the project, it is our opinion that you would need to set up a monitoring type system so that...which is a very tight reviewed schedule so that you can tell when something is lagging behind so you can appropriate the damage to the person who is causing it. Whether that is the steel person...you know, if the steel person, in fact, delays the project the person at the end of the project trying to finish it up putting the tile in or the painting, you know, shouldn't be penalized, but on the other hand the steel person can't be used as the excuse for the rest of the project because you may have multiple delays in the project. They all need to be responsible. You know, that's a task that takes some manpower and effort to do.

Lynn Ellis: Mike, wouldn't that be more of an issue with multiple contracts as opposed to a single contractor? I mean, wouldn't you have more trouble with that. I guess my question to you would be do you see yourself or your company managing that multiple contracts? The Commissioners won't be involved with it at that stage. The Building Authority will. Steve Utley doesn't have the staff to manage that.

Michael Buente: It would take more manpower on our behalf. That is true. It would also take more manpower or effort or hours upon the owner or in this case the Building Authority. Mr. Shoulders asked me to talk about liquidated damage a little bit more. If I can remember, our cost consultant had a very good comment about liquidated damages. I'm not sure I could repeat it entirely, but generally when a contractor sees a liquidated damage in the contract documents he is going to look at how long of a period he thinks he can build this in compared to the time allotted and he is going to assess his risk. If he thinks he is ask risk, he generally will put that liquidated damage back in his bid price, so, in fact, you are paying for that. If he is assessed damage then he has already got that built into his price. On the other hand, if he doesn't feel like he is really at risk he may not put it in there. That's kind of a hard call. A lot of people put it in there thinking that it is going to force someone to get a project done on a particular time when, in fact, it may just escalate the price of a project.

President Mourdock: Other questions for Mike?

Lynn Ellis: How do you enforce the schedule if you don't have penalty associated with not complying with the schedule? I mean, I can beat you over the head as much as I want to, but until you have to pay out of your pocket do you care?

Michael Buente: The time on the agreement is the time that the person is allowed to do it. Now, if there are no legitimate delays, being weather or change of work or delay on the owner's part for instance, then he is obligated to complete that contract in that time. I would have to defer that to your attorney. I guess your option is litigation.

President Mourdock: Yeah, what you have done is establish a way

to claim breach of contract, but you haven't put a per day penalty on it as you would in the normal liquidated damages.

Lynn Ellis: The point is either way you have to prove that you suffered damages and you have the same prudence upon...that you have to prove to the court one way or the other. Either way you are going to court.

Michael Buente: That's correct. As I said, I have never been involved where liquidated damages were actually claimed.

President Mourdock: For what it's worth, and Pat you've been here longer than I have, with John Stoll sitting in the audience, I know we've had several times for highway work...John is signaling twice. Did we claim liquidated damages in those two occasions? I know it is more often than not it does not happen.

Commissioner Tuley: No, I'll agree with that.

President Mourdock: I won't ask who the victims were.

Michael Buente: I would imagine in a building scenario you've got a multitude of suppliers, manufacturers, all providing equipment, materials, raw material supplies to this building. It is much more complicated than a road project.

President Mourdock: Sure.

Michael Buente: I would imagine that an attorney would not find it that difficult to find some reasons, legitimate reasons, why products were delayed. Strikes occur and different things.

Lynn Ellis: Right, I was involved with a multi bid contract for the construction of a new airport in Tallahassee. We had 27 different bid packages for that construction project. I had to bid every one of them and it was not fun. The architect that was assigned to that project lived at the airport. Literally. I mean, he was on-site. He had a trailer out there and that's what he did. For two years, or three, whatever it was.

Michael Buente: Was that part of his contract?

Lynn Ellis: Yes. That's not part of yours.

Michael Buente: No.

Lynn Ellis: Thank God, right?

Michael Buente: We do have an advantage though. I mean, our office is one block away. I'll have you know that we've got an associate architect who is one or two blocks the other way. There will be coverage on that project every day. Now, we're not going to be living there, but we will be in that project or passed that project every day. You've also got an owners representative here in the Building Authority who is also right across the street, so it is a little bit different. The only reason we are suggesting that this is a possible bid scenario, again, is the bid climate and the cost.

Mike Shoulders: I wanted to just add one thing, too. In the end it's very, very much in every contractors...it's to their benefit and to their advantage to get in and get out. The least amount of resources and materials and manpower that they put into a job the more profit that they make. They'll be trying their best to get in and get out. They won't purposely try to extend the schedule because they want to move on to other jobs. We just need to help them to do that. The other thing, I guess to sort of summarize this, we could conceivably bid this project with both options and the reason that we could do that is that this scenario of the multiple primes does impose a certain amount of potential exposure, or let's say cost, to the owner in terms of the owner's own management. Also, a certain risk of a longer schedule. I think it would be probably legally fair to look at this project and we could make the decision that if a single prime bid came in under budget, but was still just slightly more than the total combined amount of the primes, we could still make the case that the separate prime came in under budget and would impose less risk, less cost, less time on the county and thereby make the decision to go to a single prime even if it was a few dollars more. I mean, I think we could defend that. We may not have to make that choice if we opt to structure the bid that way, so that is one other consideration for you.

Commissioner Jerrel: That just brings up a question while you are here. I was adding these figures and if we use...if as you said, if we took all the add-ons we would exceed the \$35 million by about \$311,641. What happens with the idea of change orders? If you have one contractor does that cut down on change orders? If you have multiple does that add to them? Who...you know, we would have to have the funding for those change orders. Does your contract get affected by change orders?

Mike Shoulders: No, we are on a fixed fee. We do not have an accelerator or percent cost, but we do in the base bid quote that we gave you we have what we call a design contingency which is at this time in the project is two percent. I think that totals out to something like \$600,000 maybe in there as a contingency. That would be in there for the purposes of any changes or any items that we encounter in the job that we didn't know about in the walls or whatever. So that is partly, you know, for the change orders themselves. In a multiple prime situation you stand to have more change orders because of one simple fact of the contractor or a couple of the separate primes might come to a point and in the bid documents say well, I thought that was in his scope of work and the other guys said I thought that was his scope of work and we come to find out it's not in either one so who does it? When you have an all work contract and a general contractor if it's in there it's his. There is no argument about whose it's in. Something could fall through the crack. We had this happen on a project where something was on the drawings, but it wasn't in the specs section for the different prime sections, so even though it was on the drawings all the contractors disclaimed having figured it and it fell through the cracks. There would be more opportunity for change orders with multiple primes.

President Mourdock: Thank you, Mike. We've spent an hour

talking about the basic building and how we are going to do things with the bid, something close to the bricks and mortar subject. Obviously, that's very important for us. By the way, for the County Council people's point of view, and Councilman Russ Lloyd joined us here after we got started, a couple of folks in the back row you may or may not know, Steve Utley with the Building Authority and the gentleman next to Steve in the yellow shirt is Jerry Schmits who is working on contract with the County Commission helping to give us engineering oversight. You may have heard their names mentioned and not known who they were. At this point I would like to move kind of in the management of the building and where we go with that. Danny and Pete, however you would like to do that. Before we start, Danny, let's change the tape.

**Tape change**

President Mourdock: For those of you who don't know Danny, Danny is...Dan Spindler of Given & Spindler, they have been for the last four--

Dan Spindler: Five.

President Mourdock: --five years the management company overseeing the auditorium.

Dan Spindler: Thank you. My name for the record is Dan Spindler with Given & Spindler Management Company. One of the things Councilman Jerrel had mentioned the \$311,000 in alternates and one of the things that I wanted to bring before the Commission this evening to consider may take up at least \$11,000 of that \$311,000 and that is when you look at what is being built with the new auditorium and convention center we may be calling it somewhat of a renovation, but I think if anyone would really take a look at what the building is going to be when it is completed as opposed to what it is today it basically is a new building. With that in mind, I don't know that anyone has talked about or considered any of the memorabilia that may be able to come from that building itself. In talking to Mike Shoulders, the architect, I think from a specification standpoint it is important that if you decide to do this that it would be incorporated in the specifications right away and that is possibly, I have seen this done in a number of other cities, that we take 500 or 1,000 of the brick that are over there and that brick could be written in the specifications that they be cleaned and be available to sell at some price, \$10 or \$20 a piece, for memorabilia. That money could either go directly to the county itself, it could go to the county to be set up as some kind of foundation to assist in payments of rental charges in the future, possibly for not-for-profit organizations, or possibly go to some type of a charity. It is something for you to consider. I would like to follow up also from that standpoint with looking at management perspective of what needs to take place. We had originally anticipated perhaps 30 maybe even 45 days to be able to remove the items and so forth. Again, working with the architects it is our understanding that the building needs to be shut down by the 5th for all practical purposes to the public and now we will have until the 10th to be able to remove the items that need to be removed from the

building itself. For all practical purposes the last event, public event, that we intend to hold in the facility is going to be a New Year's Eve occasion, so depending on what time of the day or night, technically December 31st or January 1st, depending on whatever time everyone gets out of the building would be the last official date. Now we do have a weekend falling in there, so we'll really have just a matter of a few days to be able to remove the items that need to be removed. My suggestion is that we already have an inventory of what is there. We have a list of each of the county departments and that we put that list out to the county departments as to what types of equipment, fixtures and so forth may be available to them possibly on a first come first serve basis they could respond to us and their name would be kind of tagged onto that. We would then follow up and notify them that by the 10th of January the coordination for the removal of that item be taken from the building to that particular department. In the meantime, the other things that probably couldn't be used by the other county departments or other county departments may not want such as tables, chairs, risers and so forth my suggestion is that we look to an auction company to be able to remove those things and sale them away from the site at an auction, again, with that money coming back to the county as opposed to paying someone to haul them off or to actually have them removed and put into the trash disposal or hauled off to the dump.

President Mourdock: Excuse me, Dan.

Dan Spindler: Yes.

President Mourdock: Are there actually, and this is well beyond my area of expertise, but are there auction companies who regionally handle those types of items on a once a quarter basis? In the equipment business I know with our large equipment there are a couple of companies around the country that every first Tuesday of the quarter they have a big auction. Is that the type of thing you are talking about?

Dan Spindler: There are. Unfortunately, I don't believe that we are going to have enough to warrant a regional company looking at coming in, but we certainly have some local auction types of companies that do sale off excess merchandise and do take it to their auction places to do it. Prime example, and this is not an advertisement, I guess, but Kight Lumber Company as an example uses...once a year they sale off the excess cabinets and surplus and parts that maybe not have been picked up and so forth as a way to clean out their storage, number one and number two is to generate at least some money for that. My suggestion would be that we would look to do that type of an approach to be able to take care of those items. The other items such as looking at the items that have already been mentioned, looking at the lighting, the existing lighting on the stage would be in the specifications for that contractor to be able...whoever is going to be putting the lighting back up into the new facility would be responsible for the removing of that item. Looking at the curtains, and that is one of the areas that we are working with the architects and their consultants, that instead of worrying about warm...not only dry, but warm conditions for storage for up to 18 months on those items, but that we look to

a local dry cleaner and storage to be able to come in remove those, again between the 1st and the 10th, remove those items, to have those thoroughly cleaned, have them flameproofed and put into one of the storage vaults that would be on a local basis.

President Mourdock: Excuse me. Mr. Conner feel free to comment. For the specific example that Dan just used, did I hear you say something slightly different than that? I heard you say that for example the curtains, whoever is going to be responsible for--

Bill Conner: I think he switched the curtains and lighting.

Dan Spindler: Would you like to clarify that?

President Mourdock: You'll need to come to the microphone. I'm sorry, our sound system...and we haven't spoken of sound systems yet, but we will probably get to that.

Bill Conner: Dan and I tried to coordinate this afternoon and I think that over the telephone that we switched the sound...excuse me. The lighting and the curtains. We believe the curtains should go with the person who is going to fabricate new curtains for the stage, should remove the existing ones and do some repairs and patches, flameproof, cleaned and so on. The lighting equipment is what needs...the portable lighting equipment is what needs to be stored locally.

President Mourdock: Okay, are you both saying that however it is done, whomever is responsible is responsible? That when they take it down if they're responsible for flameproofing or whatever that is still all their problem?

Bill Conner: Yes. I think the portable stage lighting is the only one that--

Dan Spindler: That we would need to store outside away from the building.

Bill Conner: Take it out of the building and bring it back in two years.

Commissioner Jerrel: Okay.

Dan Spindler: The point with that is that equipment would be removed, but that is really the only thing that we would need to look at then in the way of us being able to accommodate an actual storage. Everything else can be stored away from site. The sound, as Bill has already mentioned, would be removed by that contractor and be able to be stored, cleaned and maintained away from site by whoever is reinstalling that also. We can minimize really in terms of having a five day window or a ten day window of time in there minus the holidays and the weekends. Minimize dramatically the amount of storage that we would number one need and the amount of manpower that we would need to be able to accommodate that if, in fact, we can make sure that the other items such as office furniture and so forth it could be utilized by some of the departments and possibly could be

coordinated for them to remove it within that time period. Everything else goes to that auction company. The other item that I have is that we've been working with the Convention Bureau on romancing conventions to come into this facility. I know that we had met with EX-POWs who are looking at a convention, I believe, in September of 1999. For all practical purposes it could very well be our first convention in the new facility. One of the things that we have to meet is a time frame though in terms of our bid package to them that would, in fact, give rental rates for the use of that facility in 1997...or I'm sorry, in 1999. Looking at today locking in rental rates that we are going to say is firm for a period of a little over two years is not normal in a facility that hasn't been constructed yet, but I would like to be able to pursue that and submit those to you no later than your July 28th meeting realizing that those rental rates would accommodate that particular convention alone. They have a September deadline for their decision making. We have already started reviewing competition. We have information from the IAAM, which is the auditorium association...International Association of Auditorium Managers in the country. We have a number of rental rates. What we are doing on the EX-POWs at this particular time we understand our competitor cities are, I believe, Columbus, Toledo and Dayton. We are also getting specific marketing rental information for those three particular cities that we are up against and that's what we would be in part comparing our rental rates for that particular convention. That's something that we would not have with IAAM. We would have generalized areas, not specific competing cities that is available to us. With your permission I would like to be able to move forward with that and report back to you no later than July 28th for a recommendation for that particular convention. The other item that I would like to mention to you is that in the latest statistics are out now from IAAM and the newly renovated facility falls into a category that is called convention multipurpose building. Basically anything of 100,000 square foot that has a convention center and/or auditorium and/or ballroom and/or arena is called a multipurpose convention center. Looking at our marketing pieces, looking at the other rental rates that will need to be developed is very important because based upon the latest statistics that are coming out for this multipurpose building even though it may be classified as a convention center of 100,000 square foot or less and then basically what is in the report all those within the United States and Canada. Only 40% of the use of that is coming currently from convention business. We are still going to have to rely very heavily on local and regional types of businesses. In fact, when you look at the rental rates on multipurpose buildings like that it basically becomes two rate schedules. One strictly for conventions. One for other types of uses. A prime example of that occurs not only elsewhere in the country, but even in Indianapolis with the Indiana Convention Bureau, or Convention Center up there. If you'll look they have two published rates. One for conventions and one for independent individual users. The other thing that was mentioned this evening that I would be remiss if I walked away from the microphone without elaborating on is one of the alternatives that the architects pointed out in terms of being able to divide our exhibit hall space, and if I remember right I think that

figure was around \$285,000, and even though it could be used in the future I would...of all the various alternatives I would encourage that alternative to have high priority in this single fact. Based upon those statistics that I just talked about on current uses, we would not want to end up with a 40,000 square foot space over there that we couldn't...people did not want to use simply for smaller groups because they are going to feel like they are lost like we have many times in the Gold Room. We have a 15,000 square foot ballroom which will accommodate most dinners, but what happens when we need to go from those 1,000 or 1,500 people to be able to serve for a meal up to the next level? Our only step is to jump from 15,000 to 40,000 at that point in time and we've lost that ability to market. Of all the alternatives I would strongly encourage the Commission to give specific consideration to that in terms of priority.

President Mourdock: I think that's a very, very good point.

Dan Spindler: Thank you.

President Mourdock: Questions? Pete, do you care to jump in this and give us the Visitors & Convention Bureau's point of view?

Pete Helfrich: My name is Pete Helfrich. I'm with the Convention & Visitors Bureau. Danny pretty well hit everything. Other than trying to urge some decisions on prices. We need them rather quickly. We've already lost the opportunity on one convention. It has passed us by. The deadline was met last month. Another big if, when you were discussing deadlines and enforceable deadlines, we need to know with a group of this size and this nature only a month out from the planned finish date, do we want to take that risk? We're going to look to the County Commission. You ladies and gentlemen make that decision for us. If we want to take that 30 day risk and go after that piece of business I feel confident that we can get them in here when we get the prices in place. Also from talking to the architects, the convention center will be ready before the theater will be ready. This convention, oddly enough, uses the theater when they come to town. The last time they were here they used the Vanderburgh Auditorium as their main meeting hall. They plan to do that again, but we have an alternative now. We have a 40,000 square foot ballroom that can be set up with a stage and seating to accommodate that, so we do have alternatives. Other than that, I look forward to working with the management company, with Mr. Spindler. They've been wonderful the past month during this period when we don't really know what's going on. Another thing that we do need to look forward to, the advertising materials. We're going to need some input from that. That is where the prices come back in to the mix. We have received funding from County Council out of our reserve account to pay for the three renderings that hopefully we'll be making great use of. Other than just backing up Danny and what he had said earlier...

Commissioner Jerrel: Now, when you say use the three renderings, you intend to use some of your current advertising money though, aren't you, in '98 to put out brochures, advertising this and get it out on the market?

Pete Helfrich: That's part of the discussion. We've got the renderings in place. Where we come up with the funding for the brochures and how we do that, that hasn't been addressed yet.

Commissioner Jerrel: Well, but what's your budget now for advertising?

Pete Helfrich: For general promotion for the community the actual printing budget is \$60,000 and that's for all of the materials and then we also have a general advertising budget of \$150,000.

Commissioner Jerrel: I would think, though, that you would put this in...I mean, this would be a--

Pete Helfrich: In our general materials, yes.

Commissioner Jerrel: That would be a star in your crown.

Pete Helfrich: We do that. We have a convention facilities guide that we do produce. The specific marketing pieces, though, for the auditorium, we've never actually done that in the past and we have to discuss how we would do that.

President Mourdock: Pat, did you start to ask a question?

Commissioner Tuley: No, I think he already addressed it.

President Mourdock: Don't go away. A couple of points. One that Dan mentioned maybe you can both elaborate on, though, and that is the rates. Obviously, you are looking to this Board to establish what those rates should be?

Pete Helfrich: Yes, sir.

President Mourdock: Obviously, we are looking to a recommendation from someone because we are not the experts on how much that floor space should go for. How do you suggest that this Board receive such recommendations? Let me be presumptive for a minute, upon what are you going to base the information that you give us?

Pete Helfrich: We have already researched what the facilities in Indiana charge for their space: the Grand Wayne Center; the Century Center which is in South Bend; the Grand Wayne, of course, in Allen County. The Horizon Center and also the smaller facility that just opened up in Bloomington, so I can bring those prices to you. Danny had talked about the International Association of Auditorium Managers. He belongs to that association and can readily get prices from all of the facilities of comparable size and all the other communities. They do set their price schedule...it's a little difficult for a new facility that is not open yet, but they do tend to set their price schedules two years out in advance. You always put a wienee clause in that allows--

Commissioner Jerrel: Oh, yeah. If you have 500 or more, you get such and such.

Pete Helfrich: Or if prices skyrocket out of the blue that it allows you to go back and revisit the prices that you are charging.

Commissioner Jerrel: Yeah.

President Mourdock: Have a dead band on the CPIW, I think that's the phrase.

Pete Helfrich: Oh, is that what that is? Thank you, I like that. That's better.

Dan Spindler: If I could just add to that?

President Mourdock: Sure.

Dan Spindler: When we come back no later...the reason I am saying July 28th for this particular convention, obviously, is that we're trying to look at what the specific market cities that we are up against. Right?

Pete Helfrich: Right.

Dan Spindler: For that convention or new pricing we would make a recommendation to you and at that time that recommendation from a convention center standpoint would include working with Pete at the Convention Bureau, but also be based upon not only the data that they have, but the data that we have as well as the IAAM. We are not pulling figures out of the sky, but that we are basing it upon competitive marketplaces in that recommendation. Now in terms of nonconvention uses, again, our recommendations will be to you for acceptance or denial will be based upon, again, marketplace information that is available.

Pete Helfrich: Dan hit on a very important point there also when you are talking about nonconvention or local use versus using the term nonprofit. Almost all of the associations that do conventions, the larger ones are all nonprofit, so you have to be very careful how you structure the pricing schedule.

President Mourdock: I'm sure that's true and I guess I have a picture in my mind where a rate is based strictly on what the competing market is. I don't know if that's the right way to do it or not. I mean, if...and I know this isn't business this is government and I understand there is a huge difference. If this were purely a business decision we would probably have some formula that we could rely on so many square feet available and amortized over such a period of time to pay off the building, but I presume that is not what is going to happen here. It's just comparing it to the market. Okay.

Commissioner Jerrel: Where is this master calendar going to rest?

Pete Helfrich: With whoever the Commissioners decide. If they want it during the interim period to rest with the Convention Bureau on an 18th month out basis we are ready and willing to accept that responsibility and do that job. If the management company stays in place through this time period and you prefer

them to handle that, then it is just a matter of coordination. The policy, though, I think needs to be set and I am going to urge that. With convention business versus local business, convention business brings money in from out of town and it has a greater impact on the community by virtue of those dollars coming from somewhere else versus a retail show which tends to take money away from a community. I think we need to give preference to the opportunities to bring that business into the community. We're looking at the standard is 18 months. Some communities like Indianapolis it has to be city...fill multiple properties in the downtown area on a two year and out basis. You can't book any sooner than that and sometimes they'll bump you. If you're a smaller Indiana convention you can get bumped from the center in Indianapolis in preference for some national convention. We don't have that problem or that demand. But 18 months is a reasonable date and I think Dan would agree with that. Inside that time period it would be coordinated between the Bureau and the building operator.

President Mourdock: That brings up what is, at least in my mind, the toughest question that we have in front of us. I understand the construction side of it better than I understand the marketing of this facility. Please tell me what thoughts you have on what I see as two...the two totally different sides of the marketing. You've both alluded to it. Danny, you said that only 40% of the revenues generated by these facilities, or maybe it is 40% of the time, is going to the larger conventions which implies that 60% is going for the one day type events. Here is my gut reaction. I think the management company can probably do a very, very good job with those local one day, two day type events, but the greater concern I have is about the Visitors & Convention side. I mean, to say it in a way that probably you'll disagree with, but I think I can prove, most of the convention business in this town died when Robert Green died. I mean, he brought in a huge amount of convention business.

Pete Helfrich: I'm not going to disagree because that's essentially when the Green Center closed.

President Mourdock: Right.

Pete Helfrich: Our big hall closed and also the facility reached the point where we couldn't sell the facility anymore, the hotel facility.

President Mourdock: Yeah. How do you give us some comfort that we can begin, as Bettye Lou was saying, to handle the calendar, but more than that it seems like we have two totally different types of functions and we've got two groups, and where do we draw the line as to who does what?

Pete Helfrich: Come on up, Danny. All I can use is what experience has shown from other communities where other communities have made the decision what is going to take priority within a certain time window? Inside that 18...most of the smaller consumer shows can be booked...weddings are book inside that 18 month period, so we're not going to be infringing on too many people that are planning weddings and small trade shows. They don't plan that far out in advance. Conventions

begin planning two years out, three years out, four years out, so it is easy to reserve those dates. We're not really infringing on anybody.

Dan Spindler: I think the joint..the concern is that you really don't...it's not a competing situation. What has to happen once a time frame is established is that it takes both existing management as well as the Convention Bureau to market that business. We've been working together here very recently very well in that area. It takes both of those. The day-to-day in terms of who is keeping the calendar, I personally believe it has to be on-site. That is immaterial. As long as both the Convention Bureau and the day-to-day management are working side by side in marketing and bringing in conventions to this, that is the least of anyone's worries who is physically keeping the calendar. The only thing that I have a little bit of, I guess, a different approach on is the period of 18 months. My recommendation is that it's a 24 month period. The reason is that many times you have a particular user and as soon as that event is over with and the follow up, they are ready to rebook the very next year, okay, and you need to have that ability. The difference between the 18 and 24 months can certainly be worked out. I, philosophically, I agree very strongly with Pete. There needs to be a window at 18 or 24 months and beyond that those dates are kept available for convention and that you continue to work with the Convention Bureau and the management on almost a daily basis in terms of marketing efforts, so that they are not duplicating our market efforts or we would not be duplicating theirs.

Commissioner Jerrel: When you said calendar on-site you can't be on-site.

Pete Helfrich: That's the reason we brought it up. There was no on side after January.

Commissioner Jerrel: Yeah, there is no on-site.

President Mourdock: But I think I hear what you're saying. What you're saying is you need to be at the same place wherever the place is.

Pete Helfrich: Right.

Dan Spindler: The physical writing down and the dates are immaterial as long as we continue to work together in the marketing efforts.

President Mourdock: I guess Pete is saying that empty office in your facility is available.

Pete Helfrich: We have no empty office, but we'll make space.

President Mourdock: Got the commitment I was looking for! Worked better than I thought. Okay. Any other questions? I know we have some folks who have sat here very patiently and, Mr. Moser, I have a hunch I know what subject you wish to discuss, so if you would like...?

Ed Moser: Ed Moser, President of the Coterie Club. I've got some folks that I would like for you to meet. Prior to our dance, when we have a dance, we've got one coming up July 13th, we send out a letter and in this letter, this past letter that was sent out, suggested that we have a group from the Coterie Club, so it is my pleasure for you folks to meet Dr. and Mrs. David Wilson, Dr. David and Jan Wilson. Frances Roth, her husband couldn't make it today, and John Triplett. Those are people from the Coterie. They're real live people and they dance like crazy, hopefully, on a wood floor! I wasn't going to mention that. I been sitting over there promising myself not to--

Commissioner Tuley: You couldn't sit through a meeting--

Ed Moser: Uh?

Commissioner Tuley: I'm sorry, I don't mean to interrupt you, but you could not sit through a whole meeting and not mention a wood floor!

Ed Moser: No, but seriously, this, I have thoroughly enjoyed this meeting. Really. I mean, we're getting down to the nitty-gritty now. I won't take any more of your time. Incidentally, Ms. Jerrel, I want to wish you a very happy and prosperous and content retirement.

Commissioner Jerrel: Well, it will give me more opportunity to sit over here and answer questions.

Ed Moser: From the Coterie Club.

Commissioner Jerrel: Thank you very much. The Wilsons are longtime friends. I had their children in school, so it's another family that I got them through the tough times of raising kids! They're also neighbors.

Ed Moser: Yeah. This has been a great meeting and I hope there are many more. I hope it is very profitable. I've said the wooden floor, so I am synonymous with that so I can't help that. That's the way it goes, but then I had a private conversation over the phone and I went down there just casually down to talk to Nina about the same thing that we've been talking about, the rental fee and everything like that. That's another consideration. Maybe that will come down the line a little bit later. You folks are doing a magnificent job and I thank you very much.

Commissioner Jerrel: Thank you for coming.

President Mourdock: Thank you, Mr. Moser.

Ed Moser: Frances wants to say something. Mrs. Roth.

Arora Frances Roth: My name is Arora Frances Roth and I reside at 7977 Elna Kay Drive and I have lived their for 36 years. I've been a member of the Coterie for well over 20 years. I've actually forgotten how long. I have not missed one formal dance

in all those years. My husband and I have traveled extensive dancing. Ballroom dancing that is, no country for us. We have danced on floors from concrete, terrazzo, carpet, wood, parquet and glass. Yes, even glass at an exclusive club in Birmingham, Alabama. It's very difficult to dance on glass. Our preference, of course, is wood. A permanent wood floor is, in our estimation, the only way to go. We've danced on a lot of portable dance floors. There are many problems encountered with portable dance floors. You may not be aware that you will have to pay someone or someone will have to pay someone to set this floor up, maintain it, store it. When you get about 100 people on a wooden dance floor which is portable, it has a tendency to separate. Somewhere about the middle of the dance someone goes out with a hammer and tries to hammer the parts back together. Pieces fly off. When these floors separate women have a tendency to get their heels caught and I have seen accidents occur with portable dance floors so you better have your liability well paid and also the club which is sponsoring the dance needs to have their liability paid. I've seen people with broken arms from getting a heel caught and the woman is wrenched to the floor. I happen to be a nurse, so they always come running to say can you help her? Can you help her? I say no she has to go to emergency. I'm out of town and I don't know anything about this situation. A wooden dance floor is most conducive to smooth ballroom dancing and that is what we try to do in Coterie. We don't like to have country music in our Coterie dances although some people like to have one or two dances just to give a little variety. From my standpoint, you're wasting your time with a portable dance floor of all the problems that I have mentioned that you will encounter with it. I have seen so many spills on these floors. No one ever cleans them. If you have a permanent floor all it takes is a nice finish on it with someone going with a damp mop, dampen it and clean it. A lot of those maintenance problems will be avoided with permanent dance floor of some type and I prefer wood, of course. That is my personal opinion and I thank you for listening.

Commissioner Jerrel: Thank you.

President Mourdock: Okay. If I may ask a question, and refresh my memory because that would save me from going to my notes here, but Mr. Moser the floor that you were requesting at one point was 40 x 40? Is my memory correct on that?

Arora Frances Roth: A 40 x 40 is very small isn't it?

President Mourdock: What was the size?

Ed Moser: We were requesting...the Green Convention Center (inaudible).

President Mourdock: You'll need to go to the mike.

Ed Moser: It was 90 x 48.

President Mourdock: Okay, 90 x 48.

Ed Moser: We added a few more because of the (inaudible).

President Mourdock: Here's my question. How many floors are there in this area or in the area that your club generally works in that would be of that size? Are there any?

Ed Moser: Well, the 4-H is 90 x 50.

President Mourdock: Okay. Alright, let me--

Ed Moser: Sir?

President Mourdock: About 15 years ago Indianapolis decided it was going to be the amateur sports center for America. Everybody said, you know those people up in Indianapolis are crazy, they'll never make that happen. In fact, now they have the Pan Am Games and all these different things because they targeted their community to do it. Is there enough dancing out there that if this community said they were going to be the...what's the right word? Amateur dance center for America for whatever reason that it would draw that many people?

Unidentified from audience: It's possible.

President Mourdock: A passing thought.

Ed Moser: The doctor has just retired from presidency of the Friday Night Dance Club. Now they meet once a month at the Eagles...I mean 4-H...VFW. So we've got the people out here and not only that, we bring them in from Illinois and Kentucky and the northern part of Indiana.

President Mourdock: Okay. Maybe Mr. Helfrich and Mr. Spindler can check and see how many national dance organizations there are if we do something along these lines. It would be something to market, too.

Ed Moser: Well, it could be included in their marketing situation.

President Mourdock: Okay.

Ed Moser: That we do have a dance floor here. Thank you.

President Mourdock: Thank you. Yes, Mr. Triplett?

John Triplett: I'm John Triplett and I live here in the county here. The marketing for the convention center...the convention people here, if you get this out to the public you're going to get more dances. Effingham, Illinois they have dances like a three day deal. They bring three or four bands in there. Big time bands that I am speaking of. What's the other city?

Unidentified from audience: Staunton, Illinois.

John Triplett: Staunton, Illinois. That's a little small burg, but they've got a pretty good sized floor in over there. They pack them in. It's almost too many people for the floor. It's possible.

President Mourdock: Okay. I learned years ago sometimes it's

easier to start a big fire than a small one, so I wanted to put that before you. Joe, I think you had a question for Mr. Shoulders. Mike.

Joe Harrison, Jr.: I'm just curious. I can't recall in the convention center area, I know there is multi, hopefully, multipurpose possibilities.

Mike Shoulders: In the exhibition hall?

Joe Harrison, Jr.: Yeah. I mean, do you envision it being possible to...let me just throw this out...it's going to be a concrete floor?

Mike Shoulders: Uh-huh.

Joe Harrison, Jr.: Could there be any type of sporting...I mean, I am just throwing this out. Sporting events of any type like indoor soccer if they put down the right floor or tennis if they put down the right surface or...I can't believe you could do hockey in there, but a basketball, you know, if you put down the portable basketball courts that you see out in the parking lot back here in the summer time? I mean, could you do those types of things in there? Are there too many columns in the way that are going to restrict those types of activities?

Mike Shoulders: There are no columns.

Joe Harrison, Jr.: Okay.

Mike Shoulders: We made sure that there was flexibility in the spaces and we are paying a little extra. Not a little, we're paying extra from the column free space, but when you begin to introduce that level of a multipurpose nature and that sort of usage, there are all kinds of implications for lighting, for storage. When we heard about the temporary floor, you know, for basketball you would have to have a large area for storage and manpower to put the floors up and so it's really a big operation. If that were a goal of the county we probably should be planning for that and truly we are not right now given the lighting, given the level of storage. There are so many sports whether it is boxing or basketball, you know, I mean the ceiling is high enough, the space is probably large enough, but the question about lighting and seating...bleachers. We don't have any bleachers per se. Storage for equipment and all of that, it becomes very complex.

Joe Harrison, Jr.: My main question was, is it feasible to even do and what you're saying is that at least the facility--

Mike Shoulders: Mike has done some research on that because that question was asked fairly early on and I think he's got some answers for that, too.

Michael Buente: I think the gist of your question is could this be multipurpose to do those things? Mike's answer sort of assumed that you would have to have all those things there. It is going to be a shell space. It's going to have two 20 x 14 foot doors plus a 20 x 20 foot door off of Ninth Street that you

can drive a semi truck into that space, turn it around and go back out. You could set up an event. I mean, it's a 30 foot clear ceiling. You could set up a sporting event. You could have a boxing ring. You could set up an assembly event, you know, the 4,000 chairs that Charline was talking about could be set up as an assembly event with a stage at one end. The space is designed to be flexible. The lighting is also flexible. Now, for what lighting is not provided there for some kind of special needs, we've provided rough in hard points up in the ceiling that you can come and wire specific needs for either a convention or for lighting. We've got...I don't know. Bill is our lighting consultant as well for flexibility in all the spaces not just the theater. I think we've got what...? Four hard points up in the--

Bill Conner: You've got enough power for a small rock show.

Michael Buente: A small rock show, so that's a lot of power.

Commissioner Tuley: Concert or rock?

Michael Buente: Rock concert.

Joe Harrison, Jr.: Thanks. As far as a marketing tool I think that's something that might be a consideration down the road.

Michael Buente: You could have an indoor tennis match there. Bring in bleachers for each side and set the lighting.

Joe Harrison, Jr.: Locally...I would think there is a lot of need locally. It's not convention related at all. It's just use of the facility and I'm just throwing out something like that...obviously, you want that place used.

Michael Buente: All those are all possible.

Commissioner Jerrel: On another matter not related to you, I can't get my mind off the budgeting during this time. I don't know, Danny, have you and Pete thought about...I mean, your budget that you turned in didn't reflect what has really come up here tonight, I mean, in terms of responsibilities, you know, for next year. You've told me that you've got \$150,000 in your budget for additional advertising plus the \$60,000 for printing which I am assuming we're going to try to use for this. How do you see, I mean...

Dan Spindler: Obviously, the budget, since my company prepared the budget for next year, the January 10th cutoff date, obviously, changes the personnel requirements in there. We had limited advertising and marketing. We need to really start getting in to some of the trade journals. Just some advertising even though the advertising is more than we have spent in the past for 1998's proposal, it is certainly much less than what I would expect for it to be looking at 1998. I was primarily relying on most of the marketing in terms of convention business really coming probably through what Pete was doing, but I also realize that the internal marketing pieces, the rate sheets, and all the other things that need to go into place probably would not come out of the Convention Bureau budget and that's where

most of our money outside of advertising in the trade journals would really go in terms of that budget for 1998.

Commissioner Jerrel: Well, then you had a lot of things like utilities. Mike, are we out of the utility business once that contractor is hired, or we're paying utilities, or what is the deal?

Mike Shoulders: During the period of bid (inaudible comments made from audience) construction he is responsible for.

Commissioner Jerrel: So all of that was in yours?

Dan Spindler: It is, but the reason for the utilities still being there is that we had, again, we were anticipating probably February 15th as a maximum. We also had the utility bill in December wouldn't show up until January. Then the month of January wouldn't show up until February and then February, obviously, into March. The utilities are much higher now based on this evening than what I would have anticipated.

Commissioner Jerrel: Stay up there because I want to ask another question. If this facility, which I am looking at the Memorandum of Understanding with the Building Authority, the decision on the marketing company and all of that will probably rest with the Building Authority and Steve Utley. That is one scenario.

Steve Utley: There hasn't been a lot of discussion.

Commissioner Jerrel: No, well, I said this was a time when we ought to throw all this out because it's--

Dan Spindler: I have not been privy to any of that particular discussion.

Commissioner Jerrel: They will own the facility.

Dan Spindler: Yes, I am aware of that.

Commissioner Jerrel: It is theirs until such a time as it is paid off and then it's ours again. We've got to get all this--

Dan Spindler: The county leases that back, though, correct? Am I correct still?

Commissioner Jerrel: Yes.

Dan Spindler: So they may own it, but the county still operates it in terms of being the--

Commissioner Jerrel: No, they're going to operate it. We're not going to operate it. I mean, they're going to take care of keeping it up and all the stuff that goes with it. That's...Mr. Utley back there shaking his head.

President Mourdock: Which way is he shaking it? I can't see.

Commissioner Jerrel: Up and down. Steve, come on up. I know

you need to...

Steve Utley: I'm Steve Utley with the Building Authority. I think the way most of that has been perceived so far, and obviously there is not any ink down much less any ink to be dry.

Commissioner Jerrel: Right.

Steve Utley: We see that as the Building Authority owning the building, maintaining the building from a mechanical and bricks and mortar standpoint, and having, I might say, a little bit of a heavy hand on the use of the facility. Our objective with the Building Authority...or with the Civic Center Complex has always been to keep the complex in Class A condition.

Commissioner Tuley: You've done that.

Steve Utley: Excuse me?

Commissioner Tuley: You've done that.

Steve Utley: Oh, well, thank you. My predecessors, there is a lot of people involved in doing that and the cooperation of the city and the county. To do that with the auditorium would be our aim. The actual management from the standpoint of--

President Mourdock: Events.

Commissioner Jerrel: Events, yeah.

Steve Utley: --events is still up in the air. A lot of discussion needs to take place. Who would write that contract? Who that contract would be signatory to? The Building Authority or the county? We haven't come close to that.

President Mourdock: Or both conceivably.

Steve Utley: Or both, right.

Commissioner Jerrel: Well, I wanted to get all that out because all that is out there and it has to be worked through.

Steve Utley: It won't be our position to hinder the operation of either one of these gentlemen or whoever the management company is that has the events or whether it is split to be convention on one side and the auditorium on the other side. There is just a lot of choices out there to make.

Pete Helfrich: Asking a real quick question about management of the building.

Commissioner Jerrel: Uh-huh.

Pete Helfrich: Does that include setup, tear down and doing all the things that traditionally go with bringing an event into the building and the labor and all the people that are associated with making that building function? Not just the maintenance man, but also the setup men, the cleanup men and all that stuff.

Steve Utley: I've said several times that right now we have a real jagged line and what falls on what side of that line is not determined yet. I think that we need to get together soon and start talking about that so that the Building Authority can plan for '98. We need to be doing that. Once the project is bid and that part of the process is over with, I think immediately following we need pull in the people that could give us a lot of input.

President Mourdock: Do you think we should even wait that long until the building is bid? Because we are now showing an August 19th bid date, I think.

Mike Shoulders: Yeah.

President Mourdock: Somewhere in late August.

Steve Utley: I think that Veazey Parrott & Shoulders has some input and to complicate the issue of the bid process by asking them to have to come forward and put that input in and sit down in the meetings would be strapping them. We've had those conversations already about when we could start talking. We feel that period is not...I understand that they need answers.

Pete Helfrich: Oh, yeah. The delineation of who is doing what. Marketing, F & B, set up and then also building maintenance. Those would be the big ones in our office.

President Mourdock: The jagged line that Steve is referring to here, as I've gone over this in my mind many times, I think working out the details and handing Hong Kong back to the Chinese might be simple compared to trying to coordinate some of these things. There is a whole lot to be done here. Maybe the best that we can do at this particular meeting, and I am not trying to evade the subject by any means, but the purpose of this meeting was to highlight these types of problems and so we could set some dates to really get them clarified. If what you just said, Steve, that Veazey Parrott needs to be involved in that discussion, then maybe by the end of September is when all of those types of details regarding the actual management of the building once the building is complete, all that needs to be taken care of by them, but certainly well before then and as Danny said, the 28th of July is a date...is that your date that you said to shoot for for the fee schedules? Those types of things I think we absolutely have to get done and also for the advertising and coordination, I think we need maybe by the 28th as well to have that pretty well ironed out at least as far as the marketing side is concerned.

Steve Utley: Even if we came to somewhat of an interim agreement. Some type of guideline or something that they could work with. I mean, what we do can be changed.

President Mourdock: Sure.

Steve Utley: I mean, we can get so far with it and if that is the best we have then we go with it.

President Mourdock: Okay.

Lynn Ellis: Mike, how realistic do you think your schedule is for bid evaluation of four days?

Mike Shoulders: That all depends on if it comes in on budget or not! You tell me. What will happen if it comes in over budget and we've got, we think, some safeguards. We've got our alternate bid package. We've got our contingency. We've got our method of bidding it and our cost consultant that we've retained. Let's say in the unusual event that it came in over, we would be in a process of coming back to say do we want to negotiate with the low bidder or two low bidders? You know, there are some choices there, but whatever the decision is it takes a little more time. I'll have to say to you yes, it's realistic with the assumption that we come in on budget. It is unrealistic if there is a whole other segment of time that's called bid negotiations.

Lynn Ellis: When...do you plan on prioritizing those bid alternates?

Mike Shoulders: Right.

Lynn Ellis: Prior to the bid being due? Because at that point I don't see four days giving you enough time to do that.

Mike Shoulders: Yeah, we'll probably have them in priority and that would also be in concert and in agreement and discussion with the county and with the Building Authority. I would...let me say first of all that I think that the partition, I would agree with, I think it was Mr. Spindler, and we wholeheartedly agree that's a very important element, but it's a very expensive element. That's how you control your budget is a safety valve, but we very much would like to see that folding acoustical wall go in. That would probably be priority one. We feel the escalators are important. So anyway, yes, we would get into an analysis that would almost make those alternates sort of automatic as they fall down the line.

President Mourdock: Okay, any other questions? With our Council people here...

Curt Wortman: My name is Curt Wortman, the County Council. One question. I noticed we're talking about the building that is going to be built and all this, but I think the question you are going to have to face is where are you going to get the money to operate it at?

Commissioner Jerrel: Good question.

Commissioner Tuley: From the Council!

Commissioner Jerrel: Good question.

Curt Wortman: Of course, that's going to affect the County Council, but I think with this Innkeeper's Tax, that five percent, five cents, I think we might have to kind of tap them a little bit to help the cause out there because our General Fund cannot stand any more straining, if you want to use them

words, due to the mandates from the federal and state government that are being handed down to us every day. I think these are things that we are going to have to face whether we like it or not. I think this better be set in motion here pretty soon, I think.

President Mourdock: I would just add in addition to those state and federal mandates that are very real, all the infrastructure improvements we are trying to do elsewhere within the county as well.

Curt Wortman: I might also ask one more question. What happens if an out of town firm comes in from Ohio and don't have a contractor's license here in Vanderburgh County?

Michael Buente: They're required to have a local license.

Curt Wortman: They are required?

Mike Shoulders: We're encouraging competitive bid prices.

Curt Wortman: Will this be prevailing wage?

Mike Shoulders: It will be prevailing...it will be as per the--

Commissioner Tuley: It will be set by the Common Council, won't it? The Common Wage?

Mike Shoulders: The Common Council recommends it.

Curt Wortman: What happens if the general contractor comes in that is nonunion and a low bidder from Ohio, say what happens?

President Mourdock: He would get it--

Commissioner Tuley: He still has to pay common wages.

Mike Shoulders: He would follow the common wage (inaudible comments not made from mike).

Curt Wortman: Okay, thank you.

Commissioner Jerrel: Wait a minute, and Betty. We need to sit down and talk to Council about a plan because I have spoken to some of the members of the Visitors & Convention Bureau and I think we need to examine some of the funding streams that they use in Indianapolis, St. Joe and Allen County because we're very aware of this and I think Pete probably could shed some light on that, but suffice to say they do use some of the Innkeeper's Tax. Not all of it, but a portion. Hopefully, the promotion of this new facility will result in increased revenues though we know that we're not going to be booked all the time. We're aware of that, but hopefully that will be one of the happenings.

Curt Wortman: It will be a strain on us for years.

Commissioner Jerrel: Yes, and we want to work with you because we want the facility. It is vital to the community, but we also do not want to put a strain on General Fund money, so that is

very much a part and if it requires careful work with the Visitors & Convention Bureau that's what we are going to do.

Curt Wortman: Okay, thank you.

President Mourdock: Thank you, Curt. Any other Council people wish to ask a question? Any other comments from the Commission? Joe?

Joe Harrison, Jr.: There is a possibility that the county might be able to take advantage of the new legislation that was passed regarding the Sports District Authority although there has been a lawsuit filed recently challenging that legislation and everything else in the bill, but that is a possibility that the county may want to consider in order to capture some of the sales tax from entities that are owned by the county such as Burdette and obviously the auditorium here and maybe the coliseum and some other properties. It's a possibility that we may be able to find some other funds out there.

Commissioner Jerrel: You know that was the new law that was passed more for other areas than for us, but because we have a professional team, The Otters, we'll be able to utilize that in keeping some of the tax dollars that are collected here?

Curt Wortman: Thank you.

President Mourdock: Pat?

Commissioner Tuley: It looks like we are trying to wrap this up, but I just wanted to thank everybody for coming out. This is a public facility and I think Richard did a good job of pointing out at the beginning that we are trying to do as many of these meetings and have been doing as many of these meetings as possible in public ways because it will be a public facility and we do appreciate you taking the time out of your schedules to come in and give us your input and give us your thoughts. We don't often get that, but we really do appreciate it.

President Mourdock: Bettye Lou, any closing comments?

Commissioner Jerrel: No, just appreciate it.

President Mourdock: Okay, I've got listed here eight questions that I would like to assign some dates to if I may. The first one is how is the project bid? Lynn, if you might note these or I'll tell you what, I'll just note them right here and then give you a copy. I would like, since the bidding clearly comes under this Board's authority, that we decide that issue next week.

Commissioner Jerrel: Oh, I thought you wanted to do it tonight.

Commissioner Tuley: I'm sorry?

President Mourdock: Regarding the bidding of the project. Do we do this as specialized primes or do we do it under one unified bid? What I was going to suggest is that we be prepared to act on that next week and that way if there is any information you need to gather between now and then you can do it. If you would

rather do it tonight, we can do it tonight.

Commissioner Jerrel: Well, I don't know. I mean, I kind of made up my mind from the very good presentation that we had, but that's just me. I can--

Commissioner Tuley: I leaned over to Joe and said they made a pretty good argument for one prime contractor. I mean another week is probably not going to change my mind either.

Commissioner Jerrel: Mine either.

President Mourdock: Okay, make the motion.

Commissioner Jerrel: Well, go ahead Pat. You said it and I'll--

Commissioner Tuley: Well, just based on all the alternatives and the recommendation...I use the word recommendation. I don't know if there actually was a recommendation, but just based on information from the people at Veazey Parrott & Shoulders and I understand that Steve Utley was also leaning or the indication was that they would prefer...Steve, correct me. You're not nodding or looking at me funny.

Steve Utley: May I approach?

Commissioner Tuley: Sure. I don't want to put words in your mouth in other words.

Steve Utley: I just would like to be clear before you take action as to whether this is a recommendation from the Commission to the Building Authority since they'll be going out and securing these?

Commissioner Tuley: Right. I would amend my motion to make sure that this would only be a recommendation--

Commissioner Jerrel: To you.

Commissioner Tuley: --to you and that you contract with one prime contractor for building this project.

Commissioner Jerrel: I'll second that.

President Mourdock: I will say so ordered. The second question I have is one that, again, probably won't be possible to deal with tonight because I know, again, Steve Utley certainly needs to look at this one carefully, but that is how will the subject of liquidated damages be addressed? Again, there are pros and cons on that one. The third question I have is how will the marketing be coordinated between Givens & Spindler and the Evansville Visitors & Convention Bureau? On my fourth question, what will fee structure for the building be for the rental space? Those last two issues I think I would like to really have a handle on at the July 28th meeting. So if you can report back with recommendations we would be prepared to do some things there. Item number five or question is that the building will be maintained as presently drafted by the Building Authority and how will this be done given current agreements? There are two

aspects to that question. One, obviously, is the management agreement for the events and the second agreement is the union agreement that is in place over there now. Certainly there would need to be some sort of transaction or transition with that. So that's a question. Question number six, how are the alternates prioritized and included or excluded for bidding? I would like to hear back from VPS on that one. You tell me what is reasonable with the bids going out on the 19th. What is a reasonable time?

Mike Shoulders: We could do that by the time we go out for bids. August 25th, I think.

President Mourdock: Okay, by August 25th?

Mike Shoulders: (Inaudible comments not made from mike.)

President Mourdock: Okay, item seven is can the county in any way capture sales tax from entities owned by the county for the project such as the professional sports legislation that just passed? Joe, perhaps you can report back to us within two weeks on that as--

Joe Harrison, Jr.: Yeah, I'm going to keep up on it. Again, there has been a lawsuit filed by the Indiana State Treasurer unfortunately challenging that legislation. I'll be...I was served...or provide a copy of the lawsuit by her office, so I will be keeping up on it.

Commissioner Jerrel: Would you send me a note about what that Lawrenceburg Bond Bank is about? I would like to know what that is.

President Mourdock: Within two weeks, Joe, or two weeks from tonight if you would.

Joe Harrison, Jr.: Report back? Sure.

President Mourdock: Question number eight I have listed and not discussed heretofore tonight, but one of critical importance because Mike Shoulders raised it two weeks ago and that is what do we do with the sculpture that is currently in front of the building? An enterprising reporter decided to run a column asking for suggestions on this and as a result one Saturday morning when I was in here working I spent more time answering the phone than working. Some people chose to leave their names, others didn't for perhaps obvious reasons. The suggestions were, and I don't know if the newspaper printed any if they got any, but one suggestion was:

, I think you ought to give it to the Shriners so the crippled children can use it.

, Donate it to Holiday World because it sort of looks like a roller coaster and thus goes with their advertising in the theme park.

, Ms. Sherrienne Standley, Vice President at USI, said we could use the sculpture for our new liberal arts building.

, Someone who wished to remain anonymous said put it at Harrison High School because one ugly piece of architecture deserves another. That may have been someone from Bosse High School, I'm not sure, but they remained anonymous.

, Shirley James said use it for Pigeon Creek. Place it along the creek as a loan or a gift.

, Interesting there were two votes basically saying somewhat the same thing: They're renovating the zoo, so I think it should be donated to the zoo was one response. There was another that said whenever I look at it it reminds me of an elephant with its trunk up in the air, so I think it should go to the zoo near the elephant exhibit.

I suppose...well, I won't even go down that road. Someone noted the general shape of it and thought it might be a good logo for Evansville Bolt & Nut which we won't turn into a commercial venture.

Commissioner Tuley: I'm sorry, I did it again, but go ahead.

President Mourdock: No.

Commissioner Tuley: I was going to say, did you see a common denominator there? Nobody said keep it!

President Mourdock: That is a common denominator. At this point I think we'll have to take all those under consideration although we do have to note two did say the zoo, so that seemed to be the majority opinion.

Commissioner Jerrel: The name.

Betty Knight-Smith: Wasn't that donated by USI?

President Mourdock: Who was the name?

Betty Knight-Smith: If they want it back why shouldn't they have it back?

President Mourdock: Was it theirs to begin with, Betty?

(Inaudible discussions from audience)

Pete Helfrich: John McNaught.

President Mourdock: Ah! Very good. Okay, well that gives good reason to perhaps provide it to USI.

Commissioner Jerrel: How about the name?

President Mourdock: The name of the facility. That was another question that Mike had on his sheet.

Mike Shoulders: Do we know who really owns it legally?

Joe Harrison, Jr.: It's my understanding it is the county's.

Mike Shoulders: Is there any written agreement that it reverts to USI automatically?

Joe Harrison, Jr.: I have not come across anything.

Michael Buente: What about the Building Authority? Does it go with the building?

Joe Harrison, Jr.: Yes, that's who it goes to! You're exactly right.

President Mourdock: Let me write that down. Give it to the Building Authority.

Joe Harrison, Jr.: Steve can take it home!

President Mourdock: The question regarding the naming of the facility. Do you have a thought as to how that might be done, Bettye Lou?

Commissioner Jerrel: Not really. I mean, we could ask for suggestions from people because I do think it would be nice to have a name when you advertise. You know, have something that is available for everyone...what?

Unidentified from audience: A contest.

Commissioner Jerrel: Run a contest? Well, we could seek input from the public because sometimes you get some really neat ideas.

President Mourdock: Well, it is the public's facility, so I think that is a very good thought.

Commissioner Jerrel: Well, we might see to it that we get out something. A news release of some kind or these people that are writing very quickly could institute. We could have...now let's see. When are we going to get the rates in? By July 28th?

President Mourdock: Yes.

Commissioner Jerrel: Then we ought to have the name picked out by July 28th.

President Mourdock: One other thought along those lines that has been suggested to me, and this may go over like a concrete cloud, but there are a number of facilities around the country anymore that have corporate sponsorship behind them and that some corporations are more than happy to put their name on facilities to showcase the community. The former Hoosierdome, now the RCA Dome comes to mind.

Commissioner Jerrel: Yeah, and that's going to be taken away.

President Mourdock: Okay, well, there's one bad example! I'm not making a recommendation one way or the other, but you're right. I heard Joe whisper the other part of it. They paid \$10 million to put their name on the side of the building.

Commissioner Tuley: Toyota of Evansville might want to do that.

Commissioner Jerrel: That's right. Well, anybody that wants to have an idea.

President Mourdock: It would be interesting to see if there is, in fact, an interest to pursue something like that. I am not going to discount it out of hand. Right now I am not sure it really fits with this community, but if someone wanted to say put \$10 million into a \$35 million project I might be--

Commissioner Tuley: Swayed?

President Mourdock: --persuaded.

**Joe Harrison, Jr. - RFP recap**

President Mourdock: Joe needs to report back on his RFPs, so Joe if you wish to enter those into the record please.

Joe Harrison, Jr.: We received ten responses to both RFP proposals that were opened. The first is Item C, under four, relates to the Bridge Inspection Services and the ten entities that submitted bids are as follows.

, MSE Corporation of Indianapolis.

Commissioner Jerrel: MS what?

Joe Harrison, Jr.: MSE Corporation of Indianapolis.

, United Consulting Engineers & Architects of Indianapolis

, Woolpert LLP of Indianapolis

, Butler, Fairman & Seufert, Inc. of Indianapolis

, Floyd E. Burroughs & Associates of Indianapolis

, Warren T. Hobson & Associates of Indianapolis

, American Consulting Engineers of Indianapolis

, Beam, Longes & Neff, Inc. of Indianapolis

, Bernardin Lochmueller & Associates of Evansville

, R.W. Armstrong of Indianapolis

The next RFP related to the Construction Engineering Service, I believe, related to the Fulton Avenue Bridge. These particular ten responses are as follows:

, Warren T. Hobson & Associates of Indianapolis

, American Consulting Engineers, Inc. of Indianapolis

, Beam, Longes & Neff of Indianapolis

, United Consulting Engineers and Architects of Indianapolis

, Bernardin Lochmueller & Associates of Evansville

, Butler, Fairman, Seufert, Inc. of Indianapolis

, Three I Engineering of Evansville

, Floyd E. Burroughs & Associates of Indianapolis

, Veach Nicholson Associates of Evansville

, MSE Corporation of Indianapolis

That's all on those matters. Again, I would ask that there be a motion to take those under advisement and further review and

report back at a later date.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Any other business before the Commission tonight? Yes, Councilman Wortman?

Curt Wortman: I would like to make one suggestion if possible. Beings we're involved in finances on it that Betty Knight-Smith, Russ Lloyd and myself sit in on meetings when you have meetings for discussion. Is that a possibility?

Commissioner Tuley: Sure.

President Mourdock: Not only a possibility, but an excellent suggestion. Glad to have it work that way.

Commissioner Jerrel: Good idea.

President Mourdock: Okay, in a room that is often filled with long arguments and tension this has been a most enjoyable evening this evening.

Commissioner Jerrel: Thank you all.

President Mourdock: Thank you all and I will look for a motion for adjournment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 8:20 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Lynn Ellis  
Joe Harrison, Jr.  
Bill Fluty  
Charlene Timmons  
John Stoll  
Mike Shoulders  
Mike Buente  
Charline Buente  
Bill Conner  
Ed Moser  
Arora Frances Roth  
John Triplett  
Steve Utley  
Pete Helfrich  
Dan Spindler  
Others unidentified  
Members of the media

VANDERBURGH COUNTY

BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
July 7, 1997**

The Vanderburgh County Board of Commissioners met in session this 7th day of July in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting of July 7, 1997 of the Vanderburgh County Commissioners to order. By way of introduction, to my far right is Ms. Lynn Ellis, who is Superintendent of County Buildings; Joe Harrison, Jr., County Attorney; to my immediate right, Pat Tuley, County Commissioner; to my immediate left, Bettye Lou Jerrel, County Commissioner; to her left Suzanne Crouch, who is the County Auditor; to Suzanne's left, our Recording Secretary for the evening is Todd Hochstetler. Just by way of practice, if you have not been to one of our meetings before there are agendas for the meeting over here on the table at my far right. Because we do record all of our notes verbatim on tape, if you wish to address the Commission we ask you to come to the microphone and start by stating your name and address. Also, if there are a group of you here on any one particular issue, for the sake of time we ask that you not repeat the same information over and over. For instance, if you are here on the same issue and the first person talks about one particular item, we don't need to hear it three or four times. We may only be lowly elected officials, but we do understand the message the first time we hear it. Usually anyway. Having said that, please join us for our Pledge of Allegiance.

**Certification of Executive Session**

President Mourdock: To begin this evening we had an Executive Session just prior to this meeting that involved all three Commissioners, the County Auditor and the County Attorney. That meeting commenced at 4:15 and was completed at 5:30 and the subject of discussion there was county personnel matters and also collective bargaining negotiations. Well, that's not correct. County personnel matters. Do I have a motion to accept the minutes from that session?

Commissioner Jerrel: I move that we approve those minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Approval of minutes**

President Mourdock: Second on our agenda items for this evening are the minutes of our meeting of June 30th.

Commissioner Jerrel: I would like to move approval of the June 30th minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Alvin Holder - City/County Purchasing**

President Mourdock: With that bit of routine business, our action items. The first item we have on the list is from County Purchasing, Alvin Holder, to talk to us about advertising Bid VC97-08, whatever that might be.

Alvin Holder: Okay, my name is Alvin Holder. I am the City/County Purchasing Supervisor. I would like to come before you today to request permission to advertise for bids for three additional dump trucks. Two of these would be tandem axle and the third would be a single rear axle. If approved, we would advertise on July 10th and 17th. The bids would be opened or scheduled for opening on July 28th.

Commissioner Jerrel: I would like to move approval of advertising for Bid Number VC97-08 for the three dump trucks.

Commissioner Tuley: My assumption is that this is for County Highway?

Alvin Holder: Two is for County Highway and one is for Cumulative Bridge.

Commissioner Tuley: Okay, second.

President Mourdock: So ordered.

Alvin Holder: I had one other follow-up on an item I brought up two weeks ago about pagers. I had requested permission to negotiate an agreement, if possible, for the entire city/county business. Currently pagers are on individual department contracts which run through June of next year. We had a successful offer from the company that I had talked to. They have, out of 113 digital or alpha pagers, they have 112 of them currently. What I would like to do is establish the agreement with them. Basically, the difference in cost is just the difference in taking the total city/county volume under one agreement versus individual department agreements.

Commissioner Jerrel: Now who is this with?

Alvin Holder: It's with what used to be US Mobile, I guess. It is now Arch Paging.

Commissioner Jerrel: Okay.

Alvin Holder: We are not including voice pagers because they're a unique situation and Arch agrees with the concept of leaving them with the current source because of quality. There is a higher quality with the voice pagers that are currently used, so they would not be part of this agreement. What I would like to do since we're actually just combining existing agreements, you know, my thought is that it is going to take a year or two, a year and a half actually, before we can bid it because we currently have agreements that run out for a year, so we need to let those agreements expire and then bid at the end of next

year, but I would bring back in December for, you know, consideration for next year. I would request permission to go ahead and implement this new pricing structure.

Commissioner Jerrel: I would move approval of that after the current contracts expire.

Commissioner Tuley: Second.

President Mourdock: Wait a minute. I'm not sure that is meeting what you are requesting.

Alvin Holder: I want to put it into effect now so we can get the cost savings now. They will drop prices immediately if we issue one price agreement for...in other words, they are going to modify the existing contract prices.

Commissioner Jerrel: But what about those...that will not include those--

Alvin Holder: It wouldn't include the --

Commissioner Jerrel: Well, alright, then I'll just move approval of that.

Commissioner Tuley: Now that I understand it too, I'll second.

Commissioner Jerrel: I didn't.

Commissioner Tuley: I thought he said he was waiting until the other ones expired and then we would do it then.

Alvin Holder: I will renegotiate--

Commissioner Tuley: Those, but you've got some existing right now that they'll agree to drop the price down immediately.

Alvin Holder: Yes, but we can't bid now. We'll bid at the end--

Commissioner Tuley: Right.

President Mourdock: Okay, there was a motion and a second, so I will say so ordered.

Alvin Holder: Okay, thank you.

President Mourdock: Thank you, Alvin.

**John Schwartz - I-69 update**

President Mourdock: Next on our agenda, John Schwartz, the Executive Director of Voices for I-69.

John Schwartz: Good evening. I'm John Schwartz and I reside at 10202 Brookcrest here in the city. I'll speak to you tonight in my capacity of Executive Director for Voices for I-69. I'll try to keep my remarks as brief as possible so that you can ask some questions because I'm sure I can't cover all the things that are on your mind about the subject. First, on behalf of all the

officers and Board of Directors for the Voices for I-69, I want to express our profound support to the Commissioners for their continued relationship with us as we provide public relations to get this highway from Evansville to Indianapolis. I salute you for your visionary spirit. You've had it for years. You've been involved and we hope to continue that relationship. I would like to say, before I get started, I've been in this job about a year and a half and some of you perhaps know my background as a fighter pilot and I must say that the environment has changed since I came. I had the philosophy that we could run in and hit a home run and get this thing done and I don't want to leave you with that impression at all tonight. It's more...I can describe it as a series of hits, walks and outs and we keep moving around. The environment is not one in which we are going to do this with one giant hit. I would also like tonight to cover what we've done in the past. I haven't been here before to communicate with you although I speak to many of you. Your ideas. Those are very important to us that you communicate those back to me so we can get those to the officers and we can respond accordingly. I'll also cover the events that are taking place right now and I am very excited as well as you should be for where this project is going. I would like to point out that early on the support of Vanderburgh County was a major part of the seed money which helped to develop this. One of the great things in the year and a half that I have been here is the regional development of this. I would have to say today we have approximately six contracts representing this highway with other counties in the region and to the point that probably about 40% of our assets that we get to do our work come from these sort of contractual arrangements with government agencies, economic development agencies and so forth. I'm proud to say that the rest of the financial support comes from individuals, labor unions, corporations and it is not just in the Evansville area. It's represented by Indianapolis and throughout the region, so we are very proud of that and we want to continue the relationship with Vanderburgh County. First of all, I have given you a packet. Some of you know I inundate you with information, but I want to go through very quickly what is in here. First, on the left side there is a beautiful document that is put out by the Houston Partnership and behind that is something that is very important. It's a document by the Blue Water Bridge Authority. This is important. They were at our annual meeting in April. This bridge will open the 15th. Over 600 dignitaries in Canada, Mexico and the United States will be there, the President of the United States included. The day that bridge is opened 10,000 trucks of commerce between our two countries will cross daily. In the words of the President and the Blue Water Bridge Authority, you can either have them go through Indiana or let them go through Illinois. Some of you know that is how we feel about it and that is why the urgency is there to get the highway built. Another great document that we got completed was through Site Selection Magazine, one of the premier magazines in economic development, and it's a wonderful article where Indiana is well covered in there. For some of you who perhaps aren't as familiar with basically what we believe and what we are really involved in, I put some boilerplate in there on what we believe and a quick word picture of the economic situation. Also remarks that I made to the Indiana State Legislative Coalition

are there for you to see. The two people who testified at the coalition was myself and the Indiana Department of Transportation. Also an article on Crane. Most people in Evansville do not think of Crane and the economic impact of Crane. Right now the Secretary of Defense has announced two more years of barrack closures. Without this highway I am convinced, speaking personally and from my experience, we will lose Crane without this highway. You can see the impact to all the counties. The last item, I just wanted to bring your attention--

President Mourdock: Excuse me. If I may just make one point, John, having campaigned around the 8th District, what is the current employment level at Crane? I remember back a few years--  
-

John Schwartz: It used to be about 7,000. It's about, I believe, around 3,000. You have to add the military part of that into it. What's more significant is the...what's called the operations and maintenance contracts which produce about \$250,000,000 into the State of Indiana.

President Mourdock: Until about two years ago I know it was a great trivia question when you ask people the largest employer in the southwest Indiana and very few people would have said the United States Navy but that is who it was. It's a huge facility.

John Schwartz: It truly is and as an ex-fighter pilot some of you may not know that they make precision guided munitions there. The need for that...the transportation of those items depends upon the highway. It's not the airplane that they fly or the ship that they have. It's the service and the mission that they do. This item here, as I continue to talk if you will pull this out because I will address that shortly on the special issues contract. I have also some extra documents which are sort of limited and I'll leave those with you after my remarks. One of them is an interesting piece just put out by the Mid-Continent Highway Coalition. I know people always ask me about facts, how much is the benefit, the cost/benefit ratio. Here is three factoid pieces that you can carry with you. Probably the heart of what I am going to leave with you some of you already have. It's a legal statement which we supplied through our environmental...retained environmental law firm after the public hearings and this is very important as you hear my remarks. I will leave those with you. First of all, accomplishments up to this point. Just to take you back a little bit we went through the Drafted Environmental Impact Study, the release of that, the public hearings that took place and it was a tremendous success throughout the region. If I have a misgiving about it, it was that many of the public comments that were made dealt with a rhetorical exercise about I am in favor of the highway or not in favor of the highway. That was not the purpose of those public hearings. The public hearings were to see if there was a problem and an interchange was missed or one farmer had a problem and he needed a viaduct so he could get underneath to his property and that did not come through loud and clear, but certainly tremendous support for that here in Evansville and the other four locations. The upshot of that is there are no

environmental reasons why this highway can't be built. There is none. Zip. All the arguments and criticism you have heard have dealt with economic issues, okay? Would it be better to put the highway somewhere else? Highway 41 for example. The progress of the Draft Environmental Impact Study is that those comments have to be incorporated by the contractor who did it and then submit it to the federal government for the final stamp of approval. We expect that to happen in the fall. That will not in any way stop the other events that are going to happen very quickly. The other thing that we are very proud of and have worked probably eight months on doing it is an I-69 State Legislative Coalition. There is presently over 100 legislatures who have signed on board to that to give the governor support and to let him know that the Legislature is there in his efforts to get this highway built. You will see meetings where the cochair of that, and very proud that both of those cochair are from the Evansville area, and they will be out conducting open hearings where people can talk to them about it and they will present information also. I think it represents something as an old Evansvillian that I have not seen in the past where there is a collective coming together of one voice to accomplish a common goal for the community and the region. The Governor's commitment on this thing. We as an organization met with him. We invited Mayor McDonald to be with us. We met with him and I can tell you that he strongly supported...his words were, "When it comes to the environmentalist I have told them this is where we part ways. We will build this highway". His time frame was four months and that was in February, so you can see that we are at that point. Four months for what? To release the engineering design contracts. That is where we are at this moment. I have personally met with the Governor's people in the last two weeks proposing ways that could be done. The Governor can make that announcement. Why is that important? Because that is the process that begins to execute and spend the money to make this highway a reality. The other thing which has happened in the state of Indiana is the state infrastructure bank. Indiana applied and received that and that may very well be very significant to some of the projects in Vanderburgh County where you can leverage using the federal seed money, which is \$3 million to actually do some of the other projects, so you can see that the efforts on I-69, I think, are going to also have effects on other projects that you are trying to accomplish. Also, the Governor in his Crossroads 2000 plan has budgeting authority or bonding authority for \$400,000,000 of which \$30,000,000 is identified for I-69. Now the reason that number 30 may seem low, but that is a significant signal to the federal government who is now at this very moment considering the ISTEA Bill which is the return of gas tax money to Indiana. Let me move, then, to the ISTEA Bill because I think that is very important. Let me just say that one of the things that I do besides raise money, do public relations, speak to people like you all, is to go out and carry the message to our legislators in Indianapolis and to Washington, DC. I was up there about a week after the budget resolution agreement between the President, Senator Trent Lott and Newt Gingrich was announced and I would say before that budget agreement we would have been in tall clover as far as I-69 was concerned. It so upset Bud Schuster, the head of the Transportation Committee, that he actually said we will not have a bill. We will have a

continuing resolution, but we won't have it if we can't have this much money. There was a vote taken. Amendments to this budget resolution. Five amendments. Four passed hands down. The fifth had to do with infrastructure money for highways. It was voted on at 3:00 Wednesday morning and it failed by two votes. It has caused significant implications because it could have derailed the whole budget agreement. What this does mean to me is that there is a consensus that infrastructure money must be put into this. Just today I talked to some of my friends in Washington, DC. Bud Schuster and the Transportation Committee will be out the next three weeks out on the I-69 Corridor talking to people. Some of the states that didn't vote to put this...to amend this and put more money into infrastructure, particularly in Houston and in the Texas area. What will come out of that bill? Remember, we don't need to hit a home run. If the funds come from more appropriations and the formula to get us closer to the 95% that's good also. If it comes from highest priority corridor money, fine. We don't know how that is going to come out. I will tell you that the highest priority corridor of international significance will be in that bill and there is only one of those in the United States. If you hear I-35 is one of them, that's an existing highway that they want to repave. It's not an highest priority corridor. There is only one and that is I-69. Let me move back to that document that I told you about. It's the report on special issues contract. Since the beginning of this process the federal government has channeled money through what is called the I-69 Steering Committee. The I-69 Steering Committee is made of up of two members from each Department of Transportation in the eight corridor states. They are chaired by Commissioner Flowers from Arkansas and they have put money in to do feasibility studies and so forth. This study which is just being completed is very important to Evansville. What this study says is that the choke points, for example, the crossing of the Mississippi River at Rosedale and Evansville because it qualifies as a major urban area, it has river crossings and it is also a state crossing, is one of the most important points along the route that needs to be resolved. They state in there that these points will be covered in future contracts and the presentation that I heard two weeks ago in Washington the comment was that they already have approximately \$2.5 million, and they expect more from the Federal Highway Administration, to let contracts to take care of these significant issues. One would be for Evansville, one would be for Rosedale and Houston. How it gets through Houston and how it gets through Memphis. I mention it only because it is going to be significant. It's not an issue that we as an organization really respond to. We are concerned about one thing and that is to build this highway from Evansville to Indianapolis. I'll be glad to take questions later on that. Let me just give you and close this with my outlook for 1997 and 1998. I'm optimistic. We're closing for the kill, but we are not going to do it in one big hit. I expect the engineering contracts to be let very soon. I hope we have some great news and involve you all in the process of that as well as everybody along this corridor. There will be setbacks. We anticipate tremendous legal challenges down the road, probably later on in the fall, and we need to be prepared financially to do that, to handle that. We will continue the grass roots support. I don't think there is any project in the

United States that has more interest than I-69 in this highest priority corridor. Again, on behalf of all of the officers and Board, thank you for your support and we hope continued support so that we can be effective in getting this done for our community. Any questions?

President Mourdock: Thank you, John. Pat?

Commissioner Tuley: John, you said it more than once. We're not going to do this in one big hit. I know it is particularly important for the people here in Evansville and southwest Indiana for that connector between Evansville and Indianapolis, but the big picture is the total completion from Canada down to southern Texas or Mexico. Do you see this being phased in and Evansville to Indianapolis being maybe a starting point or how would you...?

John Schwartz: Okay, when I say...my comments about we're not going to get it with one big hit I guess I am really thinking of our region. That is my responsibility is to promote it here.

Commissioner Tuley: Right.

John Schwartz: We are the only state that is this far along. With the dropping of these engineering contracts we are ready for construction money. The Texans don't like that, but we're in the driver's seat position. There is a general consensus that is where the money should go. The funding that has been marked up in those build about \$1 billion can be used for anything from engineering design to pouring concrete. Right now in the state we have about \$68 million, some \$38 of which was left...we already had and the new money identified from Crossroads 2000. We cannot let this opportunity pass.

Commissioner Jerrel: You vaguely mentioned ISTEAE. Are the proposals that have come out of the two bodies similar or vastly different?

John Schwartz: They go across the board, Bettye Lou. You have, of course, the one which is the total return of money to the state with no controls on it whatsoever which really has little support in Washington. You have what is called the ISTEAE Works which is very similar to the bill we have now. You have the President, the Administrations' proposal, which is called NEXTEAE. It has a little different funding formula. Then you have the Step 21 which is essentially that Indiana has been the leader on which has a funding formula that gets us 95% of every dollar back. Also, it reduces these restrictions when money is put into subways, environmental this or whatever, and I don't mean that in a negative way, but it can't be executed. The state can get the money, but they can't spend it. We don't need many subways that I know of in Indiana. Let me...I meant to mention one other thing. The senate passed their bill just before the 4th of July. The 4.3 cents of every gas tax dollar that is supposed to go for transportation, I think we could all agree that if we are going to tax gasoline the user ought to pay to fix the highways or build the new ones or bring our infrastructure into the 21st century. That money has been used to balance the budget on a bipartisan basis for years. The

senate bill takes that 4.3 cents out and puts it in the highway trust fund. I'm not sure how we are going to spend it out of there, but as soon as that was done within a day there was those...there was this flurry of activity to get money for Amtrak, which as you know is going to be a very big player because it is about to go bankrupt. So did I answer your question?

Commissioner Jerrel: Yes, thank you.

President Mourdock: John, you have mentioned that the Governor said in February within four months the money would start to flow and then you also said that approximately \$30 million is now being considered for release. You didn't say those two things back to back, but is that, in fact, what the Governor is considering?

John Schwartz: When he said four months he was talking about the engineering. Release the engineering design contracts.

President Mourdock: Is that the \$30 million?

John Schwartz: No, that's...they have \$30 million which they've had for several years as you know, so they can use that money. The \$30 million is additional out of the Crossroads 2000 bonding authority.

President Mourdock: Okay.

Commissioner Jerrel: Thank you.

President Mourdock: How is the Governor being reminded that the four months is passed effective July 1st? Tactfully, probably is the answer.

John Schwartz: Yes, and by the way he is getting a tremendous number of letters and so forth from our community, citizens, leaders. We continue and we'll keep that up. We don't want to give him a way to get out from this and I don't think he wants to. I think he is very sincere and his leadership has been profound. It's a change in environment.

President Mourdock: Yeah, across the political aisle I will give him credit because I remember in November 1994 Evan Bayh said the road would be under construction by the time he left office in December of 1995 and...or 1996 rather and, in fact, that wasn't quite the case. So I think Mr. O'Bannon is moving in the right direction. Certainly, on behalf of this Board I think you know each of us individually has been supportive as recently as about two months ago. We sent a letter to the Governor's office and the congress--

John Schwartz: A resolution?

President Mourdock: --a resolution to put into the Congressional Record, so we are quite pleased with that. Keep making progress because I think we are eventually going to get there.

John Schwartz: Hang in there. We will never, never, never quit.

President Mourdock: I've told others if they think roads don't lead to progress explain the economic values out at 164 and the Lloyd? Explain why Toyota is on a four lane road? Explain why AK Steel is within eight miles of a good four lane road? Those things do count.

John Schwartz: Thank you.

President Mourdock: Thank you, John.

### **Norma Tiek - Burdette Park Campground Policy**

President Mourdock: Next on our agenda, Ms. Norma Tiek or Tiek to discuss the Burdette Park Advisory Board recommendations to the Commission.

Norma Tiek. I'm Norma Tiek from Number 8, 5301 Nurrenbern Road, Burdette Campground. President Mourdock, Ms. Jerrel, Mr. Tuley and others, we do truly appreciate an opportunity to come forward. We are responding to the notice which we received last July 1st concerning the campground and plans there. In speaking to Ms. Ellis as the notice instructs us to do, she told us we might write letters and I trust you've had a chance to look at those. We also appreciate her making us aware that we might come forward and speak to you. We appreciate this opportunity because we feel that once perhaps you hear our needs, our predicament, our situation, we felt that you would want to know the impact of this upon the people who are affected, so thank you again. My husband and I are one of a growing number of people, retirees, who chose to live in an RV for a period of time to allow us to travel. We have families across both mountain ranges and also here in the Evansville area. We are wanting to be here because of the proximity to that family and to my elderly mother who needs our help who is also within driving distance. We want to be here for an extended period of time. This is difficult here because there are not many places, desirable places, which are available for an extended stay. The state park, lovely places, but they do not afford full hookups for RVs. They do not allow for anything more than two week stays at a time and we find that certainly is limiting. We appreciate Burdette Campground for that reason as well as others. When we noticed that there was a possible two week limitation implied in this plan, we were indeed concerned. As retirees are oftentimes, we're on a fixed income and have to plan our expenses accordingly. In reading the rate increase which was, according to the June 24th notice, to take effect August 1st, it was a shock to this planning. We certainly can appreciate the fact that there is a reason and can understand that there might need to be some increase, but a 75% rate increase immediately was a shock. We have a number of people here who have their own stories, their own concerns which may vary somewhat, but we do have this initial response of wishing to be able to continue at Burdette. We find it here in mid summer very difficult to find other places available because, as you know, campgrounds do fill up. We would like to continue to be a part of the county. We feel that we contribute to the economy and also to the upkeep of the park. We just would like to respectfully ask you to reconsider and, again, thank you for this opportunity. I'm sure there are others who might like to

say something.

President Mourdock: Okay, but before you leave the mike though, any questions for Ms. Tiek?

Commissioner Jerrel: What were you requesting Ms. Tiek?

President Mourdock: Is it Tiek or Tiek, I'm sorry.

Norma Tiek: It's Tiek, a good german name. We're just asking you please to hear our concerns and our predicament. This rate increase we feel is...some is certainly necessary, no doubt.

Commissioner Jerrel: I was just going to mention something which I thought it might be helpful for you all to know is our utility bills run in excess of \$95,000 a year at the park. As you know, the increase this year was close to 60%. Now not all bills went up that much, but they did go up significantly. The previous monthly...I mean, I am just reading this for the benefit of those that don't know. You were paying \$145 a month if you had electricity and water and \$170 if you had--

Commissioner Tuley: Sewer, yeah.

Commissioner Jerrel: --sewer, water and electricity. Is that what it was?

Norma Tiek: I believe the latest amount is \$178.50 for the month and, yes, we can appreciate the fact that there are increases, but we felt that this rather large, in our eyes a very large increase, was difficult for us to be able to work with. Equally, or perhaps in some cases of more concern to some, is the possible two week limitation. Those are, I guess, our priorities.

Lynn Ellis: Ms. Jerrel, the figures that were just passed out to you don't include taxes and the figure--

Norma Tiek: Is that what we are hearing?

Lynn Ellis: --that she is quoting include taxes on it. That's the difference.

Norma Tiek: Is there anything else that you would like to speak to me? Thank you for this opportunity.

Commissioner Jerrel: I just thought you...I want you to know what it costs for the park.

President Mourdock: Any one else wishing to address this issue?

Frank Cook: I'm Frank Cook. I'm a camper out there, too, and an ex-resident of the county for many, many years and now an official resident of Florida in the winter. I would like to bring it to your attention that traveling around like I have about the rates and other places. We spend six months in Florida. The rate we pay down there is about what it would be here except we do pay our electricity down there. That would

run about \$40 a month that we pay ourselves, but otherwise it is very comparable with our rates down there, but the difference is we have a heated swimming pool. We have a large rec room. We have the pool tables and library. We have a boat dock with 28 spaces to go out down the river into the salt water and the rates that you're coming up with you're talking about rates that we would expect to pay in places like that. Texas, southern Texas and Florida. Now I don't know...we should be able...we should pay our way out there. I will agree. I don't know what the costs on the campground or what the electric bill is on the campground, but I know it's not...you're talking about the whole campground?

Commissioner Jerrel: Yes.

Frank Cook: The whole park, I suppose?

Commissioner Jerrel: Yes.

Frank Cook: I might bring it to your attention that the campground itself or the whole park is not self sufficient and I don't think it was ever designed to be. Parks are not. A public park is not. It's a service to the people. Now there is no other place around that we can go really. If we have to leave we don't know where we would go. We thing...the people out there worked along with the park to get telephones in. They're not going to hook up telephones for two week folks. They have mail out there because of the people in the campground. We got the mail service out there. You know, they've done quite a bit themselves taking a hold and doing things that should have been done. It is a beautiful park. It's generally well rounded. We have no complaints about the campground itself, but we just believe that this rate increase is completely too much. If you do expect us to pay our way in the campground, then should the rest of the park pay their way too? To make it so at least a break even point. A lot of us are on limited incomes. Some of us can afford more than others, but sitting behind me here I know there are some people that simply cannot stay if this goes into effect. They will have to search out something else. They just simply do not have that much income. Some of us can, but I would really like for you to reconsider this big rate increase and especially the 14 day stay. We have a problem there about if the park is full you can only stay 14 days. Well the people who...us people who are there, you might say for the summer, I come up and visit my children that live in this area and go other places, too, but I really think that this increase is far too...I guess I've said that several times! Let me look at my notes here real quick. We believe or at least I believe that a rate increase is due. A few years ago you had a rate increase. None of you were on the Board at that time. It went up to \$200 then and the park was empty and everybody pulled out and they had to put it back. I don't know if any of you do remember that, but it happened.

President Mourdock: Do you recall, Mr. Cook, how long ago that was?

Mr. Craig, do you know?

(Several inaudible discussions from audience.)

Frank Cook: Has it been that long? Seven years. You know, there has been no rate increase since that time so, yes, we understand. We should pay our way, but we do contribute to the economy. We contribute a lot here. I know that our bodyguard here has bought a new unit that cost, gee, \$80,000, and a new truck, both locally, you know that cost \$30,000 or \$40,000. We use medical facilities here. We buy all of our groceries here and we do contribute to the economy. We're not trailer park trash. We would really respectfully ask to reconsider this. You have a park out there that has been empty a lot. With the great increase in construction here it has really put some people in the park and at least you've got some income. There is income during the winter out there and the park really does not generate much money in the winter, but the campground does generate some money. Every little bit helps. That's about all I would have to add to it. Please reconsider your decision on this. Thank you.

President Mourdock: Thank you. Any questions for Mr. Cook?

Ron Sowa: Ron Sowa. We all have the same address.

President Mourdock: I'm sorry, what was your name, sir?

Ron Sowa: Ron Sowa. We have wanted to pay our fair share and one way to do this would be to meter the campsites. Put an electric meter on each one and we could pay our own meter bill because certainly \$69,000 of electricity is not generated at the park. Ten campsites probably would general \$500 a month of electrical bills. The water could be metered. The electricity could be metered. You could appropriate money for the sewers along with the water as they do in the city. As a last request I would ask that if you do stick with your plan to limit the campsite, that you defer that until next spring and give us the rest of the summer and the winter to regroup so that we can do things in an orderly manner. Thank you.

President Mourdock: By limit you are talking about the two week stay?

Ron Sowa: Yes.

President Mourdock: Okay, thank you. Steve Craig, our Parks Director, is here with us and the comment that was just made, Steve, regarding putting in meters, did we not look into that at one time?

Steve Craig: Yeah, they are available--

President Mourdock: You need to come to the mike. You of all people should know the rule about the mike!

Steve Craig: Excuse me. Yeah, we did approach that and they have meters that you can set on each one. The electrical meters were like \$75, but the installation was like \$200 a piece which times 28 sites is going to be quite costly. The water meters was a little bit more. They were \$98 and we didn't get a price on that because we had intended on trying to hook them into the water line ourselves. To spend that much money to do it I would rather look into seeing what the percentage in the last seven

that our utilities have went up in Vanderburgh County and taking that directly with what their raise would be for renting that. You know, if they went up 65% in that time then that's what the rent should be, but if they only went up 30% then we should only raise it 30%. I think it ought to be proportional to what the actual cost has been more to the park because we have been getting farther and farther behind. If the sewer went up 30 last year and we didn't raise it, we're making 30% less money from that money that we lost a year before the water went up and we didn't have a raise then either. I don't think anybody here is not wanting to pay their way, they just want to see that it is justified with what it is raised to, you know, matches in proportion with what the percentage of the utilities has went up over the years.

President Mourdock: Okay, thank you.

Commissioner Jerrel: I have a question. On the sheet that we were given comparing Burdette's Campground rates and Harmony State Park and Audubon State Park, Yellow Banks, Wyandotte Cave, Lincoln State Park and Holiday World we're low. Is that true, Lynn? Are you the one that did this?

Steve Craig: Joyce.

Lynn Ellis: Well, Steve's group actually collected the figures, but even with the increase Burdette would be low compared to area campsites.

Commissioner Tuley: Let me ask--

Steve Craig: Excuse me. One thing on here, the daily rents at Burdette is extremely low. If you look like at Holiday World it is \$25 a day on Friday and Saturday if you just come in for a day or two days and \$20 dollars on Sunday through Thursday. I had got a book from the Saynes here that had ones all across the United States and where we are kind of going wrong is that the daily rates are a lot higher than ours and our daily rates are low and their weekly rates were lower than ours...or higher than ours. We should probably be raising the daily rates more than what we are raising the weekly rates.

Commissioner Tuley: Raise the daily and not raise the monthly so high? Is that what I just heard?

Steve Craig: Right, right.

President Mourdock: That's what Steve is saying. Did you make that same comment to the Advisory Board?

Steve Craig: Yeah, we talked to them about it. They came up with this thing that Joyce had gave this morning and about the two weeks...did you get the one about the one row for permanent campers?

Commissioner Tuley: Yeah, I was going to ask about that, Steve, because in this letter it talks about the recommendation is now to leave the rates as they were structured, but don't make them effective until November 1st as opposed to August 1st. Then

they also...I guess, it doesn't come right out and say it, but I assume then that they are making the recommendation it says one row would be for permanent campers, one row for stays April 1 to October 31, one row for three month stays, one row for one month stay and the bottom row would be daily stays. Where I am confused is, is that to be implemented immediately or is that also a recommendation to go into effect November 1 as well as the new rates?

Steve Craig: No, that is the way we have it set up now.

Commissioner Tuley: That is how it is set up now?

Steve Craig: Yeah, and it seemed to work fairly well. You know, we have four or five people that have been there for an indefinite time. Other than that--

Commissioner Tuley: Before the new rates went in you're saying that is the way it was laid out?

Steve Craig: Yeah.

Commissioner Tuley: So that's going back to the old way is what you are saying then?

Steve Craig: Right. They just said to leave it the way it was instead of making it to two weeks and then they have to leave.

Commissioner Tuley: They want to do away with the two week restriction?

Steve Craig: Right.

Commissioner Tuley: This way worked well?

Steve Craig: Yeah.

Commissioner Tuley: For the campers as well as for the park?

President Mourdock: Thank's, Steve.

Ron Sayne: My name is Ron Sayne. We've been at Burdette Campground for three years. Just like we were discussing just now, in the three years that we've been there the parks fills up usually about four weeks a year. Usually when the BMX races are going and when the Freedom Festival is going on is the only time the park is ever full. You know, that was part of our comments to the Park Board the other day that, you know, the two week restriction was rather punitive on our part and it would be cutting off your nose to spite your face as far as Burdette Park is concerned because you'll have nobody in the park. When we first came out there, there were two people who stayed in the...or two trailers that stayed in the campground for the winter. That was us and one other. This past winter there were 12 that stayed in there all winter. That is because we've got phone service, mail service and all that put in. People were, you know, able to stay longer. For instance, some of the construction people that used to come in there, they still do

some, but the ones that came in there weren't able to get their paychecks because they couldn't get mail. They couldn't get any phone service. We tried to run off of cellular phones. They didn't work worth a damn up there! There is just several things that have been improved because of stuff that we've done to help improve it. There are things that need to be done out there still such as the electric needs to be improved. Many of the trailers that are there now such as mine and Ron Sowa's and some of the other ones are on 30 to 50 amp service. Most of the park won't carry that. Most of the campground won't carry that. I've checked mine myself. We're pulling roughly 28 amps when we are running everything. We can't run an air conditioner and a microwave at the same time. We have turn the air conditioner off to turn the microwave on. You know, that is some of the things that Steve has addressed before, but the funding has never been appropriated for it. Truthfully, if you would improve the park a little...I mean, the campground a little bit more you would get more people that would want to stay on full-time basis. I know this has been addressed to you, to the Council before, and, you know, there has been plans for expanding down into the lower part of the campground to make it larger so you could accommodate more trailers and more modern trailers. The campground was designed 30 years ago and, you know, it is basically the same as it was 30 years ago. The maintenance has been kept up. I mean, everything is in good shape, it is just that most of it is outdated as far as electric, the water and that sort of thing needs to be addressed somewhat. You know, I'm sure that Steve can tell you more about that situation as far as what they've, you know, done for the planning on it and that kind of thing because like I said, they've done proposals on it before. Like I said, we've been there three years. We enjoy being there. It is very convenient for me to get to work. I work CSX Railroad at the bottom of the hill. You know, it's convenient for me for getting to work. I'm five minutes from there. We really enjoy being at the park. We plan on being there for at least two more years if my job keeps me here. Like I said, I work the railroad and there is no telling. They may transfer me tomorrow. That's the reason I live in an RV. You know, when we first came here the most we had been anywhere since I got laid off from Louisville was nine months. I've been all over the country. I've been to Atlanta, New Orleans, Nashville. You name it, I've been there just about as far as CSX Railroad goes. So you know we chose to live in an RV. We've got \$100,000 worth of camper and truck that we bought right here in Vanderburgh County. I bought my truck at Kenny Kent and my trailer at Basden. You know, that's a lot of money we spent right here in Vanderburgh County. Everybody that lives out there is spending a whole lot of money here in Vanderburgh County.

Commissioner Jerrel: Let me ask you a question and I am not...Steve will have to correct me, but is...you pay \$178 a month for sewer, electric and water.

Ron Sayne: Yes, ma'am, \$178.50.

Commissioner Jerrel: I have a feeling that some of the cost that we are trying to recoup...see we are having everybody else in Vanderburgh County underwrite those losses at Burdette and

that's why, you know, it would be nice if we could give everybody something, you know, that was a real break financially for them, but everybody else has to make up the difference.

Ron Sayne: Well, ma'am, I understand that we are due probably for a rent increase, but if you figure this out by the week which is what your proposal there figured on us paying during the summer is \$72 a week. If you figure that by the week that is roughly a 100% increase in what we pay. You know, that's a considerable amount.

Commissioner Jerrel: Well, I would be willing to take a look at the whole program again based on what you've said, but I can't in good conscience ask everybody in Vanderburgh County to underwrite the increased utilities and delay them until November.

Ron Sayne: I don't think any of us here are asking for any handouts. As a matter of fact, Mark Tuley, the guy that used to run the park, told us at one time that if it wasn't for the campers that they would have to come to the Commission to get the utilities paid through the winter because we paid the utilities for the park through the winter.

Commissioner Jerrel: Well, that's a misconception because I have...I went back and looked at all the utility bills for the last 12 years and the County Council fully funds the utilities. They don't use any of the revenue from the campground. It is a fully funded line item and I would be happy to show it to you. I mean--

Ron Sayne: I believe you. I don't dispute you one bit.

Commissioner Jerrel: Well, I checked because I didn't want to be saying something, and someone had said that, but the Council has fully funded the utilities. In fact, they are projected to be \$110,000 next year. So that's an increase over the \$95,000 of this year.

Ron Sayne: Well, for instance, this past winter there were 12 of us in there. That's roughly \$2,200 a month coming in. If we're not allowed to stay there then the \$2,200 that we put in, roughly, I mean I understand that it will go up and be even more, but what we put into the park where does that go? I mean if it's not going to the utilities it has to be going somewhere.

Commissioner Jerrel: Well, first of all if you weren't there we wouldn't have the utility bills from the campground.

Ron Sayne: From what I understand of the utilities, the way they work out there you're on a commercial rate. You pay basically the same whether anybody uses it or not is the way Mark explained it to us. Burdette pays basically the same on a reduced commercial rate for the year as they do if nobody's there.

Commissioner Jerrel: If someone uses, and Pat you correct me, if someone uses a chalet for one day that's the highest rate and we do pay that for the entire month. We've been attempting to get SIGECO to look at that for the last three years because it's

a very unfair billing system for the park.

Ron Sayne: I understand that, but we are tied also...the campground itself is not on a separate meter from the rest of the park. It is from part of the park, I understand that there are several meters out there. I've walked around and looked for the meter. The meter is up there close to one of the chalets, or one of the shelter houses. I assume that is the campground office, the clubhouse, the chalet at the road. Several of the buildings up there are on the same meter as the campground. Truthfully, even the one that says campground on the bill is not totally just the campground. So even if you eliminated all of the campers, you had nobody staying in the campground whatsoever, you would still have utilities on that meter. Even if you didn't have any on there you're still going to have a minimum bill on it. If you have no income from campground whatsoever it's going to be a total dead loss to county. If our rates go to 100% more than what they are now I don't see anybody staying in the park, in the campground.

President Mourdock: Excuse me, I think Commissioner Tuley has a question.

Commissioner Tuley: It wasn't really a question as much as it was just a statement, so you can go ahead and go on with what you were saying.

Ron Sayne: I can stop.

Commissioner Tuley: Earlier this year we looked at doing some increases on all aspects of the park. We delayed doing anything primarily because we didn't want to do a rate increase for the sake of doing an increase. I think that was the word we used. So I would be inclined to sit back and take a good look at this and phase in. You know we talk doing some range planning, why couldn't we phase in these increases effective November 1?

President Mourdock: Let me just add one bit of clarification here of your recollection and see if it matches mine. I think when the rates were first discussed I think we put that decision off until the new Advisory Board had a chance to look at it.

Commissioner Tuley: Yeah, that could have been part of it.

President Mourdock: Understand we're in a bit of an embarrassing position, I think all of you realize this. The Advisory Board, that I think has done an excellent job this year at Burdette Park, had made this recommendation to us. We didn't sit here one night and think, gee, what would be fair and make up a number. I mean, this came to us with their recommendation. So that was part of that process.

Commissioner Tuley: Right, but I guess what bothers me now when I hear the number of people that come in and have already planned out their summers, if we zap these rates on them at once it's going to be a hardship for some of them. That's why I say I don't dispute there needs to be a raise and I don't think these people are disputing there needs to be an increase, but maybe, if we're going to increase it at the amounts we're

talking about, maybe we could phase it in beginning with phase one being November 1 of this year, and then spring of next year. Then those that have been regular campers and users out there would get the opportunity to have advanced notice and do a little planning of their own in terms of what their costs are going to be before they get here and they have this sent to them.

Ron Sayne: One thing that comes to mind, we were looking over what they used for comparisons. Harmony State Park, Albany State Park, Yellow Banks which is a state park...oh, it isn't? I thought it was. Okay, whatever. Anyway, Wyandotte Caves, it's got an attraction. They're funding part of their campground because they're making money off of other things. State parks are always cheaper. State parks are funded by federal money, state money and all kinds of things. You know, I'm sure that they've got things in there that you don't have. Holiday World, obviously, is a tourist attraction. I think we need to look at this is the only campground in Vanderburgh County that we've got. I mean we've got no where else to go anywhere close. You may want to look into expanding the campground for that because Vanderburgh County is growing at a large rate. You've got a lot of people that come into here for working on places like Toyota and AK Steel and everything that's going to be built around those industries. Those construction workers live in RVs. They are looking for a place to go. I know some of them have gone up there to off of 41, what is the name of that? No, not Rocky Falls, Rocky Falls is a dump. Anyway, there's nothing around here for anybody to go on a full-time basis. You know, the state parks are limited to two weeks so you can't go to those. You've got room there at Burdette to expand. You could make more money off of it by expanding.

President Mourdock: This Board right now is between two situations. One, we've had the Advisory Board make a recommendation to us which we acted in good faith on based on their research, if you will. The second, is determining in full what the direction of Burdette Park would be. The bulletin board over here at the far right has the goals that this committee, or this Commission, established the first time we met this year. Right under Commissioner Tuley's name, Burdette Park, define whether it will be a full year facility or better utilized and it's part of that. In fact, later on the agenda tonight we're talking about a program that we put together to start to find out how the best utilization of that park can be done. One of the questions we have to ask goes right to the point you just made, Mr. Sayne, which was the state parks which you referenced a moment ago as being less expensive, which is certainly true, also have that two week stay. It's one of those...should Vanderburgh County be in a full-time park business? Let me redefine that, should Vanderburgh County be a full-time residential facility for people who live in RVs? That's a question we're not ready to answer tonight, but it's certainly a question that's part of what we're trying to review.

Ron Sayne: But one thing you may want to look at when you do consider that is that a lot of us that do stay there on full-time basis put a lot of money into this county.

President Mourdock: I'm sure that's a point well taken.

Ron Sayne: The comment was made the other day that we didn't pay property taxes. None of us actually have a house in Vanderburgh County that we pay property taxes on. But when I bought that RV of mine I paid over \$6,000 in taxes on the truck and trailer.

President Mourdock: Yeah, state taxes.

Ron Sayne: State taxes, county taxes all of that. You've got wheel tax and everything else that goes to this county. Plus I put almost \$100,000 into the economy of Vanderburgh County right there. Plus we buy everything we buy here in Vanderburgh County. We buy all of our groceries, all of our clothes, everything we do, you know, we pay taxes on that. We may not be paying taxes on our home as such, but we're paying nearly \$200 a month for lot rent out there, too. That counts for something in Vanderburgh County.

President Mourdock: Okay, thank you.

Ron Sayne: Another point I would like to make is Steve --

President Mourdock: Make it very brief, please.

Ron Sayne: Steve and Mark both, when Mark was there, have done a hell of a job with the park as far as running it. I think they've done a hell of a job.

President Mourdock: Well I'm sure Steve will criticize me for cutting you short on that remark.

Ron Sayne: Well, we really appreciate it, they've done a good job.

President Mourdock: Alright, thank you.

Steve Markesich: My name is Steve Markesich. I live at 1642 Cass Ct. I'll make my comments very, very brief. I'm not commenting as a resident of the park, but as a citizen of Evansville that has family members visit the park every summer. I would like to ask that you strongly reconsider the proposal in front of you to limit visitations to two weeks. In particular for this summer. My wife and I have planned our entire summer around them, my father and mother-in-law, visiting us. To uproot or essentially evict them in the middle of the summer would present a very significant hardship to both them and to us. I think that Burdette Park is very nice park, it's very clean. There's no reason why it can't be making money. I think that there's a workable compromise here. I can't speak as far as the rates are concerned, but from our selfish perspective we would love to be able to see them every summer for more than two weeks because if the two week limitation is there then there's a real significant limitation in terms of how often we can see them every year. Thank you.

President Mourdock: Just to clarify one thing with that, and I'm sure this will lead to a reaction from some, but the recommendation that was initially put to us and was in the

letter that you all received said the two week maximum may be waived if the campsites are not full. I just want to make sure that's for the record. New information I hope.

Elizabeth Sowa: I'm responding, I live at the campground, too. I'm responding to what you just said. If that is waived that would be wonderful, but we don't know how long it is going to be waived for. There really is no place else to go. As you know, Vanderburgh County has a rule that you can't even put up a trailer on a lot that you own and live in it. If we aren't allowed to stay we would probably leave not just for the summer, but permanently and find some place out of the county.

President Mourdock: Okay, thank you. Any questions or comments from the Board?

Commissioner Tuley: This is more a question to Steve. Steve, reverting back to the old way of having one row as outlined before. Did that seem to work well for the campers as well as for the park?

President Mourdock: Define for me what you mean with--

Commissioner Tuley: Well you had one row that was reserved for permanent campers. You had one row reserved for those people staying between the months of October 1 and October 31. One row for those who were staying up to three months and a row for one month. Then the bottom row was left open for those that want to come in for dailies.

Steve Craig: Right, we implemented that about six months ago. I think there's only four people that are staying there indefinitely right now, in the outer row. It works well because the rest of the people usually stay the season and either go south or north, which ever way they go.

Commissioner Tuley: In the permanent row if you get in that four week period, someone spoke about when you're full, do you just use that for carry over into there if they're not full? Obviously, daily or weekly or whatever can go in there for that period of time.

Steve Craig: Right, we use the people that's just coming and going and they...now the summer they stay pretty well full, the back two or three rows, but the people come and go on the bottom two rows with no problem.

Commissioner Tuley: This is kind of general question, we used these others, and I think as Commissioner Mourdock has pointed out, we're trying to follow the Advisory Board and use them in good faith. There's nothing worse than putting a group of people together as an Advisory Board and then just ignoring what they do and bring to us. When they use Harmony State Park and Audubon State Park and Yellow Banks, these different ones for comparison of rates, included in that rate are there activities? Is swimming included in that or do you have to pay extra to go swimming?

Unidentified from audience: It's included in Yellow Banks.

Commissioner Tuley: Audubon has a swimming pool don't they, or a lake anyway? Is that included in that price or is that extra? Do you know?

Unidentified from audience: It's always included....(inaudible)

Commissioner Tuley: Okay, and ours is not, correct Steve?

Steve Craig: Right. They receive nothing outside the campgrounds with the rental of their space.

Commissioner Jerrel: I just made a suggestion that if we could have one group, either the first gentleman or the Sowa's, that could be our contact person and give us the rest of this week and we'll get back with them. In good faith we need to meet with this Advisory Board or speak with them. If we could--

Commissioner Tuley: Could we eliminate some of their fears though? Could we act tonight then to take their advice for the one row for each of those things? I mean that's the recommendation. Then take the rates under advisement until we get a chance to meet with them. At least that for some of those who have planned their stay for this summer at least we'll eliminate that two week deal that they are worried about.

Ron Sayne: We spoke to the Advisory Board the other day and their recommendation --

President Mourdock: You'll need to come to the microphone Mr. Sayne.

Ron Sayne: Their recommendation was to drop the two week maximum.

Commissioner Jerrel: Right, and we have that in writing that they agreed to drop the two weeks, so that, I think, is kind of a moot point. What we need to do is talk to them about the rest of it.

Commissioner Tuley: The rates, yeah.

Commissioner Jerrel: Yes, and if we could have, Sowas, how to get a hold of you all and then the gentleman, Mr. Cook.

Frank Cook: I have a cell phone out there and it is 453-9746.

Commissioner Jerrel: Okay, and we'll get with you the first of next week.

Ron Sowa: It's 426-2334. I will say the one time that I remember the campground being full they still accommodated everybody, parked them on the grass. They were close enough to the plug-ins and the water that everybody got in. There was a guy across the grass from us last year that was there all summer. When he left the grass was just fine.

President Mourdock: I would add to that my immediate reaction having given some thought to this, if the campground is full somebody has to leave, well, that begs the question who leaves?

You all seem to be very calm, well natured people, but I have a hunch in that situation that it probably wouldn't be sustained that way.

Ron Sayne: (Inaudible comments made from audience)...two weeks maximum. But who's going to tell you you have to go every two weeks? If there's nowhere to go then where are you going to go?

President Mourdock: Well, I think it's the census of the Board then that we take this under advisement and get more information from the Advisory Board and then we also have the several names of folks to contact. You're always welcome to come to this meeting or the advisory meetings, of course. At this point, we will take it under advisement and we'll see what comes back especially in light of the other information we're pulling together on Burdette Park as to what we want that facility to be. So we'll simply leave it at that at this point. Sometimes the process works, right?

Ron Sayne: Thank you very much.

**Amended County Personnel Policy - Second reading**

President Mourdock: Okay, the next item on our agenda, Joe Harrison, Jr. with the second reading of the amended County Personnel Policy.

Joe Harrison, Jr.: Last week there was a first reading on the amended ordinance adopting a Vanderburgh County Personnel Policy Handbook. I believe you have a copy of the ordinance in front of you and Exhibit A, the attachment, is the new Vanderburgh County Personnel Policy Handbook. At this time, in order to pass this new ordinance, you would need to make a motion and vote on that in order to have this adopted. It would take effect upon passage.

Commissioner Jerrel: I'd like to move approval of the Personnel Policy on second reading with approval taking effect immediately.

Joe Harrison, Jr.: You'll need a voice vote, too.

Commissioner Tuley: I'm fudging because of taking effect immediately. We've had people put the Personnel Policy in effect as it exists with the understanding that things were done on hire dates and anniversary dates. What's that going to do to them?

Commissioner Jerrel: Very little.

Commissioner Tuley: Really?

Commissioner Jerrel: Yes, do you want me to speak to that? Well, first of all they would benefit from the vacation time.

Commissioner Tuley: Okay.

Commissioner Jerrel: The personnel step increases are not affected.

Commissioner Tuley: Right, okay.

Commissioner Jerrel: So what would be affected? I'm asking.

Commissioner Tuley: No, that's my question.

Commissioner Jerrel: Yeah, there's no change--

Commissioner Tuley: If there's no change and it actually works to the employee's benefit and not to their detriment then --

Commissioner Jerrel: No, there's effectively no change except tightening up some issues, and most of the issues that were recommended by the officeholders were incorporated.

Commissioner Tuley: Yeah, my only question was time of implementation, but if it really does not have an effect on them I will gladly second your motion.

President Mourdock: Okay, roll call vote. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I vote yes.

**Coliseum seating - Bid approval**

President Mourdock: Next on our agenda, Lynn Ellis reporting on the acceptance of bids for Coliseum seat removal and installation.

Lynn Ellis: In your packet was a copy of the quote that was sent out. We only received one bid. That was from CSD Construction in the amount of \$31,200. Previously, when we were doing the construction and seats and that kind of work at the Coliseum we ran into similar problems with only one bid. This is again the case. So I would recommend that we accept the bid from CSD and allow them to begin work actually tomorrow.

President Mourdock: Do we want to accept it or take it under advisement? Has it been reviewed at this point?

Lynn Ellis: I've reviewed the bid and I would recommend that you all accept it. It's very simple and straight forward and Mr. Goad has put a lot of work into it to help us arrange for the seating, delivery of the new seats and that kind of thing. He's the one that's done the other work and is familiar with the project.

Commissioner Tuley: Was this money allocated out of CCD money?

Lynn Ellis: Yes.

Commissioner Tuley: This is at least equal to or less than what we allocated in?

Lynn Ellis: Yes.

Commissioner Tuley: Okay.

President Mourdock: We had the suggestion then that we go ahead and act on this since it was a sole bid. Calling upon Lynn's vast experience with City/County Purchasing we'll presume the recommendation is --

Commissioner Jerrel: Are you ready for a motion?

President Mourdock: Absolutely.

Commissioner Jerrel: I'd like to move approval of the bid for seating supplied by Sumner Equipment and that's all I need to say.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**Resolution of Support - Showcase Community**

President Mourdock: Next in our packets we have a resolution of support for the Showcase Community criteria that you will recall we discussed either last week or the week before, something that Roger Lehman with the Building Commission has urged us to do.

Joe Harrison, Jr.: It's fine. The original, I believe, is in the packet and it's essentially the same resolution that Roger Lehman made reference to two weeks when he was here. The City apparently is going to consider the same resolution regarding Showcase Community designation by this Board that will apparently enable the County to possibly receive some other assistance down the road, I guess, from the federal government.

President Mourdock: Yeah, the sponsoring agency for this program is the Insurance Institute for Property Loss Reduction. I would look for a motion of approval.

Commissioner Jerrel: I'd like to move approval of the resolution announcing that we are going to be partners in this Showcase Community.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Lynn Ellis: There is a meeting tomorrow at 1:00 actually announcing that Showcase Community and you all are invited to attend.

Commissioner Tuley: Yeah, and for the record I had indicated that I was going to be able to make that announcement, but I'm not going to be able to.

**Evansville Rescue Mission - Request for Auditorium use**

President Mourdock: Item I on our agenda, the Evansville Rescue Mission has requested, as I understand, that we donate the use of the Auditorium for their annual Christmas event.

Commissioner Tuley: Which is feeding the less fortunate.

Commissioner Jerrel: I'd like to move approval of the Christmas Eve dinner approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**IBAP Contract**

President Mourdock: Joe Harrison, Jr. reporting on the Initiative Based Assistance Program Contract. Phil Lieberman and Gary Heck, in the audience, are ready with their pens poised.

Joe Harrison, Jr.: Over the last several weeks we've been negotiating a contract between Philip Lieberman and Associates and the County concerning the Initiative Based Assistance Program, Gatekeeper contract. A copy of the contract is in front of you. The contract will run until December 31, 1999. It is for a 30 month calendar period. It's my understanding that, I think, Lynn has the original. I think Mr. Lieberman has already signed the contract and it needs to be considered by the Commissioners. If, in fact, it is approved they could begin work as soon as they want, hopefully real soon.

President Mourdock: While the copy that I have does not have Mr. Lieberman's signature yours does, am I right?

Lynn Ellis: The original does.

Joe Harrison, Jr.: Yeah, I think Lynn has it in the file.

President Mourdock: So what you just handed me, Lynn, is this the original just minus that signature?

Joe Harrison, Jr.: That's correct.

President Mourdock: Okay, and Joe you're recommended at this point that it be approved?

Joe Harrison, Jr.: That's correct.

Commissioner Tuley: Well, I'll move approval then of the IBAP Gatekeeper contract between the county and Phil Lieberman and Associates.

Commissioner Jerrel: Second.

President Mourdock: So ordered. So we will sign that.

**Any group or individual wishing to address the Commission**

President Mourdock: We are at Item J on our agenda, for any individual who wishes to address the Board who's not on our department head list. I see looks of wonderment back there. Do you all wish to address us or is there another issue you wish to deal with?

Dennis Owen: Is John Stoll present this evening?

President Mourdock: John Stoll? His assistant is. So we'll move in that direction. I don't know who is first on our county department head reports, but Tim if you will. Excuse me one second before I do that Tim. Phil did you have anything, or Gary? I'm sorry I didn't give you a chance to go to the microphone there.

Phil Lieberman: I think the only thing we'd like to add is that we've successfully negotiated the lease with the CK Newsome Center. The United Way will be our lessor and we will sublease from them. We got their signature today. We will be taking the executed contract from our side of the lease to the Parks Board tomorrow. Then their Board President will sign off on it and we can start Wednesday making our improvements to that facility so we can be ready for action as soon as we meet with the task force to get the income eligibility issue cleared up. Then we're set, we'll be all ready to get started. Thank you for all your help in all of this. We will need to meet with the Auditor so we can find out the voucher system she would like to see us work. Now that we have a signed contract we can proceed with that. Thank you so much.

President Mourdock: Thank you. Okay--

Lynn Ellis: Excuse me, there was an item placed on your desk from Department of Metropolitan Development. Did you want to address that at this time?

President Mourdock: Say that again, Lynn.

Lynn Ellis: There was an item placed on your desk from Mike Robling, Department of Metropolitan Development. Did you want to discuss that at this time?

President Mourdock: I've got that under old business so we'll pick it up then.

**Tim Spurling - County Engineer's Office**

President Mourdock: Okay, go ahead Tim.

Tim Spurling: Okay, I'm Tim Spurling filling in for John who is on vacation this week. The first thing I have for you is a Notice to Bidders for contract VC97-07-01, street repairs in Westwood Hills Subdivision. The second thing is also a Notice to Bidders for contract VC97-08-01. That's the Phoenix Commerce Center Phase One. I recommend that those both be approved for advertising.

President Mourdock: Yeah, we need to take those two separately, so I guess first I'd look for a motion on VC97-07-01 regarding

street repairs in Westwood Subdivision.

Commissioner Jerrel: I'd like to move approval of street repairs in Westwood Subdivision Notice to Bidders.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: The next item is the Phoenix Commerce Center Phase One and I'd like to move approval of that also.

Commissioner Tuley: Second.

President Mourdock: I'll abstain from that.

Commissioner Tuley: So ordered then.

Commissioner Jerrel: So ordered.

President Mourdock: Okay, you have on your list also street acceptance for Seasons Point Boulevard?

Tim Spurling: The Seasons Point Boulevard. This is a section of road built by the City of Evansville Parks Department. It was built according to plans and inspected by us. I'd like to recommend that be accepted.

Commissioner Tuley: I'll move for the street acceptance for Seasons Point Boulevard as recommended.

Commissioner Jerrel: Second.

President Mourdock: Before I say the magic words, Tim, you say that was built by the City Parks Department? Where is this?

Tim Spurling: It runs between Covert and Pollack. This is the section right off Covert leading into a subdivision. I believe the deal was the developer donated the land for a city park in this area in exchange for the Parks Department building this road that gives the subdivision additional access.

President Mourdock: Okay, that's been a fairly recent thing right? In the last two years? Okay, well there was a motion and a second, so I will say so ordered.

Tim Spurling: Okay, the fourth thing that I have is street plan approval for Crossroads, Phase 5. We've looked over these plans and they look to be in order. I'd recommend that those be approved.

Commissioner Jerrel: Okay, explain what Phase 5 is.

Commissioner Tuley: Yeah, why don't you let us take a quick look so we can sign.

Tim Spurling: I have a full set of plans if you want to see them.

Commissioner Tuley: What...there's a hotel back there now? It's north of that hamburger/steak place? I'm sorry did you move approval?

President Mourdock: No, no one has yet.

Commissioner Tuley: I'll move then approval of the road plans for Crossroads, Phase 5.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Tim Spurling: The last thing that I have on my agenda for tonight is the discussion of the raised medians on the Burkhardt Road project. Essentially, they will be all the way through to Morgan.

**Tape change**

President Mourdock: From the Lloyd all the way to Morgan?

Tim Spurling: From the Lloyd through to Morgan.

Commissioner Jerrel: We had a meeting, and I don't think you were here, but we had a meeting with the planners including John, Rose, Barbara. They alluded to this, but we haven't had much discussion about it. What was their feeling about...could you share with us a little bit of the planning background?

Tim Spurling: All I know of it is what I have in the minutes from the meetings here. As far as the way anybody feels about, I believe that Rose Zigenfus and Barbara Cunningham and I believe John were all in favor of the medians. John's concern, and I'm speaking basically because he's the only one I've talked to about this, he was concerned about the residential properties that are located on Burkhardt. It would limit their access to right in and right out.

Commissioner Jerrel: Are there any, or is there going to be any residential left?

Tim Spurling: Eventually, I wouldn't think.

Commissioner Tuley: But there are now.

President Mourdock: There are some now. They are fairly few in number, but there are some.

Joe Harrison, Jr.: I think you all may just want to think about it and speak with John and some others.

Commissioner Jerrel: Well, I'd like to have a written report on the reasons in favor or opposed to because if it's the right thing to do to move the traffic then I think we ought to do it. But I want to hear it from them and that was not discussed that night.

Commissioner Tuley: The businesses won't like it. I guarantee you they won't like it, but you put out a very valid point. We need to think about traffic flow and safety. I think with all that shopping center back and forth if they are not there, and I'm not inclined to vote for it tonight either, I want to get some more information, but you're going to have a lot of people trying to dart back and forth and cut in front of a lot of traffic. So that's one of the concerns that I have, but I'll leave it up to the engineers, the urban transportation and those people to come in with some kind of a recommendation.

President Mourdock: Tim, you called me on this this morning and I'm even feeling better about the decision I made which was let's have this Board discuss this issue. Is there some reason why it's come up right at this point as far as the way the plans are coming together?

Tim Spurling: The consultant, they're to the point where they need to know one way or the other, if it's going to be included or not so they can get on with the planning. It makes quite a bit of difference in terms of how you put the crown in the road, so on and so forth to get the drainage to work right. That was one of the things that the consultant pointed out to me when I was asking him how much it would cost and so forth. If we ended up putting in a median later that would require a lot more extensive changes than just going in and putting in a curb in the middle of the road. It will be built with just a single crown if we don't put it in. If we try to put the median in later we've got drainage issues to deal with and ponding of water between the median and the crown and so forth.

President Mourdock: What would the barrier itself, when it's only an \$80,000 difference, not that that's a small amount of money, but is that basically saying that it would just be a raised concrete barrier wall, an interlocking wall?

Tim Spurling: From what I understand it would be just a raised curb similar to what we have. Six inches, similar to what Green River Road has. It's about two foot wide, six inches high. Enough to keep people from crossing.

Commissioner Jerrel: Can we get this information and make a decision next week? We're not slowing the ship down?

President Mourdock: Right. If you would, Tim, have something, have a consensus in writing that this Board can review prior to the meeting. Have Barbara Cunningham's input, Rose Zigenfus' input, the County Engineer's input, anyone else?

Commissioner Jerrel: That's why I want their input because I'm  
--

President Mourdock: Is there anyone else you need to include in that list?

Commissioner Jerrel: No, they're the ones we're looking for.

Joe Harrison, Jr.: I don't know, maybe the Surveyor, I don't know.

Tim Spurling: So if I get something in writing from Barbara, Rose, and John --

President Mourdock: Yea or nay, and just explain why.

Commissioner Tuley: Try to get it over here as soon as possible before next Monday night's meeting though, Tim, if you can.

Tim Spurling: Okay, I know John won't be back in town until Monday.

President Mourdock: That's okay. I'm sure you're capable.

Tim Spurling: Alright.

President Mourdock: Now these two gentlemen in the back row, I think, had a question for you.

Dennis Owens: Good Evening. I'm Dennis Owens. I'm with Ragle, Inc. We kind of thought that John would be up here tonight to address the problem that we are having with the First Avenue Bridge. Do you know anything about that?

Tim Spurling: Very little. I was told by our inspector that we do have a sewer leak in the approach --

Commissioner Jerrel: Can you scoot over just a little bit so she can catch this?

Tim Spurling: Right now we have a sewer leak, the Water Department has a sewer leak, in a line that runs right underneath the middle of the road, essentially, in the south approach of the bridge. They are currently working on repairing that.

President Mourdock: Let me clarify it, if I may, this is the Pigeon Creek Bridge on First Avenue.

Tim Spurling: Right. From what I've heard through our inspector, Ragle who is working for the Greenway project, they have some concern as to the stability of the soil underneath that approach. They are going to be digging near that area and I think they've got some safety concerns. They can probably address that better than I can.

Michael Sears: My name is Michael Sears. I'm an engineer with Morley and Associates currently serving as the project engineer for the Greenway project. One of the other associates at our company, Lee McClellan, was under the impression after a conversation that he had with Mr. John Stoll that there was the potential that the city or the county may be interested in having some of the soil removed given that it was a leak. Right now we cannot proceed with our plans the way that they are designed given the stability of the soil under that bridge. We were under the impression that this was going to be brought before you, so we are a little bit unprepared this evening.

President Mourdock: Okay, we are too.

Michael Sears: I don't have anything prepared, really, to present to you.

President Mourdock: Let me give you, if I may, my immediate reaction having heard that. If it's a stability problem, in other words, if you need to stabilize the soil using lime or whatever you need to do to stabilize the soil, it seems to me that would be the contractor's problem. I guess, you've been contracted by the Pigeon Creek Greenway people to put the path through, is that right?

Michael Sears: Yes.

President Mourdock: Okay, so if that's the case and it's a stability problem, that would seem to me to be your nickel, if you will. If on the other hand the issue is from the leak and a contamination problem of some type, whatever that might mean, then it would seem to me that it's the city Utility Board since it's a sewer line and I look to Joe to react to that. It seems to me that it's one of those two situations. Either way it seems that we might be out of the loop on that one. "We" the county.

Dennis Owens: Okay, well, the only concern we had, and the reason why we had John involved with Lee and the state, was because it is a county bridge.

President Mourdock: Sure.

Dennis Owens: You know, that saturation is there. We can't do anything or proceed with the work until somebody tells us what they want to do. We can do the work, Ragle can perform the work, but we don't know if it's what the County Engineer wants us to do to his bridge. I guess somebody needs to tell us how to proceed and when it's going to be fixed and what they are going to do to correct the problem.

Commissioner Jerrel: Tim, do you know, in fact, is the city working on it now?

Tim Spurling: Yes, they are working on it now. I was out there today and they weren't actually working, but the hole was there and the steel plates were over their hole. I haven't spoken to them to know exactly when those repairs will be completed.

Commissioner Jerrel: Could you ring them up tomorrow and find out what their time table is?

Tim Spurling: Okay.

Commissioner Jerrel: Let you know what the time table is so that John will get back next week and if we know this is going to be repaired, then it seems that things ought to move along.

President Mourdock: But I'm not sure that's going to answer Mr. Owens' question is it?

Dennis Owens: Well, our concern is we have contacted the state and the owner of our company is a PE. Him and Lee, they've all

decided what it needs to do to fix it. Now--

President Mourdock: Wait a minute, to fix the bridge or to fix the --

Dennis Owens: No, to fix the soil conditions under the bridge. It's going to take a lot of undercutting and etc., etc. Now, I guess what we need to know and the architects, Kinsella & Starrow, when we contacted them, they wanted us to get the state involved, the county involved, I guess to see who is going to pay for what. You know, that's of a concern, too. I don't know who's got any liability for anything here or if there is any.

Commissioner Tuley: I hate to put a hold on it, but I would think at this point in time we don't want to tell him to do anything yet until we know who's going to pay for it. We know what the problem is, we know how to fix it, who's going to pay for it? That's the question.

Dennis Owens: That's the question.

President Mourdock: Right, and who's problem is it really. If the Greenway were not going under that bridge would we be having this discussion? I mean, is there a problem there?

Dennis Owens: Sooner or later you would because it's a contamination problem.

President Mourdock: Okay, well, then the Utility Board --

Dennis Owens: It's a pressure line that's--

Commissioner Tuley: Eroding away?

Dennis Owens: --carrying sewage. The sewage has been running for ...the line is broke, we know that. They've tested it, they've found a break, they know where it is. It has to be fixed and it's completely saturated under the bridge.

President Mourdock: At least from what you just told me you have even further identified the Utility Board as the people that need to be involved in this thing right away. So, Tim, again, get with them tomorrow and find out what they're doing out there. As far as what John would do, or when John gets back whatever, the County Engineer's Office, I think, certainly stay in contact with us and we'll give you some direction there. But it seems to me that it is the Utility Board's nickel.

Dennis Owens: If that's who it is, then that's who we need to deal with.

President Mourdock: Again, it doesn't seem to me that it would be the county's call on this one.

Dennis Owens: Okay.

President Mourdock: Let's just proceed with it that way.

Dennis Owens: Thank you very much.

President Mourdock: Sorry you had to wait so long for the short conversation. Okay, here's your plans, Tim.

**County Garage**

President Mourdock: Okay the next item we have in our packets, the Vanderburgh County Highway Garage report on bridges and paving crew.

**Burdette Park**

President Mourdock: I don't see in the packet this week the Burdette Park report.

Commissioner Tuley: I didn't see it either.

Lynn Ellis: No, and I'm not sure where it is.

President Mourdock: Okay.

Lynn Ellis: I'll call and ask.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report?

Joe Harrison, Jr.: I don't have anything.

President Mourdock: You just walked out at the wrong time. We just said there was no county report from Burdette Park. Do you have anything for us, Steve, beyond the discussion of earlier this evening?

Lynn Ellis: We didn't get the normal written report. I'm not sure where it is.

Steve Craig: I don't have it with me.

President Mourdock: Okay, does that mean we've got two coming this coming week? Did the dog eat the homework?

Steve Craig: I don't know. Joyce didn't send it with me.

President Mourdock: Okay.

Steve Craig: We had a good weekend anyway.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings' report?

Lynn Ellis: Um...a couple of things, and I'll pass this out. There are more comments coming in regarding what to do with the sculpture. Not...only one, I think, additional comment in addition to those you've previously received. Attached to that is the new name for the auditorium and the suggestions that have

come into date thanks to the Courier's article being run. Press? Sorry, was it the Press? I knew I ran it somewhere. Anyway, some of these might be worth considering and some of them you definitely don't want to consider. Two have been received in writing and you'll receive those later, but just for your review at this time.

President Mourdock: Thank you.

Lynn Ellis: Kind of in line with the problem with the Sewer Department, following the letter to the Water Department there was a meeting held Thursday morning with the staff from the Water Department and progress is being made. I feel very good about that, so--

President Mourdock: Is that on those several road cuts where there has been a poor job of filling?

Lynn Ellis: Yes, and they're correcting those and trying to make improvements so that those don't occur again or in the future, so I think we are making headway.

President Mourdock: Okay.

Lynn Ellis: I guess, the last item I think I have is the PAR Study and I did not get any feedback regarding the questionnaire that was faxed in.

Commissioner Jerrel: I had one question and I'll put it in writing to you if he hasn't done it and it relates to the last question. The question is fine, it was just...it left a different impression and I just want to...I didn't know if you wanted to ask J.D. Strouth what he thought or if I just told you?

President Mourdock: Is that the question on the multipurpose building?

Commissioner Jerrel: Uh-huh. The question is fine. It's just there are a couple of words in there that...unless I'm the only one that read it that way. It gave me...I could tell you what the answer would be to the question.

President Mourdock: Okay. Well, we certainly don't want the question to be that way and we've had a lot of discussion about that particular question because any way you read it--

Commissioner Tuley: I don't think this tells us what we need to know.

President Mourdock: Okay, great. What should we do differently?

Commissioner Tuley: Well, it's a tax supported system or facility. We need to ask the people how they feel about the fact that it (inaudible). Should we put in more attractions and more things? That's the kind of stuff I want to know. How should we go with this park and how much are they willing to support it financially?

Commissioner Jerrel: That's the reason that I raised that question, Pat. If you say, would you like a multipurpose building so you can skate and dance and--

Commissioner Tuley: You know what the answer is.

Commissioner Jerrel: They're all going to say yes. Now if you say are you willing to support this park to the extent of \$750,000 a year in addition to the budget? But if you don't say it that way you are going to get yes.

Commissioner Tuley: No, it's written for a positive response and I think what we want is an honest response. It may be positive, it may not be positive.

Commissioner Jerrel: We also need some of those questions about who goes there. I mean, I think we all think we know, but then--

Commissioner Tuley: That's true. I'm not dissatisfied. I don't mean that. I think it needs to be more specific to what facilities they want to see. How far they are willing to support it.

Commissioner Jerrel: For instance, I think on the multipurpose building the question is good, but it should say this building would likely be a \$2.5 million facility.

Commissioner Tuley: Right and should we use tax dollars to build it? Or something along those lines.

Commissioner Jerrel: Yeah.

Commissioner Tuley: That's just an overall initial reaction to it.

President Mourdock: Let me split that in two parts for a second. Leave the multipurpose, that last question, for a second. Is what you're saying, Pat, do you have any problems with what is there or is it simply in addition to what's there?

Commissioner Tuley: In addition to what's here because I do think it's important to know if they've been there. Or if they haven't been there, why haven't they been there and those kind of questions. It may be that there is not enough to do once you get there if you don't like the water park. Okay? From that there could be some feedback to, what other attractions would you like to see there if you feel the only thing there is that? Tonight we got presented with a whole new issue, expanding the campground and stuff.

Commissioner Jerrel: I think there is a little component and that's what I was saying. The cost analysis has got to be part of this because we have generally operated on the basis, if we build it new it is going to bring people and that is going to raise the revenue, but that is not necessarily the way it works.

Commissioner Tuley: Sure.

President Mourdock: Okay.

Commissioner Tuley: It also brings increased cost associated with that.

President Mourdock: You know it, yeah. The idea of, if you build it they will come hasn't always worked.

Commissioner Tuley: When you make it costly enough to them to offset your increase in cost, then it gets out of their range and then they won't come. There is a whole lot of issues there.

President Mourdock: Any other points on that? We will come up with some additional questions or revise the existing questions. Obviously, if we add more questions, what it ends up doing is cutting out the number of people who will respond to it and I don't think we really want to do that if we can avoid it.

Commissioner Tuley: No.

President Mourdock: We've got it down to 300? Good. Any other comments?

Commissioner Jerrel: Huh-uh.

President Mourdock: Anything else, Lynn, from your report? Okay.

<b>Consent items</b>
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President Mourdock: We have in our packet consent items and there is one additional item that we need to add to the consent items.

Commissioner Tuley: Can I make one further comment about this while we are thinking about it real quick?

President Mourdock: Yeah, sure.

Commissioner Tuley: I noticed they ask if you live east or west of Highway 41. This is not a park that attracts people only from Vanderburgh County.

President Mourdock: That's true. The reason we...when initially we started down that path we were going to also poll a select number of people in Posey County and Gibson County and Henderson County. Then we got to thinking who is paying for the survey, who is paying for the park.

Commissioner Tuley: Who is picking up the tab? Okay.

President Mourdock: And all that, so that is why we did that.

Commissioner Tuley: Well taken.

President Mourdock: Just to get better demos.

Commissioner Tuley: Yeah, it doesn't make any difference what the people in Henderson want us to spend. It's not their money.

President Mourdock: Exactly, yeah.

Commissioner Tuley: Okay.

President Mourdock: Which actually comes back to your argument, I guess, it even more validates a reason to have a cost question.

Commissioner Tuley: Yep.

Commissioner Jerrel: Do you want me to take the motion on the settlement or do you want--

President Mourdock: Is that the telephone?

Commissioner Jerrel: Yes.

President Mourdock: Yes, please include that in consent.

Commissioner Jerrel: I would like to move that we approve a settlement agreement with AT&T over some disputed charges.

Commissioner Tuley: I will second.

President Mourdock: So ordered. So we did that separately and now I guess we'll need a motion for consent items.

Commissioner Tuley: We had one addition, I believe, the County Auditor submitted a request to travel this week. I would like to add that to the consent items and move approval of the consent items.

Commissioner Jerrel: You'll notice there is a note on one of the...we cannot--

Commissioner Tuley: Oh, I'm sorry. You're right.

Commissioner Jerrel: We can approve it. We can approve all of the employment changes recommended by the...at the Community Corrections, but we cannot change job titles in midstream. That's not our role, but I would move approval of the positions, but they will have to stay in their same line items.

Commissioner Tuley: I guess I am going to second the amended motion then. I guess that's what that was.

President Mourdock: I think you made the motion.

Commissioner Jerrel: Yeah, I'll second it.

President Mourdock: I will say so ordered with those--

Commissioner Tuley: Changes noted.

President Mourdock: --changes noted.

<b>Scheduled meetings</b>
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President Mourdock: Scheduled meetings are included in the

packet, I believe.

**Old business**

President Mourdock: Also, under old business I have one continuing item. I would ask for the Board's approval to sign a letter on behalf of the Department of Metropolitan Development for the application to the Department of Commerce that is in response to Replas Corporation's request for assistance. They have applied for and been notified by the state that they have received an industrial development grant in the amount of \$100,000. However, we need to act to indicate our support for that and I would ask for a motion to sign a letter to that effect.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Other old business this evening?

**New business**

President Mourdock: New business?

Commissioner Tuley: I have one item of new business. I would like to recommend or follow the recommendation of the County Assessor to hire Mr. Les Shively as counsel to the Board of Review subject to an agreeable contract agreement, contractual agreement.

Commissioner Jerrel: Oh, and I was going to get that amount wasn't I? From Solid Waste?

Commissioner Tuley: Yeah, I think you--

Commissioner Jerrel: Were looking at something different?

Commissioner Tuley: Yeah, looking a little different.

Commissioner Jerrel: Okay, well, I will second based upon completion of those negotiations.

President Mourdock: There is a motion and a second and I will so order. Any other new business? Lynn, would you check please, a year ago Mike Shoulders, who had been serving on the Building Authority Board of Trustees or Board of Directors, the appointment, he resigned and the Commission had an appointment and he was made some time ago as that appointment. I'm not sure if we ever made an appointment to fill that spot.

Commissioner Jerrel: Who is this?

President Mourdock: For the Building Authority's Board. Maybe we did, I just don't recall.

Commissioner Tuley: I don't recall either.

President Mourdock: The question was asked of me and I didn't recall.

Joe Harrison, Jr.: I just remember he resigned some time last year prior to that contract.

President Mourdock: In October, I believe. Okay, any other new business?

Commissioner Jerrel: Move for adjournment.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:31 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Lynn Ellis  
Joe Harrison, Jr.  
Suzanne Crouch  
Todd Hochstetler  
Alvin Holder  
John Schwartz  
Norma Tiek  
Frank Cook  
Ron Sowa  
Steve Craig  
Ron Sayne  
Steve Markesich  
Elizabeth Sowa  
Ron Sowa  
Dennis Owen  
Phil Lieberman  
Tim Spurling  
Michael Sears  
Others unidentified  
Members of the media

VANDERBURGH COUNTY

BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
July 14, 1997**

The Vanderburgh County Board of Commissioners met in session this 14th day of July in the Commissioners' Hearing Room of the Civic Center Plaza at 5:40 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the July 14, 1997 meeting of the Vanderburgh County Commissioners. It's nice to see a large group of citizens here tonight. Let me explain the game rules to you, if you will. All of our minutes for these meetings are kept verbatim which means everything is recorded on tape. If you wish to address the Commission at the appropriate time you must come to the microphone, state your name and address and then put your points out. I suspect there are a number of you here tonight on the same issue. While we may have been people who were slow enough to once run for public office, that doesn't mean that we're so slow that we have to hear the same issue 15 times. So if you've got a point to make and you hear someone else say it first, when you come to the microphone, if you would, please don't repeat the same thing. If you have new information to provide, please feel free to do that. By way of introductions, at my far right is Lynn Ellis, who is the Superintendent of County Buildings; then Joe Harrison, Jr., our County Attorney; to my immediate right, Pat Tuley, County Commissioner; to my immediate left, Bettye Lou Jerrel, County Commissioner; to her left, our Chief Deputy in the Auditor's Office, Bill Fluty; to the far left is our Recording Secretary, Charlene Timmons. Having said all that, would you please join us for the Pledge of Allegiance. I noticed that some of you were reviewing the agendas that are posted on the table over here. If you did not get one I see that there are still some copies there. We do stick to the agenda throughout the course of these meetings and Item J on the agenda if you have not heard your specific issue mentioned at that point, please at that time feel free to address it.

**Approval of minutes**

President Mourdock: The first official item of business tonight we have is Item A under the action items. We have in our packets submitted to us previously the minutes of the meeting of July 7th.

Commissioner Jerrel: I would like to move approval of the Commissioner minutes dated July 7th.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**Open bids - VC97-06-01 Culvert replacement on County Line Road West**

President Mourdock: The next item, we have some bids to be submitted. Is John Stoll here? Yeah, there you are. We have open bids for the culvert replacement on County Line Road. Have

those been received and turned in? The County Attorney is signifying that he has those, so I presume he will...excuse me, we need a motion to accept those bids.

Commissioner Tuley: To open them. I'll move at this time that the County Attorney be directed to open the bids.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Our next item on the agenda is Mr. Mike Shoulders from Veazey Parrott & Shoulders. They are the architects for the Vanderburgh County Convention Center design.

Mike Shoulders: Thank you. Commissioners, I do not have a great deal new since our meeting that we held two weeks ago. I would just like to report that our consultants are moving very well and keeping up. We are on schedule. At our meeting in two weeks we should be able to...we will be what I would call about 95% completion on all design and engineering, so we are on schedule. We still maintain we're on a good budget. We are monitoring the budget virtually daily for cost containment and cost prediction purposes. Other than a report that we are maintaining the schedule that was submitted two weeks ago and also the budget, I have no further new items to report. I would certainly be here and open for any questions that the Commissioners might have tonight.

President Mourdock: Okay, questions of Mr. Shoulders, Pat?

Commissioner Tuley: No.

Commissioner Jerrel: I don't have any questions.

President Mourdock: I would just add that the Director of the Building Authority, Steve Utley, has had several conversations with me. I know he has gotten back with you--

Mike Shoulders: Yes.

President Mourdock: --since the meeting of last Tuesday and given you some, I think, written communication, too, as far as where the Building Authority is going and how that transition is happening.

Mike Shoulders: Yes, some of their bidding preferences, etc. Any correspondence of that nature that is copied with you we will put in the...you know, we will directly incorporate into the project specifications as a matter of a portion of the bids or bid specs.

President Mourdock: I did see a copy of a letter that had three points and quickly, my memory is fading, but the three points he most recently sent to you one was on unified bidding.

Mike Shoulders: Unified bids.

President Mourdock: One was on liquidated damages.

Mike Shoulders: Correct.

President Mourdock: And the third was on...?

Mike Shoulders: The third element on that...well, it was an administrative matter. It wasn't something that went directly in the specs and I can't remember what it was, but it was just a housekeeping item. The first two, the unified bid and the liquidated damages, would go directly into the project specifications.

President Mourdock: Right, okay. Okay, thank you very much.

Mike Shoulders: Okay, thank you.

President Mourdock: Thanks, Mike.

**Mike Robling - Department of Metropolitan Development**

President Mourdock: Next item on our agenda, and I apologize for the static that we have picked up tonight for some reason. Next item on our agenda is Mr. Mike Robling with the Department of Metropolitan Development.

Mike Robling: Several items concerning the Daylight and Earle sewer project. The first item is a resolution and amendments to the interlocal agreement. This agreement was adopted quite some time ago, April of '96, and since it was originally adopted the project has been split into two parts, one the Petersburg Road sewer and one the Highway 57 sewer. It also changes some dates as to when construction is supposed to start and be completed which dates in the earlier agreement have long since passed. This agreement also expands the project to include the sewer improvements that would be needed as part of the Phoenix Commerce Center project. It also includes Exhibit B which is the financial plan for the Earle segment of the sewer establishing a county surcharge to the sewer utilities tap-in fees that would be charged for this project. The Utility Board is scheduled to take action on these amendments at its meeting tomorrow.

President Mourdock: Any questions for Mike regarding this drainage...or sewer issue?

Commissioner Jerrel: No, except that you talked about the top one, what about...did you explain any of the acquisition of easements?

Mike Robling: That's a different one. I'm just taking them one at a time.

Commissioner Jerrel: Okay, so you have asked for the resolution approving--

Mike Robling: Amendments.

President Mourdock: Amendments to the sewer project.

Mike Robling: Right.

Commissioner Jerrel: Okay, the amendments and the resolution, but not the withdrawal?

Mike Robling: No, I'm just on the first item.

Commissioner Jerrel: I would like to move approval of the resolution approving amendments to interlocal government agreement concerning the Earle and Daylight sanitary sewer.

Commissioner Tuley: Second.

President Mourdock: So ordered and one question, Mike, before we go to the next issue on that. I have received several calls from people in the Daylight area concerned that there may be a surcharge for tap-in fees. Have you heard anything out of the Utility Department about that one way or the other?

Mike Robling: That's what this Exhibit B identifies. It's the way that...it's the only mechanism the county can try to recoup its costs on this project.

President Mourdock: Okay, thank you. Okay, next.

Mike Robling: The next item, the withdrawal of offers to acquire sewer easements. Back in early June I came to you asking you to authorize offers to five property owners on Petersburg Road for sewer easements which we had not been able to obtain voluntarily. Since that time John Stoll and Bruce Biggerstaff and I met with the property owners. The property owners we were seeking easement from it was determined afterwards that we could redesign the sewer by moving it closer to the road and we subsequently found an 1879 Circuit Court opinion that showed there was a 50 foot right-of-way along Petersburg Road which means the sewer can be constructed within the easement or within the right-of-way and no longer needs easement. So the second resolution authorizes DMD to send letters to these property owners withdrawing those earlier offers.

President Mourdock: Questions of Mike?

Commissioner Tuley: No.

President Mourdock: Motion?

Commissioner Jerrel: I'll move approval of the resolution authorizing the withdrawal of offers to acquire sewer easements along Petersburg Road.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Mike Robling: Next is a resolution authorizing a change order for the Earle sanitary sewer project. This is change order number two. It is in the amount of \$14,460.10 which brings the total contract price up to \$152,169.78. This change order is necessitated by this relocation of the sewer closer to the road.

A heavier duty fill is required and there also may be some culverts that need to be replaced as a result of that.

Commissioner Jerrel: Why wasn't this included in the original contract?

Mike Robling: Originally the sewer was going to set back a considerable distance from the road and would not have been that close to the actual pavement itself. By avoiding the easement issue and the condemnation issue we had to move it to the road and that requires these changes. This \$14,000 is a not to exceed issue. If the culverts don't need to be replaced they won't be.

Commissioner Tuley: Is it probably a lot cheaper in the long run any way?

Mike Robling: Probably, and we can proceed along this route. If we had to do condemnation we would probably still got 60 or 90 days which means this project would be done next spring probably.

Commissioner Jerrel: I'll move approval of the resolution concerning the change order for the Earle sanitary sewer project.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Mike Robling: Next is authorization to make offers for the Daylight Sewer project. There are four easements...four or five. Five easements required for that project. Three of them are associated with lift station locations and two of them are associated with a branch line that goes across Highway 57 to Green River Road. I have sent letters to these five property owners requesting their voluntary easements. I have heard back from three of them at this point, two of them saying they weren't interested in giving us easements. I have not yet heard back from Lin-Gas or the Huebners. I would like authorization to set these prices and then I will wait to see from Lin-Gas and the Huebners before I would prepare offer letters to them.

Commissioner Jerrel: Okay, I would like to move approval of the resolution concerning the acquisition of easements for the Daylight sewer sanitary sewer project.

Commissioner Tuley: Second.

President Mourdock: So ordered. When you contact them it's Huebner.

Mike Robling: Pardon?

President Mourdock: When you contact them it's Huebner instead of Huebner.

Mike Robling: Huebner, okay.

Commissioner Jerrel: Might be able to get them easier!

Mike Robling: Okay, so far I have only sent them a letter! Okay, the next item I have is the 1997 Flood Mitigation Program. Indiana Housing Finance Authority has offered a grant program to counties to provide assistance to households that suffered damage from the 1997 flood. An application would be due to the state by September 1st. To start this process out I would like for you to indicate your interest in it by agreeing to send this letter, which you got copies of, out to the 200 plus property owners which the Building Commissioner has identified as having suffered some degree of damage during the flood. I'm not sure everyone on that list would be eligible because some of those properties are in the city limits and I'm not sure whether that disqualifies them through this program or not.

Commissioner Jerrel: What would be the way that you would, excuse me, what would be the way that you would make this known because in reading this Roger Lehman indicates that there could be four or five households that he knows of, I'm assuming down in Union where that was flooded--

Mike Robling: Right. He has some specific names. There was a small article in the paper, I think, Friday about the program that urged people who were interested to contact the Indiana Housing Finance Authority at an 800 number. The application package also requires a couple of public hearings to be held, so we would have in addition to these letters, we would have to do some legal advertising and have some public meetings about the proposal.

President Mourdock: Let me clarify, Mike. By acting on this in the affirmative, we are basically setting a path by which the state would provide funds to the county to simply tear down those structures or to take title to those properties and then clear the structures?

Mike Robling: Well, there are three different programs. The first one would be voluntary acquisition and demolition and it would call for the county to acquire those properties--

President Mourdock: Only from willing sellers?

Mike Robling: Only from willing sellers, right. They would be subject to the Uniform Acquisition and Relocation Act which provides sort of a make hold situation for those people by finding a comparable dwelling. The difference between what you acquire their property for and what it would take for them to buy a comparable dwelling, functional comparable dwelling, they would receive as a relocation benefit. There are also two other components that could provide funds to either buy and rehabilitate or build new housing which could be used as a relocation resource. I haven't delved into it very deeply since I haven't had it on my desk very long, but one of these programs I think the county itself could be the applicant and the other one the only eligible applicants would be community housing development organizations and there are three such not-for-profit groups in the county that could apply for those funds if there is an interest in that aspect of the program.

Commissioner Jerrel: What would be the exposure if anything to the county financially?

Mike Robling: From what I can see at this point the main exposure would be well, number one would be perhaps the long-term maintenance of these properties that would be acquired. The guidelines say that they need to be kept in a public purpose...for a public purpose such as open space, green space or park land, but we contacted the Housing Finance Authority and they indicated that as long as covenants were placed on the land that would prevent them from being used for new building that the land could then be disposed of to adjacent property owners or farmed or whatever. That potential exposure might be limited. I think the only other exposure might would just be some out of pocket costs in going through this process up to the point that the grant would be awarded.

Commissioner Jerrel: For the advertising?

Mike Robling: The advertising, some mailing and so forth.

President Mourdock: We would effectively be buying these properties at some appraised value which includes whatever structure is on it?

Mike Robling: Right.

President Mourdock: Then we would pay to demolish that structure, so that we would have just the raw land?

Mike Robling: Right, ending with raw land.

President Mourdock: Then before we could dispose of that property to anyone else we would have to include a covenant with the title that you couldn't build anything else on it later?

Mike Robling: Right, and as Roger Lehman pointed out, the current building requirements would probably not allow you to do that anyway.

President Mourdock: Right, sure.

Mike Robling: The matching funds that...apparently these are all federal funds from different sources. The matching funds will either be picked up by the Housing Finance Authority or the funds for replacement housing have been waived. The matching funds have been waived by HUD and those programs.

Commissioner Jerrel: So you're looking for a motion to approve the grant application?

Mike Robling: No, at this point just approve sending out the letter.

Commissioner Jerrel: Okay, sending out the letters.

President Mourdock: Just for the record, something you circulated that I saw on Saturday defined a list of 230 possible eligible properties at this point.

Mike Robling: Right, that's a list that the Building Commissioners' Office compiled after or during the flood back in the spring.

Commissioner Jerrel: Okay, I would like to move approval of the first step in seeking out the homeowner's interest.

Commissioner Tuley: Second.

President Mourdock: So ordered. Okay, that's it for you, right?

Mike Robling: Yeah. Here is something that I didn't have in the signature packet.

President Mourdock: Pardon?

Mike Robling: I said here is something for signatures.

President Mourdock: Okay, give those to Lynn if you would please. I have a way of losing things here.

**Joe Harrison, Jr. - Sports development zone legislation update**

President Mourdock: Okay, next item on our agenda, then, is Joe Harrison, Jr. with a report on the sports development zone legislation.

Joe Harrison, Jr.: I did a little checking to see what exactly is going on. Just as an informational piece, back, oh, I believe it was in the end of May, Senate Bill 3 was passed by the Indiana General Assembly and signed by the Governor which enabled counties with professional sports teams...Vanderburgh County does have a professional team, The Otters...to permit them to have the ability to divert state sales tax collected on food and beverages sold at...it would be at governmental entities within the county. It would be at city and county facilities. This particular law is now known as Public Law 255. In Vanderburgh County this means that state sales tax collected on food and beverages sold at such things as the auditorium, the coliseum, I guess Burdette, and other county facilities could possibly be diverted for use by the county in this sports development fund. There is a catch, though. The legislation limits the amount of state tax dollars to be set aside for local projects to \$5 for each person living within the county. Now I don't know the exact population of Vanderburgh County. I think it is maybe 165,000 or something like that. Probably 135,000 live within the city, so the city could capture 135,000 times \$5 and the county would only be able to divert or capture like 30,000. So that would be maybe \$150,000. I think the potential is there to capture or divert maybe \$125,000 or \$150,000 a year, but the city would take the biggest chunk of that. The money could then be used to build or improve professional sports facilities, but it is also my understanding that those funds could be used for any convention or tourism related facility. Again, that is my understanding. So potentially, you know, the auditorium maybe could use some of those funds, Burdette Park, etc., as a tourism related facility. But I think probably the auditorium would probably be the ideal spot for the use of such funds should a sports development area be enacted and then a

fund would be developed for the city's area and then the county's area. On June 23rd, though, a lawsuit was filed by the State Treasurer of Indiana, Joyce Brinkman, up in Marion County in the Marion Superior Court against Governor Frank O'Bannon and Indiana Attorney General, Jeff Modisett. It is a declaratory judgement action seeking a ruling that that particular law is unconstitutional. There were a number of items thrown in to this piece of legislation, one of which was a provision that stated the city of Lawrenceburg could have their own bond bank and that is the particular provision which has gotten the attention of the State Treasurer which prompted her to file this lawsuit. I guess she is not too thrilled about that provision, so this particular provision regarding the sports development area is in the legislation. Whenever you try to strike down or seek a court to strike down a law, unfortunately a lot of times there are a lot of things contained in the law and in this particular instance the question as to whether this sports development area is ever going to take place either here or Marion County or Fort Wayne or Terre Haute is up in the air right now. On July 1st apparently there was a motion to dismiss her lawsuit filed by the defendants which would have been the Attorney General and the Governor and I guess the Attorney General's Office filed the motion to dismiss and at this point there has been no ruling on that motion to dismiss. So, I'll keep you all posted as to the status of that particular lawsuit. It wouldn't surprise me if whatever decision is reached in that lawsuit might go up the ladder, so it may not end there in the Marion County Courts, it may go up. I'll just keep you posted and when I have things I will provide them to you all.

President Mourdock: Okay, any questions of Joe regarding that?

Commissioner Jerrel: No.

President Mourdock: Okay, thank you for the report, Joe.

#### **Shirley James - Pigeon Creek Greenway update**

President Mourdock: The next item we have on our agenda, and I don't see her in the audience, but Shirley James on the Pigeon Creek Greenbelt. In our packets we do have some information on Phase 3, Section C and D that they are beginning to work on. I believe that is right. Yeah, Phase 3, Section C and D, so you might want to review those.

#### **Mims Poole - Greenbriar Drive Barrett Law project**

President Mourdock: Moving along, then, we have a Mims Poole on Greenbriar Drive sewer project.

Mims Poole: Mims Poole at 7511 Greenbriar Drive. We have 27 homes there that are bound by Old State, just one side of Old State, one side of Meadowview, one side of Greenbriar and Greenbriar Court. There is 27 homes there and we don't have sewers. We've got those sand traps in our front yard and they just flat don't work. I've lived at 7511 for ten years and it's just been a mess ever since I have lived there. We would like to ask the county to enact the Barrett Law and the support for

it is just overwhelming.

President Mourdock: Okay.

Mims Poole: We would like you-all's help in getting some sewers out.

President Mourdock: Okay, as you may be aware we've started down that road with several other projects using the Barrett Law.

Mims Poole: Yes, yes.

President Mourdock: It's not a simple process. As you can see, the County Attorney's eyes begin to glaze over, but nonetheless it can happen. Just for clarification I would ask all in the audience who support this project to stand. I had a hunch that was why there were a group of you here. Okay, thank you very much. Joe, do you wish to give some instruction here or have you had contact with Mr. Poole?

Mims Poole: No, I haven't.

Joe Harrison, Jr.: No, I haven't spoken to him. I'm going to have...apparently John Stoll has talked to...is it Mr. Poole?

Mims Poole: Yes.

Joe Harrison, Jr.: I don't know what conversation you all...I know John may want to address this, but if I could suggest anything at all, I don't have the statute in front of me, but it might be helpful to contact...I know you probably don't want to hear this, but it might be helpful to contact an attorney who may be willing to assist you with the nuts and bolts of what you want to do. I can provide...I think John has got the statute site. I don't have it in front of me right now. I can go back in the back and maybe I can find it, but it is 36-9-something. I can call you and give you that statute site if you want to look at it and maybe contact an attorney to help you with this, but there are a number of things that you have to do. First of all, it would be a good idea to obtain a cost estimate from a licensed engineer, which maybe you have done already, and the specifications and plans relating to the sewer project that you would be talking about. All that information would have to be provided to Mr. Stoll for him to review before the Commissioners could do anything. Also, you would have to be in contact with the local Evansville Sewer Department to make sure the types of things you want to do comply with their guidelines and then there is another process from there that we can assist you with and facilitate as far as the procedure to adopt a resolution to get the ball rolling if, in fact, that's what you are able to do after you are able to get some estimates and some plans and some specifications together for Mr. Stoll to take a look at and present to the Commissioners thereafter.

Mims Poole: Will the County Engineer do that or do we have to hire our own engineer?

Joe Harrison, Jr.: No, you are going to have to get your own. You've got to get your own engineer. That's what these other

people have had to do. They've had to bear that cost. This statute that enables you-all to utilize the Barrett Law does not permit the county to expend any funds, any county funds. This is something that has to be handled by the homeowners who wish to be benefitted by the project. Again, as far as the letting of the bids that may be let, all that would be facilitated through the county. It would be a county project, but it would be your money. As far as coming up with the plans, drawings, specifications, approval by the agencies, that would have to be done by you, but, obviously, the County Engineer would work with you to see that you are getting all the necessary paperwork and he has done that in these other projects. John, if you want to add anything to that.

John Stoll: I spoke with Mr. Poole several weeks ago and that is when I called you, Joe, and you said the initial step in this process would be to bring it before the Commissioners, so that is, I believe, what Mr. Poole is here for this evening. One thing I would suggest is that if a consultant is hired on the project you should probably get a cost estimate first before proceeding, so that way it won't be a big shock to each of the people involved whenever the however many thousand of dollars it is, whatever each homeowners share would be, would not be a shock at some later date, so that way the project wouldn't run into obstacles like some of the other projects have.

Commissioner Jerrel: Is there any way that we can assist, though, in the sense that a copy of the Barrett Law would be helpful? Do you have that? That would be helpful if he had a copy of the Barrett Law and we just outlined the steps one, two, three, four, five that would...if we could just put those in writing just to assist them to know where to go. You know, what they need to do. That is what you were looking for, so we can help you. At least, I think it's a marvelous mechanism, but it, you know, you need some direction.

Joe Harrison, Jr.: Can I get your address and I'll just mail you the information?

Mims Poole: Okay, 7511 Greenbriar Drive, 47710.

Joe Harrison, Jr.: Greenbriar Drive?

Mims Poole: Yes.

Joe Harrison, Jr.: Your first name again, sir?

Mims Poole: Mims, M-i-m-s.

Joe Harrison, Jr.: M-i-m-s Poole?

Mims Poole: Right.

President Mourdock: With an 'e'.

Joe Harrison, Jr.: Oh, with an 'e', okay. That's 47710?

Mims Poole: Yes, sir.

Joe Harrison, Jr.: Okay.

President Mourdock: I know as you embark down this road it is going to sound kind of long and convoluted at times, but I would urge you in the strongest way to take Joe's advice and get a registered professional engineer involved early on and an attorney. Both of the costs of those types of things can be financed through the whole package that you are working on, so as John said the individual parts of it to each of you is not a great percentage of it. In the several different projects that have come before us, those that have succeeded are the ones that did what I just said, had the attorney, had the engineers in it from the very beginning. Those that have failed have been those where people thought, well, I really don't need to pay an attorney, I really don't need to get an engineer. So I know you don't like to hear...no one likes to hear go see an attorney, but it works best if you do. Pat left not because he didn't want to hear about your project, but because he had his windows rolled down, so he'll be running back in here in a moment. All three members of this Board have been supportive of these projects because we do want to see infrastructure out into the county. The County Council President Curt Wortman is nodding his head in agreement right now because we know this is one area that we have to do more of and as Ms. Jerrel just said, the provisions that we have under the Barrett Law really do suit this situation well. So we will work with you and certainly have John Stoll and Joe Harrison do what they can to help this work.

Mims Poole: We appreciate any help you can give us. Appreciate it.

President Mourdock: Okay, thank you very much. Do any of the others of you wish to address the Board? Okay, County Councilman Wortman?

Curt Wortman: My name is Curt Wortman, 2nd District County Councilman and these people live in my district. I have spoken with Mr. Poole and a couple of others here and I am just more or less giving moral support, I guess, is what it amounts to, but I think it's a well worth project for them and they need to do something. I think we've got to be aware of the cost here too as you go down the road it might kind of have a little problem there, but as they advised you, you've got John Stoll and the County Attorney here to help and then if I can help any, why I'd appreciate it. Thank you.

President Mourdock: Thank you, Curt.

**Kip Husk - Petition to vacate easement**

President Mourdock: The next item on our agenda, then, is to hold this meeting as a functional public hearing for a petition to vacate an easement for a Mr. Kip Husk or Ms. Kip Husk, I'm not sure which. Joe, do you have any information on that?

Joe Harrison, Jr.: Well, is he not here?

President Mourdock: Mr. or Ms. Husk in the audience? The answer

is no, he is not.

Charlene Timmons: After we approved the advertising on that the following day I called him to let him know that this was the approved date, so I haven't talked to him since then.

Joe Harrison, Jr.: It is my understanding that the Auditor's Office has not received the green cards back as is the custom in the petitions to vacate, so I would be hesitant for the Board to do anything at this point until, obviously, Mr. Husk is here with his green cards.

Commissioner Jerrel: Well, can we defer this without readvertising to next week or do we have to readvertise?

Joe Harrison, Jr.: I'm afraid you are going to have to do it over again.

President Mourdock: Yeah. Until we have the green cards we really can't advertise.

Joe Harrison, Jr.: Right. Is anyone here by any chance on a petition to vacate an easement regarding Mr. Husk? Is there anybody here in the audience? I guess not. They may not have been sent out.

President Mourdock: Without the return verifications, the so-called green cards, then I think the best we could do is defer this.

Joe Harrison, Jr.: I would defer it until a later date if there is a motion to that effect.

Commissioner Jerrel: I would like to move that we defer the Kip Husk vacation to vacate the easement, the public hearing.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**London, Hartmann & Kempf - Petition to vacate easement**

President Mourdock: The next item is a similar matter on a public hearing for London, Hartmann and Kempf. A petition to vacate an easement. Are any of those folks here? Please, sir, come forward.

Ron London: My name is Ron London. I live at 8214 Big Cynthiana Road. I believe everything has been turned in to take care of the easement vacation.

President Mourdock: Charlene, would you confirm that for it that those advertised...or return notices have been received?

Charlene Timmons: Yes, I have received the green cards and we did do the advertisement.

President Mourdock: Yeah, is there anyone else here to speak on this particular matter? The Board sees none.

Joe Harrison, Jr.: Is there a motion to that effect?

Commissioner Jerrel: No, I am going to move, but I want to know what is the procedure after this? Is this it or is this the first step?

Commissioner Tuley: No, this should be it.

Joe Harrison, Jr.: It is my understanding that this is it.

Commissioner Jerrel: Okay, well I would like to move approval of a vacation of an alley and public utility easement for Ron London, Ron Hart and Patrick Kempf.

Commissioner Tuley: Second.

President Mourdock: Before I say so ordered, John Stoll is was out of the room for the first part of that and occasionally the County Engineer's Office does have a comment on the vacation of easements. This one for London, Hartmann and Kempf, do you have any comments on that one? Okay, well, there was a motion and a second, so I will say so ordered.

Charlene Timmons: Excuse me, do we need a roll call because--

Joe Harrison, Jr.: Why don't you do that.

President Mourdock: Yeah, you're right. Thank you, Charlene. I'll look to the roll call then, Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I vote yes, so the matter is approved.

**Bid recap - VC97-06-01 Culvert replacement on County Line Road West**

President Mourdock: The next item we have is the bids that we had received earlier from the County Engineer's Office on culvert replacement on County Line Road.

Joe Harrison, Jr.: There were four bids for that project. It is VC97-06-01. The four bids are as follows:

- |    |   |             |
|----|---|-------------|
| 1. | Phoenix Construction Company of Evansville        | \$63,153.00 |
| 2. | CCC of Evansville, Inc.                           | \$53,935.29 |
| 3. | NFH Inc. of Evansville                            | \$97,930.00 |
| 4. | Deig Bros Lumber & Construction Co. of Evansville | \$52,970.00 |

I would ask for a motion to take these under advisement, review them for their responsiveness and then come back at a later date.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: I'm beginning to wonder if we should have a discussion on doppler radar! Okay, we are at the point in the agenda anyone wishing to address the Commission on issues that are not formerly listed, please feel free. Councilman Wortman.

Curt Wortman: Thank you, Mr. President. My name is Curt Wortman, again, 2nd District County Councilman. What I would like to address a little bit in reference to Azteca out there. There is two factors out there that I have talked to the Health Department and one is the permits were issued for the food processing by the state and the water treatment facility was issued by the state. Okay, now in my understanding talking to the Health Department they don't have no jurisdiction whatsoever here locally, so the smell out there is awful. Now whether we can do something about it or not, I don't know. I have an address here and maybe we can send a letter, but it is so bad it would almost gag a maggot. I mean, it's bad. The next thing is we go to the water treatment facility and the black water...the water going down the creek is black, so the environmentalist have been informed. They have been out there and they have called them in beings they issued the permit. There could be some problems if they don't take care of the situation is my understanding. So I think that might, and I don't know, but I am going to keep track of this, if we could couple them together and solve two problems.

President Mourdock: I'm sorry?

Curt Wortman: The water waste treatment going down the creek and the smell.

President Mourdock: Oh, okay.

Curt Wortman: I'm trying to blend them in. Now, I understand there is several people that has commented all over the state this smell in other plants they haven't been able to do much about in part of the states. Now whether, you know, it's throughout the United States or not I can't tell you, but that is the way I understand it. So taking that in mind, I don't know, but that is why I would like to couple, but I am going to try to keep track of this and follow up on it and see what happens. This is really a bad situation out there. So, I'll give you this address if you want to send a letter.

President Mourdock: Okay, sure.

Commissioner Jerrel: That's what I was going to say. Are you asking us to alert the company?

Curt Wortman: Yes, ma'am. I think that would be the thing to do on this smell because I am getting a lot of calls. I don't know about you Mr. Mourdock, you live in that area.

President Mourdock: I had a call just today, as a matter of fact, which I am sure was not in any way connected with any

effort. It happened to be a person who works for us who lives in that area who stopped me in the hallway to make that comment. The address or the company that you just gave me, Curt, is MRV Engineers Constructors. Do you know how that is related to Azteca?

Curt Wortman: Yes, sir. Let me give you a little history on that. When they came to town the project engineer out there told me that what he does...they come in and construct this plant and they operate it for three years and then if it is suitable then they turn it over to Azteca. That was my understanding from the project engineer or what have you and the head man. They're located out of Austin, Texas and I have worked with them occasionally, so that is the address that we could forward a letter to. That's their headquarters is what it amounts to.

President Mourdock: Okay, just in the folks that have contacted you, have there been any questions about anything other than the surface water and the smell? I've gotten several comments about ground water concerns. Quite honestly, even the people who are bringing it up to me don't know that they have any concern, they just see the water being sprayed out there.

Curt Wortman: Yeah, it was being sprayed today again and the creek had black water in it again because I went by there and looked. They say it is killing the fish, too, see. So, now what, you know, that does that is something, but the environmentalist are alerted and they are going to have to take some action if they don't correct the problem. That is my understanding now from the local Health Department here what they heard.

President Mourdock: Okay, any other questions for Councilman Wortman? Okay, thank you, Curt.

Curt Wortman: Thank you, I appreciate it.

Commissioner Tuley: Thanks, Curt.

President Mourdock: Gentlemen, do one of you wish to speak?

Frank Cook: I'm Frank Cook, P.O. Box 509, Fort Ogden, Florida, temporarily at Burdette Park Campground. I was able today to get the electric bill for the last 19 months from the Auditor's Office. I tried SIGECO and they said it wasn't public record and they couldn't give it to me, but it is completely different than what I got from the campground itself, or from the park itself. I received a figure from them and they said well, in the last 12 months it cost twenty-two thousand and something and for the 19 months I've got \$12,968.76. Now what I would like to suggest or ask if you would hold off any decision on this rate increase until I can find out actually what the income of that park is and try to find out...I understand that there is no water meter to the park, so we don't know what it is costing. I would think it would be very small compared with the three million gallon pool. So I would like to get some more figures, with your permission, before any decision was made about this rate increase. Thank you.

President Mourdock: Okay, thank you, Mr. Cook. Comments from the Board?

Commissioner Tuley: We got some figures from somewhere. I don't know where they came from.

Commissioner Jerrel: Right, we have done some work on this, so we would be...I'd be happy, and I am sure everyone else would, to share them with you because, you know, we've gotten the utilities and the salary of the gentleman, the Lin-Gas cost and the disposal. That's the only one we don't have. We don't have any of Browning Ferris' charges for the--

Lynn Ellis: That was included on the packet that I passed out a few minutes ago with the rates off to the right.

Commissioner Jerrel: Okay, trash removal? Gotcha.

Lynn Ellis: Right.

Commissioner Jerrel: Okay.

Lynn Ellis: And the AD-CRAFT charges as well.

Commissioner Jerrel: Yeah, I would be happy to give them my copy.

Lynn Ellis: Ms. Jerrel, the thing that I have not included in that is the percentage of the Park Manager cost.

Commissioner Jerrel: Right.

Lynn Ellis: The percentage of the bookkeeper.

Commissioner Jerrel: Those are my figures. I mean the subtracting and stuff. I just took that information.

President Mourdock: If I may and just to recap, obviously, last week when we had the discussion about the park there were several different issues that came up, but it would seem to me in its simplest terms there were two issues. One was on the rate increase and the timing of the rate increase and the other issue was a broader one, maybe a more philosophical one, on simply the two week stay issue that came up. I guess with those two issues still out there, and as you all know I like to function by dates, I certainly feel it is appropriate, since we just gave this to Mr. Cook, to give he and the folks out there time to review it, but I think it is also appropriate for us to set a date when we are going to resolve what we want to do with these things.

Commissioner Jerrel: Sure.

President Mourdock: Both in the sense of the term of how long folks can stay if, in fact, there is a term and also on what the cost should be. So what does the Board feel would be an appropriate time?

Commissioner Tuley: One or two weeks from tonight. You know, that should be ample time.

President Mourdock: Okay.

Commissioner Jerrel: Well, we've got a big thing on the 28th.

President Mourdock: Yes, we do. What is that?

Commissioner Jerrel: That's all the auditorium, the naming and determining the rates and all that kind of action.

President Mourdock: Okay.

Commissioner Jerrel: We ought to either do it the 21st or do it the week after.

President Mourdock: Okay.

Commissioner Jerrel: It would be August 4th.

President Mourdock: Yes.

Commissioner Tuley: Go for August 4th.

President Mourdock: Monday, August 4th, we will act and make a final decision to vote on both the rates and whether or not there would be a term limiting the stay. Are there any other issues besides that?

Commissioner Tuley: I think those were the primary issues.

President Mourdock: So we will take that under advisement, but we will decide and vote on August 4th. Do you other gentlemen wish to speak please?

Reed Tiek: My name is Reed Tiek and I am out there also. The main thing that I am kind of worried about is my rent is due this week. That's all I was wanting to know is to make sure at whether you are delaying the time limit on this for right now so that I can go ahead and pay my rent.

Commissioner Jerrel: No, I think we're wanting...we haven't changed anything. Isn't that correct?

Reed Tiek: I didn't hear what you had decided on last week about--

President Mourdock: I think we formally...excuse me one second. I think we formally did decide because we sent a letter to the people saying the rates would be increased, so I think--

Lynn Ellis: That's effective August 1st.

President Mourdock: Right, it was effective August 1st.

Reed Tiek: That's my understanding, yes. We did receive that.

President Mourdock: We need to formally act to rescind.

Commissioner Jerrel: Okay, well, I'll rescind that because I don't know what the action will be, but we are going to make a

decision on the 4th, so that means that the rent would remain the same for this payment that is due, so I'll make a motion to that effect.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Reed Tiek: That's the main thing I wondered.

President Mourdock: Thank you, that was a very good question.

Commissioner Tuley: Yeah.

President Mourdock: Okay, any other discussion on that issue?

Commissioner Tuley: See you on the 4th.

Lynn Ellis: Would you like me to draft a letter to advise the rest of the campers out there of that action?

President Mourdock: Yes, and in that letter simply say that we are --

Lynn Ellis: Delaying the increase?

President Mourdock: Delaying, yes.

**John Stoll - County Engineer**

President Mourdock: Okay, we'll move to department head reports. Item A, County Engineer, John Stoll.

John Stoll: The first item that I've got is a change order on the Ohio Street bridge project. This is a final change order, I believe. It should be the final change order on the project. This results in a decrease of \$7,534.18. There were decreased quantities of barrow and concrete and an increase piling and the overall change was the \$7,500 decrease.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next I've got a change order on the concrete repair contract that was done this summer. It results in an increase of \$4,150. The need for the increase came from some additional repairs that were required on Eastbrooke Drive and Burch Park Drive the slab needed to be poured eight inches thick rather than six inches thick. I recommend that the change order be approved.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next I have a letter that was prepared by Rose Zigenfus of EUTS that is signed by me, by Rose and by Barbara Cunningham of APC recommending that raised medians be installed on the Burkhardt Road project.

President Mourdock: Again, just by way of history we had this discussion last week and because we weren't certain whether we wanted that we wanted to see it, I guess, in writing one more time.

John Stoll: Okay.

President Mourdock: We now have it in writing one more time signed by Ms. Cunningham, Rose Zigenfus and John Stoll requesting that there be a raised channelized median.

Commissioner Jerrel: You want action this evening?

John Stoll: That's what I was going to say. If action is taken, then I can notify United.

President Mourdock: That would be appropriate.

Commissioner Jerrel: I would move approval of the recommendation.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

John Stoll: The final item that I've got is the street plans for the Phoenix Development. We received the street plans and specs for this project and they have been reviewed. It is recommended that they be approved subject to any changes that INDOT might require when INDOT issues their permit for the work on the state right-of-way on Highway 57. These will be asphalt streets with curb and gutter. They will be 36 feet wide and this is just the first phase of the project.

Commissioner Jerrel: Okay, I'll entertain a motion.

Commissioner Tuley: Oh, that's right. You...I was going to say, why are you entertaining a motion for? I'll move approval of the street plans subject to the condition that changes may be required by INDOT.

Commissioner Jerrel: I will second and so order.

John Stoll: That's all I have.

Commissioner Tuley: I thought we was back at Solid Waste!

President Mourdock: Do you have anything else in your report, John?

John Stoll: That's all I've got.

President Mourdock: Any questions for John, then? I have one. We received your letter and comments on Ward Road. I know Mr.

Bell got a copy of this letter. Have you heard anything from Mr. Bell?

John Stoll: No. I didn't ask Valerie. I was out last week, but I don't know if Valerie heard from anybody or not.

President Mourdock: Do these costs, as I see it, and you have seen this right?

John Stoll: Yes.

President Mourdock: This came from you before you went on vacation? There are two pages. One is labeled Ward Road paving and shoulders, preliminary estimate. The other is preliminary estimate, Ward Road curbing and storm sewers. Those are two separate approaches--

John Stoll: Right.

President Mourdock: --as to how we might resolve this problem?

John Stoll: Correct. The one involves just the curbing and piping to send all the water down to St. George Road and I believe it was \$13,000...was that the smaller of the two amounts?

President Mourdock: The smaller is \$25,840.

John Stoll: Twenty-five, okay. That just included putting additional asphalt down to raise the crown on the road and to put shoulder stone down along the edge of the pavement so we wouldn't force all the water that was channelized down the edge of the pavement from tearing up the edge of the road, so that is why the stone was included in addition to the asphalt, but they are two separate items.

President Mourdock: Then the separate one would be putting a curb on the east side of the road and storm sewers all the way down to--

John Stoll: Correct.

President Mourdock: --St. George?

John Stoll: Right.

Commissioner Jerrel: What happens when it gets to St. George?

John Stoll: That's what has not been--

Commissioner Tuley: The big question!

John Stoll: --totally evaluated as of yet. There is, I guess, a number of places that you could take it, but that was what we were talking about at the Drainage Board meeting that night. The additional quantity of water versus what is out there now has not been fully evaluated.

Commissioner Jerrel: The lift station, isn't that another issue

or is it?

John Stoll: If we have to do any ditching on the west side of the road, yes, it is.

President Mourdock: But can you do this...what you've got under your \$25,000 option can you put a higher crown on the road and have the wider shoulders, keep that water on the west side of the road and not do anything with the lift station?

John Stoll: It would just run down the edge of the pavement. Ideally, it should either have an open ditch or a series of pipes installed along the west side of the road as well. When you get down to that pump station, short of the Water & Sewer Department relocating that, the only way would be take the water from the west side, pipe it across Ward to the east side sending it down to St. George and then bringing it right back and sending it through another pipe underneath Ward at St. George and doing it that way just to bypass that pump station.

Commissioner Jerrel: Is the pump station...I mean, I don't know enough about any of this to even ask intelligent questions, but can it be moved?

John Stoll: I guess it could, but it would probably be a substantial cost. I would say that our best bet would probably be to pursue the Water & Sewer Department paying for any additional increases in cost resulting from any additional pipes that we would have to put in rather than them paying to relocate that pump station. It would definitely be the lesser of two costs for them, it's just whether or not how feasible that would be as far as handling the drainage. I'm assuming it could be moved. The way we found out, Valerie found out last week, was that some of that pump station was on the east side of the road originally. The control panels were on the east side and the pump station was on the west side and when they rebuilt it, "they" being the Water & Sewer Department, a few years ago they had moved it all to the west side of the road, so I am assuming that whatever they have put in there can be relocated. I just don't know at what cost to them.

Commissioner Jerrel: I was just going to say, could Valerie follow up on that and at least make contact and ask those questions with the Waterworks Department?

President Mourdock: In addition to that, get a better handle on what under this lesser expensive option, and I won't use the word cheap, under the \$25,000 option, let us know what can be expected at the intersection of Ward Road and St. George by way of cost--

John Stoll: Reduction?

President Mourdock: --and affect?

John Stoll: Okay.

President Mourdock: I look at that and it's a no-brainer, \$25,000 versus \$103,000 or \$104,000, but in both situations what

happens when that water gets to that intersection? It seems to me that if you just heighten the crown and keep it on that side it is going to come across and just cross St. George Road and keep going...or, yeah, cross St. George and keep going south unless we put in some form of major structure to intercept it to send it west.

John Stoll: Just raising the crown will not address one of Bell's concern and that the water that comes down and hits the wall. It will continue to do that by putting the crown in the road.

President Mourdock: Mr. Bell has said many times here, and his neighbors, too, that he realizes that this won't solve 100% of his problems. I've heard him say that he wants to keep the water that is on the west side of Ward Road on the west side of Ward Road and that's what this does.

John Stoll: Okay. He's said so many different things that I couldn't remember what all they've said. We can definitely look into that as far as--

Commissioner Jerrel: That is a component that hasn't been...I mean, this is all...I appreciate this. It's good. It's a beginning, but we just need to know--

John Stoll: Basically what flow--

Commissioner Jerrel: --what happens when it gets to St. George?

John Stoll: Okay.

Commissioner Jerrel: Then we are going to have to come to grips with, you know, what part of it we wish to do and they need to be doing some things themselves.

Lynn Ellis: John, have they contacted your department or are you aware because they, the Water Department being "they", did contact me following the letter that was sent with the water problems and I mentioned Ward Road in that letter and they were curious to know what that involved and I explained it to them and then referred them to your office.

John Stoll: I think that is what prompted them to call or one way or another that letter is what led to Valerie finding out that the pump station used to be on both sides of the road, so yes, they have contacted our office. I didn't get a chance to talk to Valerie in detail about what was all discussed.

President Mourdock: Okay, I like what Bettye Lou said. It's a good start. At least we got some numbers to look at.

Commissioner Tuley: If you are done with this issue, Vanness Avenue again. I understand they are doing some work out there. Is there a work order to take that old fire hydrant out since they put the new one in? Do you know or can you find out for me?

John Stoll: I can find out.

Commissioner Tuley: When you do give me a call.

John Stoll: If there is it's old, but we can find out.

Commissioner Tuley: Apparently they are doing some work out there. I don't know what they're...that was the word I got. They're out there working now, so it's probably not us that is out there working. I think we're done, aren't we?

John Stoll: I'm not sure.

Commissioner Tuley: Okay. When you find out just give me a holler.

President Mourdock: One other issue. In your department do you have some software that could easily accept our county paving schedule so that each week we would know how much is done and how much remains to be done on a percentage basis? Basically just a graph or something?

Lynn Ellis: I have contacted them and they are working on that already.

President Mourdock: Okay.

John Stoll: I was going to say, Lynn talked to Tim--

President Mourdock: Okay.

John Stoll: --this afternoon and on the way out the door Tim was telling me about it.

President Mourdock: I would really like to see you and Milton work more closely together on that issue, so every week we can include in our report here how much we've got done and how much we've got to do and why roads keep getting added to the list.

Lynn Ellis: Yeah, I faxed the list to them so that they could put that together.

President Mourdock: Okay, very good.

### County Garage

President Mourdock: Okay, County Garage. We have a report. A normal progress report. In fact, I think--

Lynn Ellis: The paving list is included as well as the ditch list. I'm sorry, I'll pass that out. Milton was supposed to be here. I went by there this morning and Rick was going to come and then he said that Milton was coming. Rick is not here because Milton is supposed to come, so I am not sure what's going on there.

President Mourdock: Okay. Amending a moment ago what I just said, John, in addition to doing that graphing with the paving, let's do that for the ditches as well. Just so that we can keep track of where we are with ditches and how much has been cleaned. You can get the information from Lynn. It's just a

software item.

**Burdette Park**

President Mourdock: Alright, informationally also in our packets we have the two reports, we didn't get one last week, from Burdette Park. We now have two and they are making up last week and this week.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Superintendent...uh, County Attorney's report. Joe, what do you have for us?

Joe Harrison, Jr.: I just have a couple of other items other than what I mentioned earlier. First of all, we talked a little bit about Mr. Poole's Barrett Law project that he would like for the Commissioners to consider. For your information, the Old State Road Barrett Law project is on hold. I believe there are 25 homeowners that were involved in that project. We were lead to believe that they had sufficient numbers in support of the project. However, more than 40% of those who would be benefitted by the project did object within the period of time that they had to object. So then I filed that information with the County Auditor and with the Clerk of the Court, Circuit Court, Superior Court Clerk, Marsha Abell, and a judge was assigned to the case. Judge O'Connor has been assigned as the judge to determine whether or not that project should go forward as a Barrett Law project, so he will make that call. There is a hearing set for July 21st at 9:30 a.m. in the Vanderburgh Superior Court before Judge O'Connor. We are merely facilitators. We will not...the county doesn't participate in the hearing as far as my role. They have counsel for the petitioners of the project. Brad Salmon represents the Old State homeowners who are for this project, so he will be there and then I am sure those who objected will also be at the hearing as well. The judge will make a determination as to what should be done next with that project. I would add as far as the other project is concerned, the Westwood Hills Subdivision project, there wasn't one objection. There are 95 or 96 homeowners involved in that project and that is the street repair project where the streets will be improved and turned over to the county for acceptance. There wasn't one objection in connection with that project which is really pretty remarkable that you wouldn't at least get one. Also, I have another matter and back in '91...and I don't know, were you on the Commission then?

Commissioner Tuley: No, '93.

Joe Harrison, Jr.: I guess none of you were. There was a deed given by the county to Lowell R. Weber and Belinda Weber. It's a piece of land off of...it had to do with the Green River Road, North Green River Road project. When Green River Road was extended or widened between Morgan Avenue northward. There was a piece of property that the county acquired during that time and this was a tract that was acquired. The county paid the Webers \$35,000 for the property that they needed at that time.

The deed was given to them on May 31, 1991. Somehow or another the deed never got recorded by them and now many years later someone has discovered that and Ted Ziemer, who represents the Webers, has asked that a replacement deed be given to them. I have in front of me a Replacement Quitclaim Deed relating back to May 31, 1991 which would be the exact same deed that was never recorded to be issued to the Webers by the county. That would enable them to move forward with what they wish to do. Apparently, they wish to...they have an ownership interest in a replacement piece of parcel out in that area and they wish to seek vacation of that parcel, but as far as this is concerned, this deed needs to be executed. I believe, Charlene is a notary aren't you? So you can notarize the signatures and we'll provide that deed to their council for them if there is a motion to that effect.

President Mourdock: Is there a motion to issue such a deed to the Webers?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The original is in the file. This is a copy of it, but the original is in the signature file. That's all I have.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Okay. Superintendent of County Buildings.

Lynn Ellis: Yes, I have several things. I am passing out a copy that I received today of bids that were solicited for work at Burdette Park. There is electrical work as well as heating and air conditioning work and we contacted many contractors for each type service and that information was put together and is being submitted for your consideration. You can keep a copy. There is enough for you to keep one.

President Mourdock: These are bid documents or these are RFPs or...?

Lynn Ellis: No, those are just copies of the quotes that came in. It is not a request to bid. They asked for quotes and those are the quotes that came in. The top sheet is a summary of those quotes.

President Mourdock: Okay, so you are not looking for us to take any action on these, then, this evening?

Lynn Ellis: Well, action does need to be taken to approve the low bidder in each of those areas to perform work at Burdette if the Board so chooses.

President Mourdock: Was this work then assumed in their budget for this year?

Lynn Ellis: Yes. It's just miscellaneous items that the staff there does not perform because of licensing requirements and that kind of thing. So it is work that is typically bid out. I asked that we get new bids because that had not been done in a while.

President Mourdock: Okay, so this isn't for specific work, but when there is a problem that arises they know who to call based on the lowest bid per unit priced services?

Lynn Ellis: Exactly.

President Mourdock: Okay.

Lynn Ellis: There is no amount guaranteed to anyone.

Commissioner Jerrel: Okay, I can see real easily what the heating and air bid is, but I can't tell on the electrical bids did somebody do time and a half and see what that amounts to?

Lynn Ellis: Um...well, the rate by AD-CRAFT is lower than the other vendors submitting bids for the electrical work.

Commissioner Jerrel: Yeah, it's \$61.50 for after hours and \$82 for holidays, right? Okay, I couldn't read that one.

Lynn Ellis: Right, under--

Commissioner Jerrel: So what you are saying is for daytime we would give it to the low bid which would be AD-CRAFT and after hours it would go to Deig Bros. or holiday double time it would go to...is that what you are saying?

Lynn Ellis: Yes, I would say that we would take the low bid under --

President Mourdock: Yeah, under applicable unit.

Commissioner Tuley: Yeah.

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Okay, um...let's see. I received a copy of a...did you want to say something?

Joe Harrison, Jr.: I'm assuming that motion included the heating and air bids which would have been in that order?

Commissioner Jerrel: Heating and air, the low bid. Right.

Joe Harrison, Jr.: You want to approve them in the order listed? I mean, if--

Commissioner Tuley: If Patton is available you get them first.

Joe Harrison, Jr.: Yeah, is that how you want to do it? Can that be amended just so that is made known that it would be in the order listed.

Commissioner Jerrel: Yes, right.

President Mourdock: So the motion is being amended that we call these people on an as needed basis based on the order of preference of bidding as specified by their per unit prices.

Commissioner Jerrel: Right. So moved.

Commissioner Tuley: Second.

President Mourdock: Again, so ordered.

Lynn Ellis: Alright, thank you. Um...a letter was sent. There was some confusion and problem because I didn't get this letter until, I guess, Thursday or Friday of last week from SLR Ambulance and Medical Services who currently has the county's bid for handicapped and elderly transportation services. They assumed that contract from Bassemier. Apparently Ms. Gossman Warner has been trying for some time to contact me and she was not advised that I was no longer in Purchasing, so she got mad finally and wrote a letter. Then I got a copy of it, but she has asked that the contract be terminated at the end of July which is just a couple of weeks away. I made contact with her last week after receiving the letter and spoke to her then and she was uncomfortable committing to extending her prices through August which is what I requested so that we could rebid it. I have contacted the Mayor's Office because there was interest expressed by the city in performing these services. They are to get back with me on that to see if they are interested in doing those services. It would make sense because METS has the busses and all those handicapped vans and that kind of equipment that they could easily service that contract. Right, if we entered into a local agreement...I mean, we're paying right now \$78,000 or \$72,000 a year for these services.

Commissioner Jerrel: I thought it was \$52,000.

Commissioner Tuley: It's \$4,300 a month isn't it?

Commissioner Jerrel: I have the budget right here.

Lynn Ellis: It's \$4,300 a month is right.

Commissioner Tuley: Yeah, so that would be close to \$52,000.

Commissioner Jerrel: Yeah, it's \$52,000. I remember that. I mean, I haven't looked at it for a long time, but I remember it.

Commissioner Tuley: Sam Lahanis had called last week when I was gone and I called him this morning and he expressed what you were just saying that they thought that METS Mobility would be willing to assume that contract under its current terms. He said if there was an interest by the Commission that he will pursue it and nail that down to make sure that they could do that, but he believed that they could.

Lynn Ellis: Okay.

President Mourdock: Well--

Commissioner Jerrel: \$52,179, I stand corrected.

President Mourdock: Okay. I'll look for a motion then to have the Superintendent of County Buildings talk to Mr. Lahanis about seeing if METS can take on the SLR contract.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered. All that is predicated on the assumption that SLR can, in fact, get out of the contract.

Commissioner Tuley: That's...yeah.

President Mourdock: As they claim. Joe, do you know that?

Lynn Ellis: And they can.

Joe Harrison, Jr.: It's on a renewal month-to-month basis at this time.

President Mourdock: I got the feeling from Lynn's comments that this was...oh, month-to-month. Never mind, okay.

Lynn Ellis: Right...um, okay I'll pursue that. This is a copy of a request to appear before the Council by Burdette Park. The request is to transfer money into the Payroll line so that they can pay their part-time employees. Joyce indicated that they do this annually, make a request to transfer money from their Concessions line which is a cash card account into the Payroll line and they do this on an annual basis. That is because the account is not funded by the Council and so what they do is they ask for an appropriation because that is how they have to do it according to Joyce, then they transfer money from the Concessions Account into the General Fund to cover that transfer.

Commissioner Jerrel: It is a cash card now and that issue we need to revisit sometime in the future because I think the State Board of Accounts is not real pleased with the proliferation of cash cards. That's another day.

President Mourdock: Is there a motion for approval then?

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: We did get, I guess, do you want to discuss that later?

President Mourdock: I was going to do that under old business,

but go ahead if you want to.

Lynn Ellis: Okay, the last version of the PAR Survey. The PAR...and I just received this, so you don't have copies of that. I apologize, but I'll make copies when we leave here.

President Mourdock: Yeah, let me just add several questions in light of this Board's discussions last week. Pat, you raised one question in particular regarding the use of the facility and how things need to be balanced out a little bit and one question was added:

"Question Number 21: By using percentages how do you think your county tax dollar should be allocated among the following areas?

Improvements at Burdette; Improved drainage; Increase economic development efforts; Renovate the Old Courthouse; Improve streets; Increase the number of Sheriff's patrol cars; or other."

On the question that was previously discussed here about the multipurpose facility, that question was essentially left as is. However, the next question became:

"Vanderburgh County is considering a \$2 million expenditure on a multipurpose facility at Burdette Park to house activities such as those just mentioned. Would you support or oppose such an expenditure?"

And then the answers are:

"Support; Oppose; or neutral or undecided."

Lynn, there was one other one which I am forgetting. What was the other one?

Lynn Ellis: Well, the one that you asked to be revised as 22 and 23 regarding the campsite.

President Mourdock: Yeah, Question 22, the issue we spoke of earlier this evening and will speak to on August 4th:

"Burdette Park offers camping for tent campers and RVs. Do you think there should be a limit on how long a camper can stay?"

And then 23 was also:

"How long do you think is a reasonable camping stay at Burdette Park?

Less than two weeks; Two weeks; Less than a month; Month to six weeks; Six months or more."

Then there was an open-ended question added in closing:

"What one thing would you suggest to Burdette Park's management to help them improve services or attract

more visitors to the park?"

That was somewhat in line with what your question was.

Commissioner Tuley: Yeah.

President Mourdock: That was the one I was looking for.

Commissioner Tuley: That's pretty good then.

President Mourdock: Okay, so with this Board's approval we'll give the okay to go ahead and start getting these.

Commissioner Jerrel: Do you want a motion to that effect?

President Mourdock: Yes, I would.

Commissioner Jerrel: Okay, I would like to move that we proceed with the revised PAR Survey.

Commissioner Tuley: Second.

President Mourdock: So ordered. They should have that done within a week, so we will certainly have it and have it tabulated by August 4th. If you would, Lynn, please let Woody know that it must be done by then. Okay, that was it, Lynn?

Lynn Ellis: Yes.

<b>Consent items</b>
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President Mourdock: Okay, we have in our packets consent items which include employment changes, travel requests, various Commission budget items and the County Auditor's accounts payable check vouchers for June, 1997. Look for a motion of approval.

Commissioner Jerrel: There has also been a late--

President Mourdock: Oh, go ahead.

Commissioner Jerrel: The Community Corrections...it's the same report that they gave the Advisory Board on the 3rd of July.

President Mourdock: Okay, so that is just an informational item?

Commissioner Jerrel: Yes.

Lynn Ellis: There was a pink slip added as well for the auditorium. You should have a copy of that.

Commissioner Tuley: Oh.

President Mourdock: I know what it is, but I don't know that (inaudible). Did you see it?

Commissioner Jerrel: Yes. I'm going to move approval.

Commissioner Tuley: The only question that I've got is Suzanne's

request is dated today, so was that added late? The one to travel for budget preparation?

Commissioner Jerrel: That is--

Commissioner Tuley: Or was that included in there already?

Commissioner Jerrel: I think that was added late. No?

Lynn Ellis: I thought it was included in Friday's.

Commissioner Jerrel: No, I don't think it is. I think it came in late.

Commissioner Tuley: Here is one from Columbus that was on here.

President Mourdock: Yeah, you're right it was late.

Commissioner Tuley: Okay, well let's add that to the--

Commissioner Jerrel: Okay, I'll add the Auditor's travel to the consent items.

President Mourdock: And also add one pink slip from the auditorium.

Commissioner Jerrel: And one pink slip from the auditorium.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### Scheduled meetings

President Mourdock: Any old...we have our scheduled meetings attached for reference.

Commissioner Jerrel: I have one thing.

### New business

President Mourdock: Okay, under old business?

Commissioner Jerrel: Well, it's new or old. It's old, but it's going to have a new twist. We are ready to move on the tax sale in August and Mr. Fluty and I have been working on it. We do need some additional funding to bring all of those up so we can do it all at one time. What I did was go through and find some money that is not being used, so I would like to have Tony do, and it has to be done tomorrow morning, I need to have an Abstract line item amount of \$7,868 and then I want to transfer from School Tuition, transfer which no longer exists, but there is some money in there, \$5,231.58 to Abstracts so the total would be \$13,200 to do them all.

Commissioner Tuley: I'll second your motion.

President Mourdock: So ordered. Any other new business?

**Old business**

President Mourdock: Any old business to come before the Board?  
Motion to adjourn?

Commissioner Jerrel: So moved.

Commissioner Tuley: I'll second, then.

President Mourdock: So ordered.

The meeting was adjourned at 7:01 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Bill Fluty  
Charlene Timmons  
Mike Shoulders  
Mike Robling  
Mims Poole  
Curt Wortman  
Ron London  
Frank Cook  
Reed Tiek  
John Stoll  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
July 21, 1997**

The Vanderburgh County Board of Commissioners met in session this 21st day of July in the Commissioners' Hearing Room of the Civic Center Complex at 5:43 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the July...?

Suzanne Crouch: Twenty-first.

President Mourdock: Yes, July 21st meeting, we'll get the calendar on the right page, the July 21st meeting of the Vanderburgh County Commission to order. There are agendas on the table at my far right if you did not get one when you walked in the door. Rules of order are that if you wish to address the Commission on any issue, because all of our notes are verbatim off of tapes, we ask you to come to the microphone and start by stating your name and address for the record. At the far right of this table in a moment will be Lynn Ellis who is Superintendent of County Buildings; Joe Harrison, Jr., our County Attorney; to my immediate right, Pat Tuley, County Commissioner; Bettye Lou Jerrel to my left, a County Commissioner; Suzanne Crouch, our County Auditor, who by statute is the official Recording Secretary of the Commission; and to her left, Charlene Timmons, who is our Recording Secretary. Having said all that, please join me in the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: As always, our staff has prepared a packet of information for us and the first item in the packet is the approval of minutes of the meeting of July 14th.

Commissioner Jerrel: I would like to move approval of the July 14th minutes.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Also this evening beginning at 4:00 and concluding at 5:30 p.m. was a Executive Session of the Vanderburgh County Commission. In that meeting all three Commissioners were present. The issue dealt solely with county personnel matters, so I would ask for an approval of the minutes for that Executive Session.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Bid opening - VC97-07-02, Oak Hill Road Bridge Number 117**

President Mourdock: In our action items this evening, then, the first item on the agenda is for the County Engineer for bids. Is John here? Yeah. For VC97-07-02. John, the microphone is yours if you have anything to state with that one.

Commissioner Tuley: I think we just need to--

President Mourdock: Okay.

Commissioner Tuley: I'll move to have the County Attorney directed to open the bids for VC97-07-02.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Just for the record, what is that, John?

John Stoll: Oak Hill Bridge.

President Mourdock: Oak Hill Bridge?

John Stoll: Yes.

President Mourdock: Okay, thank you.

**Bid opening - VC-97-05, County Highway Department loader**

President Mourdock: The second item we also have is the opening of bids, Alvin Holder, with the City/County Purchasing Group. I don't see Alvin here. Lynn, do you have some comments?

Lynn Ellis: Yes, I would recommend that the bid opening be delayed. An issue was brought to my attention tonight regarding the specifications and apparently the revised specifications that were sent out will not meet the requirements of the County Highway Department and as opposed to going through problems like the excavator, I would recommend that we delay them and straighten them out.

Commissioner Tuley: I would so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered. For the record, that was VC-97-05 that we just deferred the opening of bids.

**Bob Dillow - County insurance update**

President Mourdock: Next we have Mr. Bob Dillow with the county's insurance issues.

Bob Dillow: Hello. Yes, I am Bob Dillow from Torian Hofmann & Dillow. My purpose today is to provide a very brief update of the status of what is going on with the county's insurance program from the time we started in February up until today.

Briefly, the points I wanted to make, and I believe you all have a packet in front of you listing the items by month, but the first thing that we did back in February was persuade the insurance carrier to increase the employee dishonesty coverages from the current \$300,000 limit to one half million dollars at no additional charge and that was done and the policy has been delivered. We requested that a professional loss control program begin for the county. That had not happened in the past prior years with true professional trained loss control people running that program. So we contracted a program where there would be no less than three and probably four visits per year by the PENCO loss control people. I wanted to report that the first session took place three days in May. A very important recommendation came from that meeting and that was that a safety committee be formed to be able to enact the information brought into the group from that loss control representative. We are in the process now of determining, with the help of PENCO, who are the best people in the county and what positions should be filled on that safety committee and we are, of course, asking for their help in helping us prepare an appropriate meaningful agenda so when we do meet we can have constructive meetings that can benefit the county in their loss control issues. Our goal, of course, is to put together programs that can help reduce worker's comp claims and improve the overall safety of the county. By the next time I am here that information will be put together and their recommendation will be forthcoming. We also started when we took over reviewing as many leases as possible that could be presented to us for accuracy in meeting today's standards for insurance. Joe, when he receives them or the Commissioner's Office is providing contracts to us to review to determine if they are written properly and favorably as they should be written for the county. We've had great success in looking at Certificates of Insurance and making sure that the county is properly named as additional insured on those certificates where appropriate. We are also in the middle of a process to determine if there are any owned or leased locations not listed on the current insurance policy. We've found one or two so far and we are continuing to review that process and any time we find a situation that exists we are taking immediate action to correct that. Again, our goal there is simply to make sure there are no uninsured properties owned by the county or leased by the county with contracts requiring the county to insure them.

President Mourdock: Question in that area. If, in fact, such a property exists and there is a liability claim made against the county, I presume we are still covered?

Bob Dillow: Yes. Clearly the liability insurance is not the issue as much as the physical damage portion.

President Mourdock: Okay.

Bob Dillow: We're wanting to make sure that there is no uninsured property loss. That's the primary concern. Case in point, we reviewed the lease regarding the Old Jail. The contract with the county clearly states that the Old Jail Management Corporation is responsible for insuring the jail to its full replacement costs and that has not been done, so you

approved the obtaining of a professional appraisal by independent appraisers in Indianapolis to determine the replacement cost and we are awaiting the results of that appraisal so that we can make sure that the jail is, in fact, properly insured by the corporation who legally has the responsibility to insure that. That will be done at no cost to the county. Also, in reviewing the contracts on the Safe House, the owners of that property, Robert and Mary Hart, are required by the terms of that contract to be listed as an additional insured under the county's policy. That was uncovered in reviewing those contracts and the corrections have been made to the policy and we are meeting the terms of that contract. I wanted to spend a brief minute and talk to you about the professional liability coverages of the county. We determined that there was a need to insurance in addition to the nurses the miscellaneous medical professionals. That consists of Med Techs, Nurse/Clerk teams, Disease Intervention Specialists, HIV Counselors who could create a professional liability exposure for the county. That coverage has been successfully added to the county's insurance program, so there will be no gap in coverage if a professional liability claim comes in that area. Now, we, in reviewing another contract or claim, asked PENCO, as the insurance carrier, to review the Safe House liability claim where the county is involved in a suit with Steven Roth. We are trying to determine if there should be defense coverage provided to the county by the insurance carrier. We wrote them in February and we have not heard a response from the county as to whether or not they should be providing defense coverage. We will have some information for you shortly on that and we've been working with Joe and there is a person from PENCO that is supposed to be contacting Joe, but we're going to call that person and ask why they are taking so long to respond. Then lastly, I'm going to go back to something that will be appropriate for the new safety team. We are going to provide the county with information regarding a driver selection and discipline program which amounts to appropriate criteria on as an example, what would you do with a driver with a series of speeding tickets, a drunken driving violation for the purposes of determining when it is safe for a person to be driving a vehicle. We have some very solid information that has come into us and we will be giving that to you very shortly with the goal of that getting back to the safety committee when that is formed so that they can take appropriate action. From the property and casualty side of our report that is the end of my report. Tony Flittner has a couple of bullet points regarding the health insurance, but before I leave are there any questions for me?

Commissioner Jerrel: I have one, Bob. You mentioned...I think the safety committee is an excellent idea, but when we were talking about workman's compensation do you have or will PENCO develop any research for us so that, you know, I was involved in doing that kind of research for some 3,000 employees based upon categories. You know, what kinds of injuries. In other words, this group...are they divided, the workman's comp, divided on the basis of office workers, laborers or whatever the job classification is?

Bob Dillow: Yes.

Commissioner Jerrel: And then kinds of injuries. You know, are these primarily back injuries? If you are going to work on safety you've got to know, you know, knee, back or where are we most vulnerable?

Bob Dillow: I could be wrong, but I believe that is meeting number two of the loss control.

Commissioner Jerrel: Okay. I think it would be very helpful and that's what we did with this other group is actually divide them into categories and get the experience, what the past experience was, and identified the kinds of injuries and then made a tailor-made safety program.

Bob Dillow: Willis Corroon, the claims administrators, are preparing a status or a history of the type of claims, again, by category and they are going to then pass that on to the PENCO loss control people who are going to use that in their report. I am expecting that to happen on their next visit. We can then go to the safety committee with all of that information and start trying to determine ways to reduce those claims.

Commissioner Jerrel: That's very good.

Bob Dillow: No other questions? Tony Flittner.

Tony Flittner: Good evening. My name is Tony Flittner. I'm with Torian Hofmann & Dillow Insurance Agency. We're located at 800 Sunset Avenue here in Evansville. The purpose of my discussion would be just to bring you up-to-date regarding where we are with the health insurance plans through Vanderburgh County. Each month we have a meeting with the Insurance Committee to discuss administrative problems and concerns. Through those meetings we have uncovered or discovered claim problems and administrative problems that have been resolved. We've discussed a wellness program. We had Welborn Health Plans come in and discuss a wellness program that they would offer at no cost to the Welborn enrollees. PHN is more than willing to do the same thing for their enrollees and we discussed providing the Vanderburgh County Health Department doing a wellness program for the remaining employees, so that is something we are still working on. We are maybe talking about something called a health fair to try and get everybody in line to understand what makes them healthier, what makes them less healthy than others. We are in the process of talking about renewal rates for the plans for the upcoming date of January 1, 1998. We've received the estimates from all three carriers, Blue Cross/Blue Shield, PHN, the Physicians Health Network, and Welborn Health Plan. Those estimates are in and we are working at this time to try and get a hold of the actual hard numbers, the renewal rates, and what they will be at that time. At this time I do have a verbal commitment from Welborn Health Plan, but I decline to discuss that with you until I have it on paper and we are working with the other two carriers to get their hard numbers. We're also in the process of quoting with other carriers to see what kind of rates and plan designs they would offer for Vanderburgh County. This will afford us to look at maybe better plan designs and hopefully better rates. Those aren't in yet. We are waiting to get those and we'll bring that information to

you as soon as we receive it. Other than that I don't have anything else for you. I would be more than happy to answer questions for you though.

Commissioner Tuley: Just a comment, Tony. We just need to make sure that we push those providers to get us some kind of rates because we are getting ready to go into budget and we have to know what kind of changes, if any, we have to make for our employees. Keep at them.

Commissioner Jerrel: I was going to ask the question are you confident then though? We put in nine percent to cover. You're confident that will cover? Of course, you are talking about three different carriers.

Tony Flittner: I guess there is a little point of discussion regarding that. Nine percent was somewhat of an average based on Welborn's estimate renewal rate increase of eight percent, Physicians Health Network projected rate increase of five percent, Blue Cross/Blue Shield projected rate increase of sixteen percent. I would...concerning the different departments I would be careful in using a nine percent average if, in fact, you have a department that is heavily insured with Blue Cross/Blue Shield and therefore could end up with a sixteen percent across the board raise.

Commissioner Tuley: You'd be short.

Tony Flittner: So you could be short there.

Commissioner Jerrel: Well, we need to know that. We need to know, you know, if we're heavily...I mean, what's the breakout of the 708 employees? Is it one-third, one-third, one-third or is it more heavily...?

Tony Flittner: No, it's pretty evenly split between the Welborn Health Plan and PHN, the other HMO that involves St. Mary's Hospital. The fewest people are insured through Blue Cross/Blue Shield and the last numbers I saw, which were somewhere in February or March, involved some 144 members, okay, or employees, so you can see that obviously is a low percentage.

Commissioner Jerrel: Well then we've got enough money probably to cover anything.

President Mourdock: Yeah, but there is one thing. Those who tend to be choosing the Blue Cross/Blue Shield option tend to be our older employees who have the higher claims.

Commissioner Jerrel: Is that true? The experience is greater with them?

Tony Flittner: Yes, it is.

President Mourdock: Which brings me to one of the words I also like to bring into this type of discussion. We would be very interested in whatever plans you could offer for steerage to deal with that issue.

Tony Flittner: That's exactly--

Commissioner Tuley: Say that in duck!

Tony Flittner: Good terminology, but that is exactly what is going on in the health insurance industry and you will certainly see plans that involve a little more steerage, as you call it.

President Mourdock: Some call it ramrod. I like a more polite term.

Commissioner Jerrel: Well, we have an obligation to provide for our employees the best benefits we can.

Commissioner Tuley: At reasonable rates.

Commissioner Jerrel: Right, we have the rates to think about. Do you have the experiences? By September you think they'll have numbers that are comfortable?

Tony Flittner: We should have a lot more information by September. Traditionally, it is my understanding that the estimates are usually received through PHN and Blue Cross by July. I think we received those by May which we had some difficulty in doing, but we did get them. Welborn happens to be the most timely in putting their numbers together and they're the ones who have already given me a verbal commitment on their hard rates, on their actual renewal rates.

President Mourdock: Historically what have you see between those early estimates and the hard rates, as you call them? Do the hard rates ever end up more than what the actual...or more than what the budget estimates were?

Tony Flittner: It would be my understanding in discussing this with the people who have handled it for a number of years that the actual renewal rates had not come in above the estimates, okay? Hopefully, the estimates are a little padded so that there is not a disaster in actual renewal rates that are higher than what were estimated and therefore budgeted for.

Commissioner Jerrel: Well, we don't go in this with the attitude though that they've got all the cards and we just listen?

Tony Flittner: Oh, no.

Commissioner Jerrel: That's what I mean.

Tony Flittner: Oh, no.

Commissioner Jerrel: I want to go into it with you want our business and you get your rates down.

Tony Flittner: Right. That's how we handle that and that's a big use of the competitive quotes. If a carrier over here is willing to offer a plan that is as good or better than what they have now at lower rates, then why shouldn't Blue Cross or PHN or Welborn offer the same thing for less money. They don't have

the upstart cost that the other carrier has. It's just good old fashioned competition.

President Mourdock: Thank you, Tony. Bob, did you have something else to add?

Bob Dillow: Yes, Lynn gave me...again, Bob Dillow. Lynn gave me one brief letter that I need clarification from you. The appraisal that you agreed to pay for to fund, again, the appraisal for the Old Jail. You gave us instructions and approved that as long as the estimate was or the cost for doing so was less than \$1,000 we could proceed to do so. The letter from the appraiser said he would do it for \$750 plus expenses not to exceed \$250, so he sent a letter requesting a signature and he sent it to my partner, Greg Hofmann. My question is do we sign that letter because it's within the authority you gave us and order it or do we give it to you to sign?

Commissioner Jerrel: Excuse me, Joe. I'm glad you didn't have your mouth open!

Joe Harrison, Jr.: You thought I lost my dentures didn't you?! No, I would just make a motion to that effect.

Commissioner Jerrel: To what effect?

Commissioner Tuley: Which effect, yeah?

Joe Harrison, Jr.: To approve it and then he can sign it or you can sign it, but someone here needs to approve it.

Commissioner Jerrel: I would like to move approval of the appraisal in the amount of \$750 and expenses not to exceed a \$250 and grant you the authority to enter into that agreement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bob Dillow: Thank you.

President Mourdock: Okay, thank you. I appreciate the update.

Lynn Ellis: Bob, can you just send me a copy of that after you've signed it?

<b>1998 Form 144's</b>
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President Mourdock: Okay, our next item on our action list is the County Auditor's report on the Form 144's. Suzanne, anything formal?

Suzanne Crouch: That's just the submission of the employee's salaries that are projected for 1998 and you as a body are to take them under advisement and make your recommendations to County Council prior to August 20th by law, but I would suggest you make it prior to August 13th when the budget hearings start.

President Mourdock: Okay, thank you. Those, because they are quite thick in volume, I don't know that--

Commissioner Tuley: Did you leave them in the office?

President Mourdock: Yeah, they were in my packet on Saturday and I put them back on Lynn's desk and I don't know which of you she was giving those to next, but they are quite a complete stack and, obviously, they are something that didn't necessarily need to be copied.

Commissioner Jerrel: Are they with a three percent or no percent or what?

Suzanne Crouch: I believe they are reflective of the three percent in most instances. There are several...well, there is one office in particular that submitted salaries greater in excess of three percent that I know of.

President Mourdock: But still the indication or suggestion tonight is that we take them under advisement?

Suzanne Crouch: That's right.

President Mourdock: This is not a motion for approval, it's just to take them under advisement.

Commissioner Jerrel: Okay, I'll make that in the form of a motion that we take the 144's under advisement and come up with a report to give to the Council by the first part of August.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: We're at that point in the agenda any group or individual wishing to address the Commission? County Council President, Mr. Wortman.

Curt Wortman: Thank you, Mr. President, Ms. Jerrel, Mr. Tuley and associates on the left and right. My name is Curt Wortman. I live at 14020 Darmstadt Road out in the promise land. It still smells, though! That's what I want to address you about. This morning I spoke with the Co-op Extension Agent out there in Darmstadt, Mr. Jim McCampbell, and I asked him if we couldn't contact Purdue University and get something going on this smell. So he informed me that they did, an engineer at Purdue, proceeded with the hog lagoon smell and worked with Monsanto in trying to get the correct chemistry. Now what percentage of the smell was eliminated or to be eliminated, I don't know, but they made some progress. That in turn, he called him and he supposed to call back. He hasn't yet, but he will. Of course, the fair is going on. When he does we hope to see if we can find a solution and help this MRV Waste Treatment Plant out there, so in turn after that why I got on the phone and called down there at Austin, Texas to MRV headquarters and I got a hold of Darrell Spillman and he appreciated that. He wants to work with it.

Now I was wanting to call a meeting this week, but when I looked at it why would we have questions and still no answers, so I think that would be a waste of both sides, the residents in the smelling district versus the MRV people out there. So, with that in mind we'll wait until next week I told them and maybe we can kind of work together and find a solution because we don't want personalities getting involved and sometimes when you don't have the correct answer that's what happens. That's a progress report, I give it to you, so hopefully when I come back maybe Monday everything goes alright I might have a little more.

President Mourdock: Okay, and just again so we avoid confusion last week when you came to us and presented it we made the motion here to send a letter off to them about this same situation. That letter was drafted on Saturday and I presume ready for signature although I didn't look at my desk this afternoon, so we'll go ahead and mail that unless you would prefer that we don't at this point?

Curt Wortman: Yeah, okay. Well, I'm going to inform all mine...not mine, but the constituents out there to be informed about a meeting and I'll tell them we'll wait until the following week and hopefully have something. There's no use in having any question/answer session when you've got no answers see and still no progress.

President Mourdock: Have you had a chance to tour the property out there, Curt?

Curt Wortman: Yes, sir and mercy, mercy it stinks. As a matter of fact, I went out there and I came home and I almost got thrown out the door, so I had to change clothes and take a bath and I know the T.V. crews out there I doubt if they got in the studio, I don't know. I'll tell you it was bad. It was stout. It was rough.

President Mourdock: Was most of that smell from inside the plant, the facility itself?

Curt Wortman: No, sir. That was up by the lagoon. Up there on the brim up there on the bank. No I spoke with, last Thursday morning, a farmer called me at 6:00 and they have no air conditioning. Farmers are used to this. A lot of farmers are, not all of them. They use fans in their house and he said it was so strong at 1:00 he had to get up and shut his windows. I got up at 2:30 to use the bathroom and I raised the window and I got a whiff and I put it down right fast. It was pretty raw. I mean...so Mr. Spillman, to get back to MRV, he said, how has it been? I said, last week it was pretty raw. We'll have a little test here with the fair going on and a lot of people may comment here with a lot of people out in that area. Everywhere I go the smell is pretty evident. It's over a Scott School, they smell it over there. It just depends, probably within a two or three mile radius that's what it amounts to.

President Mourdock: I did hear that you were looking to try to do a meeting on Wednesday and I understand that's what you're saying now that we don't need to do this coming Wednesday, but please keep me advised specifically on that and this Board as a

whole because I would like to attend that.

Curt Wortman: Right, I will. I'll keep you all informed that way maybe we can get Purdue here to come up with the chemistry to try to help eliminate this smell. MRV thought that was a good thing, so let's hope that it works out.

President Mourdock: Indeed, let's hope.

Curt Wortman: Thanks a lot for your time.

Commissioner Tuley: I hope you don't get thrown out of the house anymore!

President Mourdock: Okay, anyone else wishing to address the Commission on any other issue?

**John Stoll - County Engineer**

President Mourdock: Okay, we'll go to our department head reports. First up, County Engineer, John Stoll.

John Stoll: First of all I've got a recommendation to award Contract Number VC97-06-01, the culvert replacement on County Line Road West, to Deig Bros. in the amount of \$52,970.

Commissioner Jerrel: How much?

John Stoll: \$52,970. They were the low bidder on the project.

Commissioner Tuley: I'll move approval of your recommendation.

Commissioner Jerrel: Second. I had it...am I not reading that right? There was a different amount there. Is it VC97-04-01?

John Stoll: No, it's 06-01.

Commissioner Jerrel: 06-01, okay. Well, I didn't know what that was. Deig Bros.?

John Stoll: Oh, that's the concrete repair contract.

Commissioner Jerrel: Oh, okay, so this is a different one?

John Stoll: Right, that was the street repair contract.

President Mourdock: Okay, so there was a motion and a second for 97-06-01 with Deig Bros. and with the motion and second I'll say so ordered.

John Stoll: Okay, the next item that I've got is an Addendum to the Burkhardt Road Interlocal Agreement that was signed by the Board of Public Works in May and by the County Commissioners in May. This addendum basically clarifies the limits of the project and defines that the county would be the agency in regard to the right-of-way acquisition for those parcels south of Lloyd Expressway within the city limits. I've had the County Attorney review it and made his recommended changes and I

believe everything is ready to be signed so we can take it to the Board of Public Works on Wednesday and recommend that it be signed.

Commissioner Jerrel: So we need a motion now to approve and I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The third item that I've got is a contract between the county, Bernardin Lochmueller and Zeigler in regard to the development...the construction of the Phoenix Commerce Center. This would be for the construction inspection services that would be provided by Bernardin Lochmueller and it is an hourly agreement. They were the...Bernardin Lochmueller provided the low hourly rates of the three consultants who were requested to provide rates and those three consultants were RQAW, Three I Engineering and Bernardin Lochmueller & Associates.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

Commissioner Jerrel: Oh, oh, excuse me, I forgot. So ordered.

President Mourdock: For the record, I abstained on that one regarding Phoenix.

Joe Harrison, Jr.: And I have reviewed that agreement as well.

John Stoll: The next item that I've got is a correction of a street acceptance that was done on July 7th. This street acceptance was for Seasons Pointe Boulevard which is off of Covert Avenue just a little bit east of Green River Road. This street acceptance was done with the name Seasons Pointe Boulevard and after it was accepted we were notified of a name change and it is now known as Seasons Ridge Boulevard. This doesn't change anything other than the street name and I recommend that it be approved.

Commissioner Jerrel: What is it again?

John Stoll: Seasons Ridge Boulevard.

Commissioner Jerrel: Seasons Ridge. I move approval of the name change so that we're all the same.

Commissioner Tuley: Second.

Joe Harrison, Jr.: You probably need to vote on that. Would that be an--

President Mourdock: Is that an ordinance?

Joe Harrison, Jr.: --ordinance?

John Stoll: No. It's not in regard to the traffic controls at the intersection, it's just the acceptance of the street itself.

Commissioner Jerrel: And we did have a motion to accept that name change.

President Mourdock: I need a second, Pat.

Commissioner Tuley: Second, I'm sorry.

President Mourdock: So ordered.

John Stoll: Next I've got a change order for the Lynch Road project. This change order was necessitated due to the fact that a septic tank was encountered on the library property at the southwest corner of Oak Hill and Lynch. They had their sewage going through the septic tank and then the septic tank itself was then tapped into the sewer. The septic tank has to be removed in order to be able to build some retaining walls at that intersection and they'll have to remove that septic tank and replace it with just pipe, so the net change is an increase of \$3,103 of which 20 percent will be our local cost which would be \$620. I recommend that this be approved.

Commissioner Jerrel: I move approval of the change order in the amount of \$620 for the Oak Hill/Lynch intersection.

Commissioner Tuley: Second.

President Mourdock: So ordered. Probably have another smelly project on that one that we'll hear about.

John Stoll: The final item that I've got is the street plan approval request for the Burkhardt/Lynch Business Park. This is the industrial subdivision at the corner of Lynch Road and Burkhardt Road. The street plans have been reviewed in my office and it is recommended that they be approved. These will be asphalt streets with curb and gutter. The street thickness will exceed the county minimum standard. These streets will be four inches of asphalt on eight inches of rock rather than the county minimum of three inches of asphalt on six inches of rock.

Commissioner Jerrel: I move approval of this site plan.

Commissioner Tuley: Second.

John Stoll: Street plan.

Commissioner Jerrel: Street plan, excuse me.

President Mourdock: So ordered and a question then, John. Well, I know this is still the two entrance onto Burkhardt Road plan, correct?

John Stoll: Correct.

President Mourdock: The question that came up a week or so ago about the properties north of Lynch Road whether or not that

needed to be surfaced. Has that been resolved? I see this site stops at Lynch Road.

John Stoll: I'm not sure if that has been resolved as of yet. There was no site plan presented at Site Review this morning for the property north of Lynch Road.

Commissioner Jerrel: Is that where they wanted to use gravel instead of a surface?

John Stoll: Right, right. They--

Commissioner Jerrel: This doesn't have anything...what we're doing right now does not affect that?

John Stoll: No, that property is separate from this subdivision. I have nothing further unless you've got any questions.

President Mourdock: Yeah, I have a couple, but, Pat, do you have any to start with?

Commissioner Tuley: Mine go back to Ward Road again. Have you heard from Mr. Bell again? John, I think Tim was working with Water Utilities or whatever on the city side in regard to that pumping station or what have you.

John Stoll: I spoke with them this morning and the cost to install that at its current location was \$354,000.

Joe Harrison, Jr.: How much?

Commissioner Tuley: \$354,000.

John Stoll: The relocation cost would be higher than that. That was done...that was installed, I believe, two years ago. That wouldn't include any property that they would have to acquire to put the pump station on if it was relocated off of county right-of-way.

President Mourdock: Do you have a recommendation for us in solving that problem? I know your staff looked at it both ways or several ways.

John Stoll: I think about the only way we can get around it is pipe across the road and then turn around and bring it right back. If we need to run a ditch or pipe or whatever down in front of that I think the only way we can do it is send all the water to the east side of the road just north of the pumping station, then send it south down along the east side of the road and then send it back across back on the other side back south of the pumping station.

President Mourdock: Is much of that water though, John, staying on the west side of the road anyway? In other words, do you have to send the water east, send it south and then send it west or isn't it just going to naturally move to the east side of the road so you only have to bring it back once?

John Stoll: I don't know really. I think probably water once it

gets down that far is basically going everywhere as far as when I've been out there. There's no--

President Mourdock: Let me rephrase the question. If the water is staying on the west side of the road now should we worry about it? That's not the water that is causing us the problem.

John Stoll: If we brought a ditch or piping all the way down that side of the road, then all of a sudden we are going to hit that point so there won't be anywhere for it to go.

President Mourdock: I see. By adding the crest--

John Stoll: Right.

President Mourdock: --or doing whatever we're going to do to keep the water.

Commissioner Tuley: Therein is where the problem lies, right, is with the west side. Once we keep and maintain--

John Stoll: Right.

Commissioner Tuley: --that water on the west side, then it is too much water without--

John Stoll: It's going to come down there and then hit that pump station and have nowhere to go.

Commissioner Tuley: Right, no place to go.

John Stoll: That's when we would have to--

Commissioner Tuley: I talked to Valerie and I think she said really the only way to reroute it is to do it the way you are suggesting without taking property from the church. You know if we try to keep it on that side of the road we would have to take property from the church without shooting it across and shooting it back again.

John Stoll: Right.

President Mourdock: Okay. Did you get your question answered? I'm not suggesting John didn't--

Commissioner Tuley: No, John answered my question. They're working on it and trying to figure out, you know...basically, what Valerie told me was the city didn't get a permit this time because it was just replacing an existing one, but she can't find anything indicating they ever got a permit to put it up in the first place.

President Mourdock: Shouldn't be surprised.

Commissioner Jerrel: We have a letter from them--

Commissioner Tuley: None of us are either.

Commissioner Jerrel: --in our materials.

Commissioner Tuley: Yeah, I saw it somewhere.

Commissioner Jerrel: They indicate...I mean, that's the one unsolved situation. They're not--

Commissioner Tuley: They're not touching it.

Commissioner Jerrel: They're working with us, but that is--

Commissioner Tuley: They're communicating with us.

Commissioner Jerrel: Yeah, you've got it. Yeah.

John Stoll: I got a copy of it as well.

Commissioner Jerrel: Thanks, Milton.

President Mourdock: Well, let's go back to the issue. Are you, John, in the near future going to be able to make a recommendation to the Board as to the best way to resolve what we see as an ongoing problem with an estimate of the cost?

John Stoll: Within what estimate?

President Mourdock: Well--

John Stoll: Oh, with an estimate.

President Mourdock: Yeah, with an estimate. I know you gave us two alternatives and it's been a couple of weeks, but one was like \$110,000 and the other was \$28,400, I think.

John Stoll: Right.

President Mourdock: The \$28,400 included what you just described of taking it from the west side, putting it to the east side, moving it south and then putting it back across to the west side. Is that right?

John Stoll: Right, if I remember correctly, I'm not sure. There's been so many options. I know last year we looked at an option of open ditches and pipes and replacing all driveway approaches on all driveways and that was about \$75,000. It just varies on which way you would want to go with it. I mean, we can try any number of things it's just the cost is going to vary substantially.

President Mourdock: Let me just play "what if" for a minute. What if this Board acted to go with the less expensive of the proposals that we've seen thus far which would be something less than \$30,000? Bettye Lou, you're our budget expert. Is that something that is economically feasible?

Commissioner Jerrel: Yes.

President Mourdock: Okay.

John Stoll: That would keep the water on the west...well, should keep the water on the west side of the road that is supposed to

be on the west side of the road. Like we said last week, that wouldn't address the water that comes down the east side of the road and hits the wall and gets turned down and heads down towards Bell and Tabor, but I know like you said last week, Bell's main concern at this point was trying to keep the water on the west side that is supposed to be on the west side.

President Mourdock: Right. There have been homeowners from that area who have said to us many times they realize all the water...they're still going to get some water coming down that wall and back, but the big problem, and we've heard Mr. Jeffers say this as well and I think you would concur with this, the biggest problem is the water on the west side is coming across through that channel that otherwise could be diverted.

John Stoll: That's probably half the problem.

President Mourdock: That's what I am saying. I mean, it's not going to solve the whole problem.

John Stoll: Right.

Commissioner Jerrel: I would just like to ask a question. If you could...everybody is busy and we're in a dry time, so there is no, you know, nobody is really upset to that degree, but, you know, I wish you could think about that because it's just north of Halcomb where it shoots across so if you put the crown there and, you know, Milton gave me this one letter we talked about, the garage, you know, you guys go out there and see what you really think is going to happen.

John Stoll: That's one thing that Valerie is working on right now is what flows are coming from where and what percentage of water we would end up diverting and where it would go and things like that. That's something that she is working on right now to see what kind of benefit we would get out of that.

Commissioner Jerrel: I think all three of us want to do something to--

President Mourdock: Yes.

Commissioner Jerrel: --begin this process.

Commissioner Tuley: Yes.

Commissioner Jerrel: Those people know that we aren't going to solve all of it, but we want to do as much as we can to make the good faith effort and get started. You know, I don't know the validity of the recommendations. I don't want to take the cheapest thing just because it's the cheapest thing.

Commissioner Tuley: Right. That's my concern. I mean, have as much information and calculation as we can to know what real effect that will have if we spend \$28,000. It will not solve it, we know that, but will it solve them enough that they--

President Mourdock: Yeah, if solving half the problem means you get two inches of water in your basement instead of four inches--

-

Commissioner Tuley: It doesn't make a whole lot of difference does it?

Commissioner Jerrel: And then if the alternative is the \$103,000, or I can't remember the exact numbers, what will that do? Will that reduce it from four inches down to nothing? Then we need to take a look at the whole thing because we are in a situation where we can make some decisions and if we can solve one very bad problem then so be it. We need to do it.

John Stoll: Putting a better crown on the road and going with the maximum recommended cross slope for a road like that would be three percent which that would give roughly three and a half inches, I believe, give or take of extra room out there before the water would cross the road.

Commissioner Jerrel: Does that translate mathematically into a quantity of rain?

John Stoll: You could depending on what storm you were looking at.

Commissioner Jerrel: And time, yes. I mean, I don't want to put a lot on you, but I want a little bit of math so I am comfortable. I don't want to do something that just feels good. I want to have some assurance that if it's a six inch rain in a two hour period this will happen or if it's a six inch rain in a longer period of time this is likely to happen.

John Stoll: The storms that were being looked at I believe for the most part as far as all those Valerie was doing I believe were all 50 year storms. I would have to check on that, but I believe it was all 50 year rather than 25 or 100 year storms.

President Mourdock: Okay, on a--

Commissioner Tuley: I'm sorry. Go ahead, I'm done.

President Mourdock: On a similar issue different area. Ward...or Radio Road and Walnut Road. John and I met last week with Ms. Mikki Heck, who has been before us several different times, and we expressed to her that the commitment this Board made in 1996 regarding the rebuilding of the bridge out there we made that commitment, we felt it was the right thing to do. We voted to financially support the decision to make it happen. Subsequent to that we learned that from the hydrology out there that even if we made that improvement that there were enough problems downstream that it wouldn't resolve her problem, so we were hesitant to spend money knowing it wouldn't solve the problem in its entirety. The same discussion we were just having, I guess, in the sense. I left the discussion with her explaining that if all of the neighbors who were involved downstream would commit to cleaning out the drainage way that is on private property to facilitate the drainage that the County Engineer said we needed, then this Board would act to again reinvigorate, if you will, our commitment to them which was approximately \$100,000 on doing that bridge. I bring that

before you, I guess, as a discussion item and, John, for you to clarify if you will and see if in fact we can vote on a resolution of support to send back to them so that they can use that to help spur their neighbors on to make sure their neighbors are fully committed. The neighbors are obviously hesitant. They don't want to hear, oh yeah, sure that's what they're saying, but they really don't mean it. We'll do this work and then the bridge won't happen and then we still won't have gotten anywhere.

Commissioner Tuley: Yeah.

President Mourdock: Comments?

Commissioner Jerrel: Well, I went out there and looked at the bridge. I'm not competent enough to make comment on it, but obviously when you look at the sides of that ditch there is a lot of capacity that is not used because of the overgrowth. I think that is the only prudent thing for us to do because we are not going to correct anything by just building a bridge.

Commissioner Tuley: We're actually going to make it worse for them. We'll put more water on them faster if we improve the uphill drainage but didn't do anything downside.

Commissioner Jerrel: That's right. So I would support your recommendation of a resolution regarding what we will do, but then I would expect them to do what's on private property.

President Mourdock: Yeah, and we would only do it after.

Commissioner Tuley: After they did theirs.

Commissioner Jerrel: After, yeah, right.

John Stoll: We would provide them an approximate cross section of the ditch that they would need to excavate out in order to make it work.

Commissioner Jerrel: Yeah. What do we need to have that in a formal statement or are you saying informally?

President Mourdock: No, I would like--

Commissioner Tuley: Do it formally, wouldn't we?

President Mourdock: --to state it as a motion and then we can vote on it and I would ask Lynn then to draft a letter that we can sign to them or send. I can sign and send. Joe, do you have a comment?

Joe Harrison, Jr.: What you may want...maybe John might be able to give us the areas that they need to do some work in. Maybe we can be real specific as far as the dimensions. Can you get that?

John Stoll: Yeah.

Joe Harrison, Jr.: But before you even consider it that might

be--

Commissioner Tuley: So there is no misunderstanding.

Joe Harrison, Jr.: Yeah, so there is no misunderstanding.

President Mourdock: That's a very appropriate suggestion. Maybe, John, you could work something up in writing to define exactly what we will do, exactly what they need to do and what we will do will be predicated on what they do do.

Commissioner Tuley: How was it received? Your conversations out there? I'm sorry I didn't get to swing by there.

President Mourdock: Considering it was about 96 degrees in the shade and the humidity was close to oppressive I thought it was received very well. In fact, I was quite surprised the meeting went as well as it did. John arrived before I did and explained to her what the situation was. I didn't know that when I started talking to her and explaining to her what our situation was then and she effectively heard exactly the same things at two different times and seemed to understand that was the situation we had.

Commissioner Tuley: Good, good.

John Stoll: The way we've been proceeding with the list of property owners that she requested, we were going to provide everything between Hillsdale and Walnut. All up and down that creek, so I would say that would definitely be the limits of what we are looking for.

President Mourdock: Okay, and let's include a map showing what they have to do in linear feet as well as the cross sections. Show a map that clearly defines what they need to clean out so that there is no question when it comes back to do the funding.

John Stoll: We've already got one map that we are going to give them with...it's an Assessor's map that just shows who the properties are owned by and we can give them all kinds of maps. That's no problem.

President Mourdock: Okay, very good. Well, we'll carry that forward to next week.

Commissioner Tuley: Was she there by herself or was the--

President Mourdock: Ms. Clements.

John Stoll: Yes, Cindy Clements was there.

President Mourdock: One other question then, John. What is our status right now of funding and/or otherwise for Cross Pointe Boulevard and the railroad crossing in that whole little section? Mr. Woodward has called me and told me he has the deeds ready to prepare and I know he is going to ask me that question right off the top and I need an answer.

John Stoll: Right now it has not had its final approval as of

yet from INDOT and the railroad. We've been working over the past couple of weeks to try and get petition in its final form and get that approved. The one issue that still remains to be resolved is the revised petition approving the crossings still came back with cantilever railroad flashers on the petition and there is still a concern that if we put cantilever flashers up above the crossing, then that might obscure the line of sight for the traffic signal at Morgan Avenue. Right now Bernardin Lochmueller is working with the Vincennes District of INDOT to get that resolved. Once that is resolved to their satisfaction, then the final petition can be approved and then I guess it would be a matter of the railroad designing, redesigning, their crossing to accommodate whatever changes have been made in the petition, so there are still a couple of issues that need to be resolved before we would know a final dollar figure. INDOT hasn't approved the signal plan, the traffic signal plans, as of yet so that still is an issue that needs to be resolved.

President Mourdock: The section that has been bid will have to be rebid given the late date?

John Stoll: The wage scales have expired and that was something that I needed to talk to Joe about. The wage scale has a provision in there that says that if the contract isn't awarded within 90 days that new wage scales have to be included in the contracts, so I don't know if that is grounds for rebid and there is also the issue of any changes that are required by INDOT or the railroad. We would have to deal with those on a change order basis if we went ahead and awarded the contract as it was bid out.

President Mourdock: Okay, so we have questions pending on acting on the bids that have already been accepted and the basis of the questions still come back to the state's slow dealings with (inaudible) problems.

John Stoll: Right, those all should be resolved, I would hope, by the end of this week as far as the petition.

President Mourdock: Ah!

John Stoll: INDOT went ahead and reissued a revised petition and that petition is approved automatically in 15 days unless any objections to the petition are received. The only people who would file an objection would be us if the issue about the cantilever railroad flashers isn't resolved satisfactorily. So we are waiting to see what Bernardin Lochmueller and INDOT can get resolved before we determine whether or not we need to file another objection to the petition and that 15 day period expires this week.

President Mourdock: Okay, any other questions of John? Okay, thank you.

Commissioner Jerrel: Well, in terms of the money.

President Mourdock: John?

John Stoll: The money, I really don't have any new cost

estimates. The last one came in at, I think, \$690,000 plus the railroad work which was going to be another couple hundred thousand so we'll be probably looking at \$900,000 plus for the entire...construction of the entire intersection and railroad crossing.

Commissioner Jerrel: Do you have any money?

John Stoll: No.

Commissioner Jerrel: Well, we can have the money. Nobody asked me, so I just thought I would see if anybody else had any!

President Mourdock: I'll remember that as a strategy.

Commissioner Jerrel: I thought if there was some other money out there I would just keep quiet.

President Mourdock: Okay. That's right because John had been looking at some other things.

Commissioner Jerrel: That's right.

Joe Harrison, Jr.: John did check though. John did check to see if he could get some state money.

Commissioner Tuley: Right.

Joe Harrison, Jr.: And some federal funds.

John Stoll: The CMAQ funds were not available because anything that involved construction of new lanes that do not exist now, any totally new construction was not eligible. You could do capacity improvements at existing intersections, but you could not start with a brand new intersection from scratch and that's what they treated this as.

Commissioner Jerrel: What we will have to do is we will use...and that's why you can't go over that. That's about the ballpark. You can't get way up there or we'll be short on Burkhardt, but we've got the infrastructure and the other third of the fund and those two together we'll have some cushion that we can...we need to use for other things, but they'll be that much money available to do that. We need to do it, get the bids, do it and have it finished before fall.

President Mourdock: Yeah.

John Stoll: I don't think that can happen on that one.

Commissioner Tuley: That's just a small order.

Commissioner Jerrel: Well, I know, but everybody always says let's hurry up and wait. Let's just hurry up and do it.

Commissioner Tuley: We're all products of the military.

John Stoll: If the funding is in place I guess we could get it out for bid and award it by then pending INDOT and the railroad.

Commissioner Tuley: The funding is in place though.

Commissioner Jerrel: Yeah.

President Mourdock: The reality is there is no way we can get going on the north part of Burkhardt Road until we have that other option to get traffic in and out of there, so we've got to get those two going.

Commissioner Jerrel: We're going to be using some of that money and that was sort of Burkhardt. It's tied into the whole area, but we have it so we need to let this contract.

Commissioner Tuley: So if he hears from the state then this week can we start next week then?

Commissioner Jerrel: Sure.

Commissioner Tuley: Drawing up the notice. We've already got bids, are we going to accept those bids?

Joe Harrison, Jr.: Well, that's the question. If we can continue with the bid that is out--

Commissioner Jerrel: We can go.

Commissioner Tuley: We're ready to go.

Joe Harrison, Jr.: --and then have change orders to it that's what will probably be recommended by the engineer.

President Mourdock: Let's, you know, in a practical manner the person or company who was low bidder if they are given the choice of say do you want to do this with these wage adjustments or would you prefer to rebid it? The odds are that they're going to say yeah, we'll take it.

Commissioner Tuley: Sure.

Commissioner Jerrel: I would say that's right. We need to be very clear in the change orders. I mean, I don't want to give somebody a blank check.

John Stoll: The change orders shouldn't be that substantial, I wouldn't think, for the signal work. We're not really changing anything in regard to pavement and curbs and things like that.

Commissioner Jerrel: Well, we've got a Councilman over here and I know he asks me regularly because he believes we should do roads and finish them.

Curt Wortman: If you don't we're going to take the money back.

Commissioner Jerrel: That's right. You heard it, so we're going to do it.

John Stoll: I should be able to give you an update on what the

status of the thing is as of next Monday and I can get with Joe in regard to whether or not we can go ahead and award the existing bid. Hopefully, we'll know something in regard to the railroad's design of the whole thing. They had it designed originally. The approved petition did make some changes and it will just be a matter of how fast they could incorporate those changes and get their separate force account agreement for the construction of the actual crossing. I can find out some details on that and let you know next Monday.

President Mourdock: Okay, very good.

Commissioner Tuley: Sounds good.

**Milton Hayden - County Garage**

President Mourdock: Milton Hayden, County Garage.

Milton Hayden: Milton Hayden, County Garage. Did you hear me?

Charlene Timmons: Pardon?

Milton Hayden: Did you hear me? I said Milton Hayden, County Garage. You do have your reports?

President Mourdock: Uh-huh. Any questions of Milton then? We do have the report in the list as far as...or in our packet.

Commissioner Tuley: Yeah, Milton, there is a section on North Red Bank on the west side of the road. You know what I am talking about already?

Milton Hayden: Yes.

Commissioner Tuley: Is that something that we can patch or do something with where it drops off there where the road is breaking away from the edge?

Milton Hayden: We want to fill that in, Pat. That has such a drop-off there.

Commissioner Tuley: Okay.

Milton Hayden: What we are doing we waited until we can remove the dirt that we have in the back--

Commissioner Tuley: Okay.

Milton Hayden: --and then we are going to build those shoulders up with that. I thought as soon as the mediation is over with, you know, and that is cleared we can go ahead and build that up and then I can make a better shoulder there.

Commissioner Tuley: Okay. You guys did a good job on patching those holes out there in Westhaven Sub too.

Milton Hayden: Thank you.

Commissioner Jerrel: Milton, that Hogue Road looks nice.

Commissioner Tuley: Hogue does look nice.

Milton Hayden: Thank you.

Commissioner Jerrel: It looks good. I drove all those and it really does look nice.

Milton Hayden: I think the guys are doing a good job. It's just hot out there!

Commissioner Jerrel: I guess.

President Mourdock: One thing, Milton, I'll pass on to you and this came from, I guess, Tim Spurling.

Lynn Ellis: Yes.

President Mourdock: Okay, from Tim. I had mentioned to him and I think you and I have spoken about this, too, as far as getting something we can put on the wall out there in the office so everybody can see where we are at. Right now we are 21 days past the middle of the year and let's call it...let's just say for rounding off we're half way through the year and at half way through the year we've completed 33½ percent of the paving schedule that you originally laid out for us.

Milton Hayden: Uh-huh.

President Mourdock: What I would like to do is use this. Get a weekly update and you need to communicate with John's office or with Tim Spurling as far as what you complete each week and then I would like to have Tim send a copy of this to us each week and also send a copy out to you so you can post it out there so everybody in the paving crew can see where you're at. I know these things kind of take on a life of their own at times and the work is always there so let's go out and do the work, but I want them to see what we've budgeted for this year, what you committed to as far as the department, what the roads are and then they can see day-by-day and hopefully they feel good when they come in at the end of each day, too, and see that they really are making progress. I know it's kind of a hopeless feeling at times when you wonder if you are ever going to get to the end, but at least this is defining for us within one paving season what the end is.

Milton Hayden: I think we'll make it. I've got faith we'll make it. I've got also my ditch work. I did quite a bit of my ditch work, but I have here three roads...no, six roads that I am committed to do that is on top of the list. In order to do so I've got to get a bucket for the gradall. It costs \$2,000...well, it's \$3,097.20 for a 66 inch bucket. What we have done in the past is repaired that bucket and we've spent actually almost \$1,800 really repairing it. We can get a bucket for \$2,670. I was just asking if we can go ahead and get that bucket for tomorrow.

President Mourdock: Is that an actual bid?

Milton Hayden: Well, no.

President Mourdock: Do we have the option of bidding it?

Milton Hayden: Not really because we just get the lowest price on three--

Lynn Ellis: It wouldn't require formal bid, but we needed to get quotes on it.

Milton Hayden: Yeah, we get quotes on it from three places and this is the lowest one I've got.

President Mourdock: So you have gotten quotes?

Milton Hayden: We've gotten three quotes.

President Mourdock: Okay.

Commissioner Jerrel: So you're looking for an authorization to purchase? Who is the low?

Milton Hayden: Gradall. Carlisle.

President Mourdock: It's a gradall machine, right?

Milton Hayden: It's a gradall machine. They have this in stock as well. We can get this. As a matter of fact, I can get it in the morning because I really need it to complete the work that I am doing.

Commissioner Jerrel: Is that a--

Commissioner Tuley: If that's a request, I'll move for approval.

Commissioner Jerrel: Yeah, I'll second.

President Mourdock: So ordered.

Milton Hayden: Thank you.

President Mourdock: John, I...excuse me. John, I know you were conferring with Curt there when we were talking about this, but on a weekly basis I would like your office to be communicating with Milton since you guys have got the software to do this. Send a copy each week. You can send it to this meeting if you like so that we see what it is and then also send a copy to Milton so that he can post it on his wall so everybody knows what is going on. Since you brought up the subject of ditches, Milton, that was going to be my next one. I would like to do the same thing with the ditches since you've got that list.

Milton Hayden: I know.

President Mourdock: Milton, here is your copy, then, of this plus your letter back from EA2.

John Stoll: In regards to the ditching, since there are changes in that added all the time, I mean, on a daily basis Milton is getting requests for ditching and we get them and we are always forwarding to him, I didn't really know how to prepare a chart

because you are always taking a percentage of something that is always increasing all the time.

President Mourdock: I understand that, but you still got a limited amount of time as far as we're concerned with the budget year being a budget year and, yeah, you can add things on but that also means things can be subtracted off. I mean, it's only a constant for the period of time for which it is measured.

John Stoll: We can take whatever list...I mean, do you want us to just take some list that Milton's got on what he thinks he can get done or I guess I really don't know how you want to approach it?

President Mourdock: Milton, you have what you already targeted as far as your yearly list for ditching and you just said you wanted to add six to it right.

Milton Hayden: Yes, but these here were really top...these are priority really. I prefer getting these now because we need to get these. The other ones, they've been promised I would say for the last five or six years. You know, we haven't had a chance. Our gradall was down and we never had a chance to do any ditching.

President Mourdock: With the ditching do you know when each of those was formally requested?

Milton Hayden: Yes, we have a list.

President Mourdock: In other words, you just said some of them were five years ago.

Milton Hayden: Over five years ago.

President Mourdock: That's not my question. My question is was a specific section of ditch do you know if it was added to your list on August 2, 1994 or something? What I am curious is to find out how long we are waiting on some of these ditches.

Milton Hayden: Quite a while.

President Mourdock: That's the kind of information that helps us dictate what we need to do and if we're getting behind in some of those areas then they need to be moved up to the priority list too.

Milton Hayden: Well, some of these are being moved up to priority. That's what I said. Some of these are moved up to be on top for priority because they have been so long we haven't gotten them.

President Mourdock: But they are not new on the list?

Milton Hayden: No, this is not new. This is just moved up.

Commissioner Tuley: That was a miscommunication.

President Mourdock: Yeah.

Commissioner Tuley: A misunderstanding. We thought--

Milton Hayden: I get a lot of new ditches all the time and then there is some things we have to get right away.

President Mourdock: Right.

Milton Hayden: Then we have to stop on these--

President Mourdock: Going back to your question, John, that makes it easier because there is not as big of increase as perhaps coming in all the time as we thought. At least what I thought until a moment ago. Give me a call tomorrow. It's a simple matter.

Milton Hayden: Is that all?

President Mourdock: That's it, yeah.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, what have you got?

Commissioner Tuley: That's all for you, Milton.

President Mourdock: That's all.

Joe Harrison, Jr.: Nothing this evening. I'll keep it short and simple.

President Mourdock: Good man.

Commissioner Tuley: Good man, good man.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn.

Commissioner Tuley: Follow suit!

Lynn Ellis: I guess, are you going to bring up this notice of public hearing under new business or old business?

President Mourdock: Which notice of public hearing?

Lynn Ellis: There is a Small Cities Community Development Block Grant Program and then a memorandum from Michael Robling.

President Mourdock: I haven't read it. This was in the packet or on the table when I walked in here at 4:00. What is this saying? We just need to schedule public hearings?

Lynn Ellis: It's the flood mitigation, right. He has scheduled two public hearings to address these. I will be at one of them. The other one, I believe, I'll be out of town. It is regarding the flood mitigation.

Commissioner Tuley: Tony could sit in on the other one. They're scheduled for 3:30 in the afternoon.

Commissioner Jerrel: Does this relate to the buy out program?

Commissioner Tuley: Yes.

Commissioner Jerrel: Okay. Well, we just need to move approval to hold these public hearings as outlined by the Department of Metropolitan Development for flood mitigation.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Okay, I received a call from Jennifer Rindt with IDEM and she was calling to say that they were scheduling a workshop on brown fields and asked several questions about that. She said the dates that they are planning the workshop are mid to late September. Preferably the 23rd, 24th or 25th. She asked for any specific topics, so if any Commissioner has a wish list for that workshop, then I'll be glad to call her.

Commissioner Jerrel: What is the...when you said hold a workshop on...?

Lynn Ellis: Brown fields.

President Mourdock: Brown fields.

Commissioner Jerrel: Oh, okay.

Lynn Ellis: I don't know. Tony...okay. That's all.

President Mourdock: Okay.

Lynn Ellis: Oh, I do have an update on the auditorium names.

President Mourdock: Ah, yes!

Lynn Ellis: Next week will be the final approval.

Commissioner Jerrel: When you look at that list Loise Schnakenburg called me and her name is the same as the last one on the second page so you can just right her name if you wanted to.

President Mourdock: The Southwest Indiana Showcase Center?

Commissioner Jerrel: No, the last page.

President Mourdock: Oh, oh.

Commissioner Jerrel: Just put her name under Peggy Jennings. She also called me. Loise Schnakenburg.

**Burdette Park**

President Mourdock: Also in the packet there is the update on

Burdette Park, then.

**Consent items**

President Mourdock: We have consent items including employment changes, travel requests, County Treasurer's report and Weight's & Measures' report.

Commissioner Jerrel: I would like to move approval of the consent items.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Scheduled meetings are included.

**Old business**

President Mourdock: Old business? Pat, any issues?

Commissioner Tuley: None.

President Mourdock: Bettye Lou? I have just a couple of requests, I guess, regarding old business. Have you heard anything, Bettye Lou, from the State Study Committee on the modernization of Indiana county government?

Commissioner Jerrel: No, and they haven't...none of those have been published.

President Mourdock: Okay, alright. The other item I had was the one that Lynn just mentioned that we did schedule next week's meeting to discuss the rate card for the auditorium and also the naming of the auditorium. While I will not have anything definitive by next week's meeting, there is at least one corporation that I have spoken with that may be interested in working with us pursuant to using their name and to help offset the expenses. Unfortunately, we won't have that answer next week, but that may not preclude us from doing something along those lines.

Commissioner Tuley: We could name it with the understanding that if that were to come through it can be changed.

President Mourdock: Or perhaps a part of it like the auditorium.

Commissioner Tuley: Yeah.

President Mourdock: The auditorium would have one name and the rest of the center would have something else.

Commissioner Jerrel: Sure.

President Mourdock: So that is, I think, a promising

development.

**New business**

President Mourdock: Any items of new business?

Commissioner Tuley: No.

President Mourdock: Alright, we will in five minutes hear rezonings.

**Bid recap - VC97-07-02, Oak Hill Road Bridge Number 117**

Joe Harrison, Jr.: I'm sorry, I did have something. Did you already adjourn?

Commissioner Tuley: No.

Joe Harrison, Jr.: Good. Sometimes I do that. I just miss things. I do have a report. We had four bids that came in.

Commissioner Tuley: Oh.

Joe Harrison, Jr.: It's been so long ago.

President Mourdock: And this is a short meeting!

Joe Harrison, Jr.: Yes. VC97-07-02, Bridge Number 117, Oak Hill Road over Pigeon Creek. I guess it's the bridge rehab project. There were four bids that came in that I was directed to open up. They are as follows:

1. Southwest Engineering Inc., of Evansville, Indiana  
\$697,594.20
2. Gohmann Asphalt & Construction Inc. of Clarksville, Indiana  
\$583,753.00
3. Deig Bros. Lumber & Construction Co., Inc. of Evansville  
\$773,560.50
4. Ragel, Inc. of Newburgh  
\$639,874.02

Those were the four bids and I guess you'll need a motion to take those under advisement and review them for their responsiveness and low bid.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Sorry.

President Mourdock: That's alright.

Commissioner Jerrel: Now I'll make the motion to adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:58 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Bob Dillow  
Tony Flittner  
Curt Wortman  
John Stoll  
Milton Hayden  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

---

Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
July 28, 1997**

The Vanderburgh County Board of Commissioners met in session this 28th day of July in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the July 28, 1997 meeting of the Vanderburgh County Commissioners to order. I appreciate all your attendance and interest in being here this evening. We have the following rules in effect, if you will, and that is because we keep all of our notes verbatim, they are all put on tape and transcribed verbatim. If you wish to address the Commission, we ask that you come to the microphone and begin by stating your name and address, then we will hear your points and perhaps ask questions of you as you ask them of us. As you can see there are a lot of people in the audience tonight, so we would ask that we keep this moving along. If someone comes to the microphone on your particular issue and states exactly what it is and the point that you wanted to make, all you need to say is me too and we'll accept that. We don't need to hear the same thing over and over. By way of introduction, at the far right is Superintendent of County Buildings, Lynn Ellis; then we have Joe Harrison, Jr., our County Attorney; County Commissioner Patrick Tuley; to my left, Bettye Lou Jerrel, County Commissioner; to her left, Suzanne Crouch, who is the County Auditor; and last but not least, Charlene Timmons, our Recording Secretary, who has the tough job of putting all of our words onto a piece of paper. Having said all that, if you have not gotten an agenda for this evening's meeting there is one posted on the wall and I think we also have some over here on the table yet. Please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: The first item on our agenda this evening, and in our Commissioner packets, we have the minutes of the July 21, 1997 meeting.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: The second item is certification of an Executive Session prior to beginning this meeting this evening. At approximately 4:10 p.m. we commenced and at 5:30 we adjourned from Executive Session at which time county personnel matters and the initiation of litigation or threatened litigation was discussed. I would ask for approval of those minutes as well.

Commissioner Jerrel: Move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Alvin Holder - City/County Purchasing**

President Mourdock: Next on our item we have Alvin Holder listed regarding various items of county purchasing. I understand most of the issues the bids have already been submitted and they've been passed on to the County Attorney. What specific items were those, Lynn or Joe? What contract number just for the record?

Lynn Ellis: VC97-05 is for the loader and VC97-08 for three dump trucks.

President Mourdock: Okay.

Commissioner Tuley: I'll move at this time then that the County Attorney be directed to open up the bids and read them into the record at a later point in the meeting.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Mr. Mike Shoulders, with Veazey Parrott & Shoulders, regarding the Vanderburgh County Auditorium update.

Mike Shoulders: Good evening, Commissioners. Mike Shoulders of Veazey Parrott & Shoulders. Concerning the Vanderburgh Auditorium work we are fast approaching completion of all drawings and specs by the end of the week and then we begin to be into a final coordination and check where we take all our consultant's documents and make sure that there is no overlap or anything that is left out which will take a couple of weeks prior to the compilation of the drawing specifications which will in turn be delivered to the printer on August 20th. The other item that I have to report is at tomorrow's regularly scheduled monthly meeting of the Building Authority, the Building Authority will...the Board of Directors will approve the advertisements for bids for this project. There will be three advertisements for bids: August 18th, 25th and September 1st. The format of those advertisements will be reviewed and approved tomorrow. The project will be advertised here in Evansville in the Evansville Courier and Press. It will be advertised in Louisville, Kentucky; Indianapolis, Indiana; and St. Louis, Missouri.

President Mourdock: Excuse me. With Dodge Reports also?

Mike Shoulders: The copies of invitations are...yes, copies of the invitation to bid will be sent to Construction Market Data and Dodge in all three or actually four locations, so it will be in the clearinghouse...construction clearinghouse as well. We are fast approaching completion and bidding...the bidding period. The next month is critical to all those elements coming together. That is basically my report and if there are any

questions this evening on any of that why I would be happy to try and answer them.

President Mourdock: Pat?

Commissioner Tuley: I'm sorry, no.

President Mourdock: Just one question. I know the Visitors & Convention Bureau has been very pleased that they've gotten some response, interest let's say, on a convention in September of '99. I think there was a discussion I think you may of had with Tony regarding that. We're still comfortable for that date, correct?

Mike Shoulders: We're quite comfortable. Now what we are in the midst of is based on our construction estimates, our cost consultants and our scheduling consultants are putting together a chart that shows the various disciplines interacting over a time line which we intend to...I mean, this is not a hard and fast thing, but it's the architect's assessment of the kinds of interaction and how the disciplines work together and we will put that in specs for the bidders which will probably help them to perceive whether or not they can meet that schedule. Our schedule will be a pretty realistic assessment based on the cost estimator's knowledge of how long it is going to take to do a specific (inaudible), but at this juncture we're quite comfortable with that September, I think, September 15 of '99 and that's allowing a couple of months of actual move-in over there.

President Mourdock: That's for the facility in its entirety, not just one part correct?

Mike Shoulders: That's right. In fact, I would venture to say that perhaps the exhibit hall will be finished sooner, but the time line critical link in the chain is the theater auditorium which is the most complex space and will be the one that will take the full measure of time.

Commissioner Jerrel: Now are you saying in answer to his question, we are hoping to be successful in booking a convention for that time?

Mike Shoulders: Well, I think that--

Commissioner Jerrel: So if we say yes to them--

Mike Shoulders: Right. I think that, I'm not trying to anticipate, but I think I am right in saying that the Convention & Visitors Bureau is already actively working on a convention for September 15, so the answer is yes.

Commissioner Jerrel: Okay.

Mike Shoulders: We will be comfortable with that.

President Mourdock: Okay. As you know, Mike, a couple items down on the agenda we have discussion about the name of the auditorium. You might wish to stick around for that one.

Mike Shoulders: I'm going to stick around.

President Mourdock: Okay. Alright, thank you. Any other comments from the audience relating specifically to the construction schedule of the auditorium at this point? Okay, thank you, Mike.

Mike Shoulders: Thank you.

**Dan Spindler - Given & Spindler Management Company**

President Mourdock: Okay, the next item is also a auditorium item. Dan Spindler regarding some data that you submitted to us.

Commissioner Jerrel: Is this different than this?

Dan Spindler: Yes.

President Mourdock: Okay, as Dan is getting started what he has just distributed here is some proposed opening rates which we'll enter into the record. The meeting that we had...what was it? June 30th, something like that? June 29th when we set this meeting to deal with some of the convention center issues we wanted to take under advisement some proposed rates at this meeting so we begin to deal with the schedule or with the rate schedule, so that's what this is.

Dan Spindler: Good evening, Commissioners. Again, my name is Dan Spindler of Given & Spindler Management Company. What I have just passed out to you are some proposed rates for your consideration looking at the opening. Today also delivered to you we gave each of you a packet showing the existing rates as they are today. The primary purpose of the proposed rates is one, we are working with the Convention Bureau in terms of a potential EX-POW convention that was discussed just a few minutes ago to be potentially held there in September of 1999. They have a deadline date of September of this year to receive a complete package for their consideration as to determine the city for their convention. So at least that part of it you may want to...or least for that particular convention you may want to pay particularly close attention. The proposed rates that are here have been based upon a number of things. One of which we have looked at the IAAM statistics for 1996 which have been published for convention centers, multipurpose buildings of 100,000 square foot or less which with our new facility we have basically qualified for. The second of which is we have looked at where the rates are today for the following cities: Cincinnati, Ohio; Columbus; Bloomington; Indianapolis; Fort Wayne; St. Louis; as well as a couple of other minor areas. Based upon the criteria of those cities and what their current rates are, both for convention as well as non-convention commercial rates, this is a very bear bone very basic approach based from a marketing standpoint of being competitive with those key cities along with looking at the IAAM statistics. I would call your attention to first Section B, Convention and Trade Show rates. Those are acknowledged as rates that are probably what most people would think in terms of conventions themselves. The rate schedule that you have before you is certainly much different than what the existing rates are today. Not necessarily in the terms of dollars, but in the terms of the

way we (inaudible) as far as rates because multipurpose buildings should have one, convention rates; the second being a non-convention rate and a non-commercial rate. That would take into account those users that are more local in nature as well as in the entertainment portion of the facility, theaters and auditoriums throughout the country. The third being commercial space. That commercial space would still primarily utilize the exhibit hall space. The 20 or 40,000 square foot depending on how much of the exhibit hall you would use. Those exhibit hall spaces being utilized from a commercial standpoint meaning those users would be one that would rent the space and turn around and re-lease that space out generating income for themselves as well as opening up to the general public. When you look at multi-use buildings those are the three types of users and three obvious large differences in rates as far as the types of usage. We can no longer just look at the exhibit hall and say this is our rate regardless of who the user is, nor the ballroom or meeting room. So it really would need to look at the type of use and that's what we developed. This rate, if you take it under advisement, should also be continued to be updated as we finish this year and Mr. Shoulders is able to finalize construction and the construction is actually able to commence as well as continued to be updated during the construction phase based upon marketability as well as based upon additional revenue contracts that may be available to be consummated prior to opening. This is a very bear bones approach as I said. There are a number of things that should be published and should be determined as time goes on for revenue sources such as audio/visual, such as table setups, decorating, such as those types of areas to really complete a full package as far as rental rates. This should, at least in this point and time, based upon the market get us started.

President Mourdock: Okay, questions?

Commissioner Tuley: Dan, I heard you say or at least I thought I heard you say this is really bear bones in terms of this is basically a base price and then any additional services requested would have an additional price added to it. Is that correct?

Dan Spindler: Yes. If I could envision what the rate and the explanation of what was included in the rates of all the various services for an entertainment facility, for a commercial use facility, for a convention facility, everyone of those should be put into a final package. If you look at what other similar types of buildings have it would probably take literally 50 to 100 pages to explain all the various services of what is included (inaudible). Move-in, rehearsal dates, whether move-in is prior to a certain time of the day, whether it falls on...which part of the building, whether food service is involved, linen set-up, decorating, trade show area itself if booths are set-up. The list goes on and on and on and on. From that standpoint it is really very bear bones from what is strictly the hard rental types of rates for the use of the facility as well as remember other areas in the facility probably will be rented out such as green room areas. I know there some areas off of the mezzanine, the entrances to the theater, that possibly have some prefunction areas that can be utilized. As those are nailed down in terms of being built,

those types of areas need to be identified.

Commissioner Jerrel: Is Mr. Helfrich...I can't see. Is he behind the podium?

Pete Helfrich: Yes, ma'am.

Commissioner Jerrel: May I ask a question please?

Pete Helfrich: Yes, ma'am.

Commissioner Jerrel: If we would give you the go ahead on just something for this one event so that you can get us in the ballpark, I think that might be if we can just have some dialogue here so you can feel comfortable in presenting that. Are you dealing with this POW group?

Pete Helfrich: Yes, ma'am.

Commissioner Jerrel: Well, what numbers do you need to deal with them? Which of these numbers?

Pete Helfrich: What Mr. Spindler has shown you...Dolli. Dolli Kight--

Commissioner Jerrel: Yes, hi Dolli.

Pete Helfrich: --is the Convention Sales Manager and is actually working with the group, so I'll let Dolli discuss this.

Commissioner Jerrel: Okay.

Dolli Kight: Dolli Kight from the Evansville Convention & Visitors Bureau. The convention and trade show, the rates that are listed on the left side?

Commissioner Jerrel: Uh-huh.

Dolli Kight: Those are the rates that this particular group would be looking at and would be considering.

Commissioner Jerrel: If we could not...we don't necessarily want to accept these rates as the rates that are going to be in place because there has not been enough time to evaluate all the opportunities, but just to get us in the door this is the rate for this particular convention. Is that something that you all feel comfortable with?

President Mourdock: Yeah, what I was hoping to get here and I think we have in front of us is something representative for the types of square footage that we have available so that we can begin doing some basic marketing. Obviously, this one convention that everyone keeps referring to being the first one on the list. It looks to me like this gets us well down the road to doing that and I think that's what I'm hearing you say.

Commissioner Jerrel: So in other words the motion would be convention and trade show only, not the right-hand column. We want to take a look at that and take it under advisement.

President Mourdock: Speaking for myself, I think we might want to take the whole thing under advisement at this point.

Commissioner Jerrel: Okay, but tell them to go ahead...yes, I do too, the whole thing, but tell them to go ahead and shoot for using these prices just for the POW convention.

Commissioner Tuley: As a guideline?

Commissioner Jerrel: Yeah, because they've got to have something to give to them and this doesn't necessarily mean that we'll be tied to this for any of the other anything, but just to get this one. We want to get in the game.

Dolli Kight: I have a presentation at the end of September.

President Mourdock: You feel this would get you in the game?

Dolli Kight: I have to have rates. I was told to have rates when I make my presentation in September for us to be considered.

Commissioner Jerrel: So you don't need them right now?

Dolli Kight: Not this very moment. I need them by the end of...September 26th is my presentation date.

President Mourdock: Not being in your business let me ask you a question. Now if you go, and assume for a moment that I am this person who is going to have this convention and I want to bring my group to a city and I interview you and I interview someone from Fort someplace and I interview somewhere from Louisville or something, am I going to negotiate these rates? I am going to look at that and say oh, well, gee \$1,600, but you know if you could do it for \$1,400 you might be more competitive. Is that what you are going to do?

Dolli Kight: We don't negotiate rates from our end. I think it's the law isn't it? Pete says we can't negotiate rates.

Pete Helfrich: No, we can't negotiate rates on behalf of the building. If they want to begin negotiations then we have to bring the building manager into the thing and bring them into town and then they negotiate--

President Mourdock: So some negotiation goes on?

Pete Helfrich: It can, yes. We generally make up...in a negotiation we'll generally make up supply preregistration assistance, transportation if it is a large convention between hotels. We try anything we can before we break our rate structure.

President Mourdock: Okay, thank you.

Commissioner Jerrel: Okay, so we can just take this all under advisement, so I'll make that motion and then we'll be sure you get something.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Dolli Kight: Thank you.

President Mourdock: Danny, one question then. Just by way of definition I understand certainly what a convention is. How do you differentiate that between a trade show and what do you see as commercial aside from those two? Aren't all conventions, aren't all trade shows commercial?

Dan Spindler: No.

President Mourdock: Okay, what's the difference?

Dan Spindler: If you try to actually classify a definition of a convention a convention typically has meeting room, large gathering space, banquet types of things. Some conventions may also have and utilize trade shows. Some conventions do not have a need for trade show space. By the same token, there are uses that are strictly trade show area that does not have any meeting room, pre-function, or large gathering space outside of the trade show area. Some of those are open to the public where let's say it was a gun show or an antique show of some type where booth space is sold. What we would do is literally sale a license for the use of the facility like we would sale booth space to individuals who collect revenue for themselves as well as open advertising and opening that up to the general public.

President Mourdock: Okay. Any other questions? Okay. Is it not working, Charlene?

Charlene Timmons: It wasn't on.

President Mourdock: Ah! We need to have you all repeat exactly word for word!

Dan Spindler: The other item I passed out, I was also asked to talk a little bit, I guess, about marketing and show you what has taken place and what is presently on the books between now and December 31st of this year. If I remember right there is some 64 events, but certainly more event days than that. I would like to point out that about a little over 20% of those are new users to the facility or at least not past users in recent years. We do have at least some ongoing marketing areas even though I think we now can...the general public for the most part is aware that the facility is going to be closed next year. The degree of uncertainty has been removed, but in looking at about a 20% of what's on the books today being somewhat new users to the facility I certainly think assists in marketing. We have had conversations with Pete Helfrich as well as Dolli at the Convention Bureau and, of course, working with them they have seen the rate schedule that was passed out previously as well as at the last meeting there was some discussion on the part of Mr. Helfrich as well as myself in terms of looking at from a marketing standpoint what happens, how long should the facility be held open strictly for conventions and how long should it not be open so that you don't run the risk of waiting out for conventions only to find out that you've passed some other market up and the building sits vacant. I know at that meeting, I think, Mr. Helfrich recommended 18 months and I had

recommended 24 months. We have since sat down and discussed this and we felt that probably what would work, and I am not speaking for Mr. Helfrich who can certainly do this for himself, but what would work is if the building 18 months out was available to book anything, whether it be convention or anything, any other type of event in the facility. Twenty-four months, beyond the 18 months, obviously, it would be booked strictly for conventions. The one exception really comes into the area of the auditorium and that auditorium really needs to be an 18 month hold. What would happen is the difference...any use of the auditorium or theater during that 18 to 24 month time period there would have to be very strong coordination between the Convention Bureau and any management in place because the reason for the 24 months is primarily promoters are looking 24 months out to book the auditorium. The reason for the 18 months is that 24 months out conventions are also looking for that space. We feel that we both agree, again, I am not speaking for Mr. Helfrich, but we both agree that is probably not just a compromise, but a very good workable situation in terms of looking at the overall marketing and so that there can be coordinated efforts to benefit the building to maximize the revenue as well as maximize the use of the space itself, so that is certainly my recommendation to the Commission itself.

President Mourdock: Okay, thank you. Any other questions for Dan?

Commissioner Jerrel: No, I think that's just what we said last time that we...the management as we know it ends in January of 1998 and the new marketing management contract that we develop will have to be done sometime during this period to begin that.

Dan Spindler: Yes, but as far as an ongoing basis, if this was five years from now whoever...you know, conventions are always looking 24 months or--

Commissioner Jerrel: Sure.

Dan Spindler: --18 months from today except for the use of the auditorium itself.

President Mourdock: How we divide and handle that calendar, you're saying, is a critical importance based on the different types of events?

Dan Spindler: Yes, yes.

President Mourdock: Okay.

Dan Spindler: As an example, we are talking about the EX-POW convention possibly taking place in September. They're looking at two years out. At the same time we have several days of Broadway that is potentially to be able to be on the books in September of 1999 also for the reopening. As time goes on here in the next 30 to 60 days it is going to be important for the Commission, I guess, to make some decisions from those marketing efforts...from our marketing efforts to be able to look at at least firming up dates to be able to use for those Broadways. In other words, offer that Broadway time outside of the convention, the EX-POWs, but offer that time to the Broadway

series from a gala type of reopening as well as establishing some rates that can be negotiated for a firm contract on that reopening. That's another thing that is potentially on the books or certainly there from a marketing standpoint for the reopening of this facility.

President Mourdock: Alright, thanks.

Dan Spindler: Thank you.

President Mourdock: Any other folks to speak on that?

**Open bids - VC97-07-01, Westwood Hills Subdivision street repair**

President Mourdock: If you concur, we'll kind of skip the auditorium name issue for a second. I know there are other folks here wishing to address us and the auditorium issue may take a few more...little bit longer in time, so did I see John Stoll somewhere? Yes, John, if you would any comments regarding bids VC97-07-01 for street repairs in Westwood Hills?

John Stoll: I don't have any comment. It was just a matter of the bids needed opened.

President Mourdock: Okay.

Commissioner Tuley: I'll move at this time then that the County Attorney be directed to open the bids and read the bids into the record here at a later time in this meeting.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Again, for the record that is VC97-07-01 for street repairs in Westwood Hills.

**William Mitchell - Veterans Council of Vanderburgh County**

President Mourdock: The next item then on our agenda is Mr. Bill Mitchell with the Veterans Council of Vanderburgh County.

William Mitchell: My name is William Mitchell. I am the President of the Vanderburgh County Council of Veterans. My purpose for being here before the Commission is a little bit lighter than what these gentlemen have done. Maybe you can sit back and relax a little bit. I have a couple of awards that I would like to present to the Commissioners if I may. These awards are presented for the Vanderburgh County Council of Veterans and all of the veterans in this area as kind of a small token of our appreciation for all the things that you've done for the veterans and more particularly what you have done for the coliseum. We are very proud of our progress in the coliseum and we are progressing with installing new seats right now. We really appreciate all the help that you've given us.

President Mourdock: Thank you very much.

Commissioner Tuley: Yeah.

President Mourdock: A pleasant surprise here. We have a lot of

people who come to this meeting to give us something far different than awards! Or anything even favorable, so it is very kind of you and we appreciate it. Pat?

Commissioner Tuley: Yeah, I want to echo my thank you. As Richard said, it is not often people come up here to thank us or compliment us for something we've done. It's usually quite the opposite. But I'll tell you the coliseum and the veterans have done a super job in revitalizing that building yourself. I think we wish you continued success in your efforts and we'll be here to help whenever we can.

Commissioner Jerrel: And someone who remembers some of those WWII veterans I would like to say that is one of the buildings that we normally take people to see when we do a tour of this community.

President Mourdock: Again, thank you very much. On behalf of all three of us we appreciate it, so thank you. Gee, hard to go back to work after something that nice!

### Naming of Auditorium

President Mourdock: I guess our next item, then, moving down the list is our discussion for the new auditorium name. We have in our packet quite an extensive list of names that have been suggested to us. Quite honestly, I don't know where to begin with this. I know there are a lot of people here in the audience. If you would, just so I can get some feel, if you are here specifically to discuss the issue of the name would you please raise your hand. Okay.

Commissioner Jerrel: Is there somebody wanting to talk to us about something?

President Mourdock: Yeah, I am beginning to worry that some of you may be at the wrong meeting. What is your issue of concern since we have gone through our list here this evening? I'm sorry? A Drainage Board? Okay, all of you are here for Drainage Board?

Unidentified: I'm here to hear the bids on Westwood Hills.

President Mourdock: Okay, fair enough. We'll get there shortly then.

William Mitchell: Can we be excused?

President Mourdock: You certainly may.

Commissioner Tuley: You sure may.

Commissioner Jerrel: Thank you very much.

President Mourdock: Again, thank you very much, Mr. Mitchell. He heard the words "Drainage Board" and he was out the door! He's been to a Drainage Board meeting before!

Commissioner Tuley: I'm going to have to go with him!

President Mourdock: Okay, to begin to deal with the issue then of naming the auditorium as I mentioned we have quite a list here in our packet of suggested names. We will enter this into the record and I would like to say we appreciate all the input from the people here in Vanderburgh County. We have least 60 or 70 names that have been made. Mike Shoulders, would you care to make any comments about the naming process or what you feel we ought to be looking for in a name? Anything procedurally? I would offer that same opportunity to those of you from the Visitors & Convention Bureau if you would like to give us any quick comments.

Mike Shoulders: Just in general without getting too much into the details, it's important that the name be distinctive and specific to this community so that on a national level when somebody says "the..." then they know it's in Evansville, hopefully, if we have a nice facility, well managed facility that is doing a good job. It needs to say something about this county and this community, I believe, and should have a byline that when it's discussed, when the name and the byline are discussed, there is no mistake that it is in Vanderburgh County. That's probably from my prospective one of the more important issues. Beyond that there are some other issues regarding...that are more technical that I won't get into regarding signage and logos that will be of concern to the Convention & Visitors Bureau and so we can deal with those issues once we sort of boil this down to the candidate names. That's really all I had to say, Mr. Mourdock.

President Mourdock: Okay, thank you.

Commissioner Jerrel: Dolli...may I ask Dolli a question?

President Mourdock: Sure.

Commissioner Jerrel: She's in marketing. I asked someone to tell me what it is you ought to look for and I want to know if what they said to me is like you feel or if you have something else to add. They said that a name ought to be...you ought to know where it is and what it is.

Dolli Kight: Exactly.

Commissioner Jerrel: I mean, is there anything else besides where and what?

Dolli Kight: I don't think so. As long as it's something that clicks in their mind.

Commissioner Jerrel: Yeah, okay.

Dolli Kight: I've always liked the Grand Wayne Center, Horizon Center, Century Center because they stand out and they're unique, but they don't really tell you where they are so I think recognizing that it belongs to our community is important.

President Mourdock: Okay. David Dunn or Pete, anything to add?

David Dunn: Hi, I'm David Dunn. I'm President of the Convention

& Visitors Bureau. I echo many of the comments that were made. A tie to the community is going to be very beneficial. I understand as part of the criteria you were allowing a company maybe to purchase the name, so I am curious whether there are some candidates for that, but something that is short, catchy, unique, as Dolli stated, that allows the name to be quickly remembered, I think, is very beneficial as well.

President Mourdock: Okay, thank you.

Dan Spindler: I would just like to add that if the Commission takes action on a name now or, I guess, in the future you need to be at least cognoscente that if in turn you did want to sell under a sponsorship situation the name and that name certainly has some value it is very difficult to take and add a company name onto an existing name of the facility. All of a sudden the name starts to get very, very long. If you'd allow me to use the name like a Toyota...if the name of the facility was Riverbend Convention Center and then you tried to sell that and add on Toyota Riverbend Convention Center, you know, the name starts to get very long. So if that's the thought at all the Commission is looking at or want to look at selling some type of a sponsorship to fill with that name is at least important in terms of value. I would certainly at least caution or recommend that you may want to not firm up the name until at least those avenues have been firmly investigated.

President Mourdock: Okay. Bettye Lou or Pat?

Commissioner Tuley: Well, I think Mr. Spindler's comments are right in line. You are...I don't want to say negotiating with, but having a discussion with at least one company around town that may be a factor in our decision. I'm not sure maybe until you get a little further in your discussions that we might not want to hold off until after that is done. I mean, I think that's a valid argument. If it gets too long and we're trying to do letterhead and logos or anything else it could be a problem.

President Mourdock: Okay, what of the point, and I am just going to make this one argumentatively, is it possible to carry one name for the larger building and then if we have a corporate sponsor solely have that corporate sponsor for the auditorium? In other words you might have, and I am going to pick a name here, Millennium Center, with corporate auditorium. You know, if you marketed it would you have the corporate auditorium of the Millennium Center? Something like that and does that preclude the marketing efforts?

Commissioner Jerrel: Well, we have that all over Evansville right now with the University of Evansville and the museum all have names and then they have identities for, you know, the science...well, there's a Koch Science Center. I mean, that is very common that you have that, so I don't think that would be a problem.

President Mourdock: The other question, I guess, that comes from your comment and Dan's comment would be if a corporate sponsor would be interested in the whole thing.

Commissioner Tuley: Yeah.

President Mourdock: At this point that has not been the context of my discussions--

Commissioner Tuley: Right.

President Mourdock: --but that's not to say it couldn't go that way.

Commissioner Tuley: My first choice then would be ruled out because if we tried to do it some corporate auditorium of the Millennium Center or whatever. I mean, my first one was to leave it as it is. It does exactly what I think you said. It tells you what it is and what we do and where we're at. It's been there for a number of years and the name works. People do know and outside of insulting our community, I don't know if it makes a whole lot of difference if we name it Evansville or Vanderburgh anything if people outside of 300 miles from here or even closer still don't know where it's at.

President Mourdock: In leaving it the same, though, the formal name right now, at least the one I see on the sign out there, says the Vanderburgh Auditorium and Gold Room.

Commissioner Jerrel: Some letterheads say Vanderburgh County--

Commissioner Tuley: The sign outside says and Convention Center.

Commissioner Jerrel: Yeah, and Convention Center.

Joe Harrison, Jr.: Vanderburgh County Auditorium and Convention Center.

Commissioner Jerrel: That's the proper name?

President Mourdock: Okay, Vanderburgh County Auditorium and Convention Center. Are you suggesting with that, Pat, that the Gold Room name stay the same for the banquet facility?

Commissioner Tuley: Not particularly.

President Mourdock: Okay.

Commissioner Tuley: I'm talking more about the Vanderburgh County Auditorium and Convention Center. How does that mix in what the discussion was that you've had?

Commissioner Jerrel: For where it is and what is it, I kind of favor calling it either the Evansville Convention Center or the Vanderburgh Convention Center and then name the auditorium, you know, if General Electric wants--

Commissioner Tuley: I could live with that.

Commissioner Jerrel: --to sponsor it or anybody else you can name that, but I kind of like where is it and what is. Now, selfishly, because we're county people I would like to, you know, maintain the name Vanderburgh in some shape or form, but realistically if I ask you to tell me where the convention is

you aren't going to be able to name...well, maybe because you are involved in state government you will, but most people wouldn't know the name of any of the counties in the state of Indiana, but they'll know South Bend, Fort Wayne, you know, cities. I'm not anxious to give the city all the credit, but the public doesn't know who it belongs to. It belongs right in the middle of the city, so I would either favor Evansville Convention Center or Vanderburgh Convention Center.

President Mourdock: One of my neighbors suggested the Darmstadt Regional Center, but I told them no! Everyone is speaking somewhat philosophically here so let me throw my philosophical one in too. I like the idea of having a geographic name in the name. I very much believe we need to go towards something more regional and I honestly don't know how to do that, put it more regional without just making it exclusively Vanderburgh or exclusively Evansville, so I have that difficulty to deal with. The name that has been submitted that I most, well, I do like, the name was submitted as Millennium Hall. I like the singular Millennia simply from the...when you think of it the day the ribbon is cut on this will be about 100 days from the year 2000. I see a certain significance in having the name Millennia Hall tying the two millennia together, if you will. It's just, I think, got a little bit of a showy name to it. Perhaps the Evansville Millennia Center. If we then had a corporate sponsor come in either the Millennia Center with corporate auditorium or corporate convention center. Something along those lines. I see some heads nodding. I see some heads going this way. If this seems rather ponderous to you forgive us, but this is the largest economic project Vanderburgh County has every undertaken, so coming up with the right name is a bit of marketing and showmanship, if you will, so we do want to do this right.

Commissioner Jerrel: Well, we've mentioned four or five names. Can we be a little more specific on those names and let's let them...you know, how a pot you put it in there and let it stew around for a little while and see what happens to it.

President Mourdock: Okay. Let me just jot those down for my notes here. We had one which would be basically to leave it the same.

Commissioner Tuley: That's one.

President Mourdock: We had Millennia Center. What did you have Bettye Lou?

Commissioner Jerrel: Evansville Convention Center or Vanderburgh Convention Center, either one. It is shortening some of the--

President Mourdock: There's one from each. Let's throw in one more for each of us. Let's go around again.

Commissioner Tuley: I hate to plead ignorance, but the other one I liked I understand we may be insulting to some religious faith, so I have to draw that one out. I do plead ignorant on that. This is totally different from the other three we've got, but there was a letter that came in here from Gerald Summers recommending Best-Stewart Center. Somewhere I have my letter.

President Mourdock: You might want to explain the history of that.

Commissioner Tuley: Yeah, I do. Okay, basically, Gerald Summers' recommendation:

"My favorite though is Best-Stewart Center. Sally Stewart was the first dean of women at Lincoln Elementary School. William Best was the first principal of Lincoln School. Together Best and Stewart founded the Evansville Chapter of the NAACP in 1915."

It says he needs to confirm the correct spelling of Stewart and the historical information was provided by Dr. Darrell Bigham. That would be my second recommendation.

President Mourdock: So Best-Stewart?

Commissioner Tuley: Uh-huh.

President Mourdock: Center?

Commissioner Tuley: Center, yeah.

President Mourdock: Bettye Lou, round two for you to throw something in the pot.

Commissioner Jerrel: I put two of them in.

President Mourdock: Oh, okay. You had Evansville Convention or Vanderburgh Convention Center. Okay. Well, the second one I would add then would be, going over the total list here...I think I would go with what is suggested with Millennia, but just make it more regional which might be...can I vote twice for the same one? I don't know, I guess Evansville Millennia.

Commissioner Tuley: Center of hall or...?

President Mourdock: Just short. Evansville Millennia. I think of places like in Atlanta, The Omni.

Commissioner Tuley: Yeah.

President Mourdock: Of course, they just tore that down this week. Maybe that's not a good--

Commissioner Jerrel: They imploded it!

President Mourdock: They imploded it, you're right. It was only 25 years old and they destroyed it like the Kingdome which was less than that.

Commissioner Jerrel: Well, I'll move that we take these six under advisement and let some people look at them and think about them. That includes anyone interested in marketing and...

President Mourdock: Let me also add one to that, if I may then, and that is as we move forward with these names I will, before we address this issue again, meet further with the corporate

people who may have an interest to see how they might tie in if, in fact, they got to choose the name and if it meant that they would underwrite a couple hundred thousand dollars of our deficit every year we might be inclined to let them choose a name.

Commissioner Jerrel: We could always add if you had something like Evansville Convention Center and (blank)auditorium.

President Mourdock: Right.

Commissioner Jerrel: Whoever wants to pay for it.

President Mourdock: Okay, we will take those six names under advisement then and continue to proceed with this process. Alright.

**John Stoll - County Engineer**

President Mourdock: Department head reports, John Stoll. Thank you all for coming in. We look forward to other comments on these names, too.

John Stoll: First of all I would like to give you an update as to where things stand at Cross Pointe and 62.

President Mourdock: I'm sorry, I couldn't hear any of that.

Commissioner Jerrel: She didn't get everything you said last week. John Stoll: Okay.

Commissioner Jerrel: So you need to speak up.

President Mourdock: Okay, now let's try it again, John.

John Stoll: Okay, first I would like to give you an update of where things stand on the 62 and Cross Pointe project. Over the past week I've been in touch with Bernardin Lochmuller & Associates and INDOT to try and find out what all permits we still need to acquire before the project can be constructed. First of all, I did contact the contractor and that low bidder was J.H. Rudolph and they said they were willing to honor their bid and they would like to proceed within the next month or so if possible. I told them there were several issues we had to get resolved before that could happen and those issues include getting a revised set of wage scales from the Department of Labor. That letter was sent last Thursday, but the meeting has not been scheduled as of yet, so I don't know when that meeting will be set, but as soon as that is set then I can forward those to the contractor. They did say they would honor the bid. Another issue that has to be resolved is the status of the single agreement with INDOT. I heard from Dale Lucas of the Vincennes District of INDOT this afternoon late and he said that we would have to have the signal agreement prior to INDOT issuing the construction permit to do the work on the state right-of-way out there at that intersection. What that means is we've got to wait for the central office of INDOT to finalize that agreement and then submit that for your signatures before the Vincennes District of INDOT will issue the construction permit. Time-wise I don't know as of yet. They were talking

like that could take two to three weeks to get the draft of the signal agreement down here.

President Mourdock: Did I understand you correctly that as far as the contract that is out there that's been bid we cannot really commence until we get that signal contract as well? Or signal permit rather?

John Stoll: Correct. Since the work is on the state right-of-way we need the state permit to work on their right-of-way and before they'll issue that permit they want the signal agreement signed by the Commissioners and by INDOT.

Commissioner Jerrel: Is it appropriate, John, for the President of the Commission to let your contact know how critical this is that we want to move with this and we need that approval as soon as possible? I mean a supporting letter to acknowledge the information you've given?

John Stoll: I would think so. I've not gotten all the names associated with who has to approve the signal agreement...well, prepare the signal agreement up in Indianapolis. I believe it is Ed Cox and Carl Tuttle, but I'm not positive on that as of yet. Like I said, I didn't get a phone call from the Vincennes District until it was about 4:00 so I wasn't able to find out specific names yet today.

President Mourdock: Okay, would you round up that information and perhaps work with Lynn, draft a letter for my signature, have it on my desk by Wednesday night when I'm in here so I can sign it? We can fax it off the next morning.

John Stoll: Sure.

President Mourdock: We're at the point where, I'll be more crude than Bettye Lou was, I mean, we need to take names and kick butt on this. We've got to get this thing going. We're losing too much time.

John Stoll: The contract also will involve change orders because of the fact that there have been changes to the plans since the project was put out for bid, so I just want to make you aware of that. The consultant, Bernardin Lochmueller, is in the process of itemizing what those changes would be so we can get a price on what the change orders would cost the county. The final item was a final set of plans was submitted to the Surveyor's Office this week to get their approval for the construction of the intersection. It's simply because that box culvert will have to be placed in a legal drain there. It's just a matter of getting their review and approval on it. The drainage calculations and everything were submitted, so I would expect we can get that resolved here fairly quickly as well, so there are several things that we've got to get resolved, but all-in-all things are moving towards getting the thing under construction. We've got the railroad petition that should be finalized today and Matt Brooks of the INDOT Railroad Section did not return my call today so I couldn't verify that as well, but the way the petition reads it's approved by default as long as there are no objections filed to the petition during a 15 day comment period. That 15 day comment period expired Saturday, so assuming they

carried it to the next business day that would have been today.

President Mourdock: Good. Also on this general topic, Joe, I think you found in your packet, I received from Robert Woodward late last week a copy of the deed for the right-of-way that he was granting to the county, the easement along Burkhardt Road, so if you've not yet reviewed that we do need to formally accept that at a meeting here. I realize you may not have seen it yet, but it should be in your box there.

Joe Harrison, Jr.: Is this the portion--

President Mourdock: From Burkhardt, basically, from 62 down to Oak Grove.

Joe Harrison, Jr.: Okay.

President Mourdock: Okay, what else have you got, John?

John Stoll: I would also like to request that you allow me to go before the Drainage Board to request a ditch reconstruction hearing for Maasberg ditch at the northwest corner of the proposed Maasberg Road Bridge. In replacing that bridge we will have to rework that ditch at the northwest corner and that is a legal drain. Given the fact that it is a legal drain, the ditch reconstruction regulations would apply so we would have to have a hearing at a future Drainage Board meeting and I would just like your approval to proceed with that.

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I've got a request for acceptance of streets in Eagle Crossing Subdivision, Sections 1 and 2. The streets that will be accepted are Eagle Crossing Drive, Dog-leg Court, Brink Drive, Chip Drive, Longiron Drive, Birdie Drive and Broadwing Drive.

President Mourdock: We ought to let him name the convention center!

John Stoll: We can do better than that! The grand total of the distance of streets accepted will be 4,630 feet. They were all built according to the plans and I would recommend that they be accepted.

President Mourdock: We'll presume none of them are subpar.

Commissioner Tuley: Oh.

President Mourdock: That killed a motion, didn't it?

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Charlene Timmons: Can I ask a question about what he just asked to go before the Drainage Board? Is that something that will need to be advertised separately.

President Mourdock: Wouldn't think so.

John Stoll: I think it needs to be advertised--

Commissioner Jerrel: For the next Drainage Board.

Joe Harrison, Jr.: Yeah, not tonight.

Commissioner Jerrel: Yeah, for the next one.

Charlene Timmons: Right. Are you going to ask for permission during the Drainage Board for advertisement?

John Stoll: Right, I need to make sure that the Surveyor's Office can have everything ready to go by the next Drainage Board meeting as far as their report on the reconstruction of the ditch and then we can set the date. I'll let you know what the date is and then we can proceed with the advertising. We've got to also send out certified mail to the adjacent property owners and things like that.

Charlene Timmons: So this issue will come up again during Drainage Board?

John Stoll: Yes.

Charlene Timmons: We'll talk again then.

President Mourdock: Lucky you! Okay.

John Stoll: The next two items are both change orders on Lynch Road. The first one is a change order that was approved last week, but the signatures were in the wrong spot and I added a tab for the Commissioners' signatures in the correct spot. The previous one was signed in the INDOT line and they just need to be changed. The second change order is Change Order No. 2 on that project. It results in an increase of \$924 on the project of which 20% will be ours. The need for the change order comes about due to an overhead sign that was overlooked in the design. It was a lane use sign that showed I think it was a left turn arrow and it won't line up with the new construction so it needs to be removed. I'd recommend that change order be approved.

Commissioner Jerrel: Move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. General report on Lynch Road. How are we doing on the time schedule there, John? When are they going to be pouring concrete?

John Stoll: I don't know exactly when they'll start pouring concrete as of yet, but everything points to them being completed in November according to what the consultant is telling us at this point.

President Mourdock: Okay.

John Stoll: They started out slowly, but the consultants told me that things have been picking up fairly well as of late.

President Mourdock: Okay. I fear they started out slowly and then they are going to kind of peter off, so let's keep them moving.

John Stoll: I hope not. The next two items both pertain to the Request for Proposals that we submitted recently. First of all, I would like to recommend that for the construction inspection on the Fulton Bridge that the county hire Bernardin Lochmueller & Associates. The consultant needs to be hired for this project due to the fact that the staff in my office is not able to handle the inspection on a project of that magnitude and Bernardin Lochmueller has provided us with quality inspection services in the past and that is why I would recommend they be hired.

Commissioner Jerrel: I move approval.

Commissioner Tuley: John, is that Fulton Bridge?

John Stoll: Yes, the Fulton--

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The second recommendation I would like to make would be to hire the consulting firm of Beam Longest & Neff for the county wide bridge inspection. This consultant has experience in inspection of county bridges in 14 other counties. They have inspected approximately 1,900 bridges over the past five years and they provide the expertise and certifications needed to inspect the bridges in accordance with the federal standards, another thing that none of the personnel in my office has, and I would like to recommend that they be hired.

Commissioner Jerrel: I'd like to move approval.

Commissioner Tuley: I would second with just one comment that United did our formal inspection and I think they're the one that discovered Tekoppel and what have you. I just wanted to get that plug in for them. They did a good job, but there is nothing wrong with changing from time-to-time and with that experience I have no problem with Beam Longest & Neff.

President Mourdock: I will note those are all good comments and say so ordered.

John Stoll: Okay, that's all I have.

President Mourdock: Okay, any other questions for John? Okay, thank you. We'll see shortly at Drainage.

**Rick Dickinson - County Garage**

President Mourdock: County Garage report. Rick Dickinson.

Rick Dickinson: I don't have much unless you all have something for me. The only thing I really do want to point out is Hogue Road and Eichoff we recently paved them two roads. Waterworks is getting ready to come back and destroy all of Eichoff and a lot of Hogue Road that we paved. These people were giving list after list and they keep saying they don't receive these lists. I'd strongly recommend, I don't know who can do this, but they get done with these roads it ought to be up to them to resurface them. We've got a ton of money in these roads and they're the ones destroying them and it is their fault because they was given proper notification to what we were going to do. They knew exactly when we was going to do them.

Commissioner Jerrel: Lynn and I had an opportunity to talk about this today. Did you get an opportunity to reach...maybe Lynn could comment.

Lynn Ellis: Right, I contacted the Water Department and talked with the Superintendent out there and he indicated that first of all he was unaware that the list had been faxed over there several times and hand delivered, so I faxed him another copy to his attention today and he is going to look into it. I indicated this particular problem to him and he is going to go back and ascertain some more specifics. The problem with this is that my understanding of it today is that they're not prepared to make a cut at this point, that there is a developer out there that is planning on within the next two weeks of submitting plans to the Water Utility Board for approval and if so approved then at that time there would need to be a tie-in to the existing water main. What they are talking about doing now is boring under the road as opposed to cutting it. That hasn't been determined and that would be up to the Utility Board.

Rick Dickinson: Even if they bore under the road they still have to dig at the intersection of Eichoff and Hogue to get their locates on their gas mains and all that. They're going to tear up what we did.

President Mourdock: Joe, if this were a private contractor working on a subdivision on either side of the road we would have them post bond to do something like this. Is that out of line given the fact that we have two different governmental entities or quasi governmental entities here? This is another coordination problem that seems--

Rick Dickinson: I would never bring this up, but these people was told several, several times.

President Mourdock: You've done the right thing, Rick.

Rick Dickinson: They keep telling us that we haven't done our job and we have.

President Mourdock: Well, Lynn just said that they had not...couldn't find the two faxed copies of our list.

Commissioner Jerrel: Well, they've received four copies.

Rick Dickinson: Two of them was hand delivered.

Commissioner Jerrel: Yeah, so I think--

Joe Harrison, Jr.: Hopefully, something will be worked out now.

Commissioner Jerrel: Well, I want to be workable, but I want them to know that somebody besides the county is going to pay to do this again.

Commissioner Tuley: We're not talking a simple patching over a hole here.

Rick Dickinson: Well, yeah, you could patch it, but six months--

Commissioner Tuley: But that's not where it is at. That's not where it is at today. I mean, that's my concern.

Rick Dickinson: We spent all this money out there.

Commissioner Tuley: That road is really nice right now.

Commissioner Jerrel: It's very nice and it's newly done and so we want it to look like it looks now.

Commissioner Tuley: Exactly, that was my point.

Lynn Ellis: They are working on scheduling and coordinating between County Highway and City Highway and they are very much aware based on the comments today that they haven't been doing a good job of that. I mean, the only thing that I can say is they're going to try. They've hired a person to be in the position of making sure that is communicated. She has met with Milton and toured some of the streets that were under, you know, concern to the county. I indicated very specifically to him today that it was unacceptable and that the condition that they would leave Hogue Road in now is not the same that it is in presently.

Commissioner Jerrel: You're going to put that in writing that the costs will not be borne by the county?

Rick Dickinson: What we've done on Hogue we've stopped. Where they had made their locate at we had stopped surfacing. We're almost done with Hogue and for the last two days we couldn't do nothing out there because we don't know what they are doing yet. I think we're getting ready to move our equipment to somewhere else until they decide what they're going to do because there is no sense in putting surface on something that they are going to tear up.

Commissioner Mourdock: Let me go back to my other question about the bond. Is there any reason why we couldn't do it?

Joe Harrison, Jr.: I don't know if...I think we may get into a war, but, I mean, I think he has done the appropriate thing by stopping short of that area and if worst comes to worst we are going to have to send them a bill.

President Mourdock: I agree Rick has done the right thing sort of. I mean, you've made the right decision without question in stopping, but the problem is it isn't that we just don't incur

extra cost by waiting for them to do this. We've had to mobilize once, now we've moved off site and then we're going to have to mobilize and come back.

Rick Dickinson: We've already had extra costs. We've had two days of down time because of this.

President Mourdock: Yeah, I think there is a cost.

Joe Harrison, Jr.: I think you give them a deadline, whatever that deadline is.

Commissioner Jerrel: Who do we copy this letter to? I mean, they're just going to look at it. Who gets...let's send a copy to the Mayor.

Joe Harrison, Jr.: Well, yeah, that's who I'd send it to.

Rick Dickinson: That's what--

President Mourdock: We'll accept his check, too.

Joe Harrison, Jr.: I'm sure. I think you need a deadline, whatever that deadline is. Two weeks, ten days.

Rick Dickinson: I really don't want this to be a war between us because somehow we are going to have to--

Joe Harrison, Jr.: Sure.

Rick Dickinson: As far as I am concerned we done our part trying to work with these people. The lady that Lynn is talking about, I can't think of her name right now, she has tried very hard to help us on the situations that we had before.

President Mourdock: I don't want it to be a war either, but there are some things that are worth fighting about.

Rick Dickinson: Yeah.

President Mourdock: I mean, when I see the things that the Water Department has done, and everybody on this side of the table knows I can name several real good expensive examples, we need to get some handle on have a better working relationship and that means being a little more firm not less firm. If you would, come up with what you think is the right deadline for them to get that work done, communicate with Lynn.

Rick Dickinson: That would have been last month.

President Mourdock: Lynn, get that in the form of a letter.

Rick Dickinson: Last month was the right deadline because they had our--

Lynn Ellis: Right, and they are probably next week going to start with section two of the paving list and the Water Department has not even looked at section two roads.

Rick Dickinson: Section two is only one road which is Weinbach

and River Road out there by Ellis Park. They have no lines out there.

President Mourdock: Summarize the meeting that took place today as well and the frustration and I'll sign it and attach one of my normal nasty notes. I'm getting good at that. Okay, for the record, Rick had also or Milton had submitted to us the normal Vanderburgh County Highway Department Progress Report for the week of July 18 through July 24. Let me give to you, Rick, the Engineering Department pulled up again the most recent revised copy. We are now 38% of the way through the paving per our list so if you would, please post that out at the garage so everybody can see it and see we are making some progress. You might also note that we are more than half way passed the middle of the year though and we are at 38% in the paving, so it means we've got to find a way to speed things up a bit. Any questions for us or comments for us?

Rick Dickinson: That's all I had.

Lynn Ellis: I do have a letter that was drafted by the President to Joe regarding compliments that he has received and I have a copy for Milton and also a copy of a letter regarding Lakeland Drive and when you'll be paving that. We're getting calls about it. Old State Road, when is the ditching and preliminary work going to be finished do you know?

Rick Dickinson: All the pipes are in. All the cuts are done and we're in the process of ditching that now. Hopefully, it will be...it will be probably two weeks before the ditching is done.

Lynn Ellis: Okay, Rick, the contract probably will be let at the end of August or the first meeting of September--

Rick Dickinson: We'll be out of there.

Lynn Ellis: Okay. Then Green River the same for that?

Rick Dickinson: Green River is basically done. There's a few spots. I think we have two culverts to put in Green River.

Lynn Ellis: Okay, and I also have a pothole that needs to be--

Rick Dickinson: Okay.

President Mourdock: Okay, thank you, Rick.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report.

Joe Harrison, Jr.: The first thing that I have is a Quitclaim Deed that needs to be considered by the Commissioners for a piece of property that was surplus property that was purchased by someone back in 1993 that for one reason or another they never got the deed on the property. It relates to a piece of property at 419 North Evans here in Evansville. The property was purchased by a Norma Walker. I've got a deed for all of you to sign. It will have to be notarized by Charlene and then an

exemption form for Richard, for you to sign, if you would.

Commissioner Jerrel: I would move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other items relate to...that I have relate to the bids that were received. I'll read those amounts into the record and have you all take them under advisement. The first relates to VC97-05. It's a payloader. We had it looks like seven bids.

1. Southeastern Equipment Company, Inc. Indianapolis, IN

They declined to submit bid with their bid, so I did want to mention that they did submit something to us, but did not put a bid into the Board.

2. Carlisle Equipment, LLC Wilder, Ky  
\$120,748.00

3. Whayne Supply Company Evansville, IN  
\$118,980.00

They also included a repurchase option with their bid. It was \$39,760 for a total if that repurchase option was considered would be \$79,220. They also had some other options available that they listed in their bid as well. Again, the total amount was \$118,980 and then they had the repurchase option in there of \$39,760 and then less that made the bid \$79,220.

4. K & W Equipment Company, Inc. Evansville, IN  
\$113,400.00

5. CMC Construction Machinery Corp. Louisville, KY  
\$126,280.00

6. Diamond Construction Equipment Sales Evansville, IN  
\$107,976.00

7. Brandeis Machinery & Supply Corp. Evansville, IN  
\$124,860.00

Those were those bids for VC97-05, the payloader. I would ask that there be a motion and take these under advisement.

Commissioner Jerrel: I move that we take these bids under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered. You had another bid, Joe?

Joe Harrison, Jr.: Pardon?

President Mourdock: You had a second item bid?

Joe Harrison, Jr.: Yeah, there were three. The next one is



President Mourdock: Okay.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings' report, Lynn Ellis. Anything to report?

Lynn Ellis: The only thing is I have received a proposed contract from Ameritech regarding the pay phones located at the auditorium and at Burdette. There was confusion as to the income and where that was going. He's proposed a contract and I would request that the County Attorney review it and bring it back next week.

President Mourdock: Okay.

**Jim Flynn - Westwood Hills Subdivision**

Jim Flynn: Can I make a comment?

President Mourdock: Sure.

Jim Flynn: My name is Jim Flynn and thank you for all your help on Westwood Hills whom I am representing here. I want to call to your attention the fact that since we began this effort to rehabilitate the streets of Westwood Hills we've been in contact with the Evansville Water and Sewer Utility because they have accepted the sewers in Westwood and are responsible for them. During the course of my investigation I learned that there was a punch list almost ten years old of items that need to be corrected and there is no record of them having done any of those items.

President Mourdock: This was a punch list specific to the sewer items?

Jim Flynn: Yes, in Westwood Hills. So I told them about our effort to, you know, rehabilitate these streets and that I certainly didn't want, since we were going to be paying for our streets twice, to have them cut up. I'm really having a hard time getting them to address this. I wonder if in view of the other comments that were made here if we could get any assistance from you in getting them to address that punch list? I've been getting...I mean, I've been talking to them. They're very kind. The individual I am talking to is Jim Williams. He has been very courteous and very helpful, but I think he is running into a brick wall.

Commissioner Tuley: Jim, do you have a copy of that punch list that we could add with the letter?

Jim Flynn: Not with me, but I--

Commissioner Tuley: No, but could you get it to the staff?

Jim Flynn: Oh, yeah.

President Mourdock: I would ask Lynn in drafting the other

letter that we'll be sending to those people, let's cite this specific example as well. Let's be fair and note Mr. Flynn's comments of a moment ago that Mr. Williams is trying to be helpful, but it's getting nowhere or maybe that could be said a little better.

Commissioner Tuley: Brick wall. Use his words.

Lynn Ellis: Right. They would need to be two separate letters. He is referring to sewer and the other is water--

President Mourdock: Right, sure.

Lynn Ellis: --and they're two separate companies.

President Mourdock: You're right. Thank you.

Commissioner Jerrel: Well, I would like to make that in the form of a motion that we do support the Westwood Hills program to get the sewers corrected before any streets are poured.

Commissioner Tuley: Second.

President Mourdock: Definitely so ordered. We don't want to go down this road again, so a very good point. Thank you for bringing that to our attention.

Joe Harrison, Jr.: It's always possible that...you want your roads completed and it is always possible that it may not happen. I don't know if you want to address us on that. What do you want to do? Wait or do you want the roads improved?

Jim Flynn: No, we want to proceed. We can't go through another winter.

Joe Harrison, Jr.: Okay.

President Mourdock: Okay. Lynn, did you have any other items as Superintendent of County Buildings' report?

Lynn Ellis: No, that's it.

### **Burdette Park**

President Mourdock: In our packets we have information on Burdette Park, also, as a department head report. Just as a reminder next week when this Board convenes one of the issues...two of the issues that will be coming up, one, we should be receiving the PAR questionnaire that they've done through the community and the second issue will be to deal with the camping at Burdette Park.

### **Consent items**

President Mourdock: Moving on to the consent items in our agenda. They are this week concerned with employment changes, travel requests from the Knight Township Assessor and the Emergency Management Agency, Mr. Greer. Is there a motion to approve the consent items?

Commissioner Jerrel: I would like to move approval. I'm going to say this. I thought of that song On the road again! I find, you know, the trips I read them very carefully and I think what we are seeing is this is a group of people that just meet on a continuing basis and I think we need to once again revisit this with the Mayor and see if this is what his expectations are.

Commissioner Tuley: I will second.

President Mourdock: I'll so order and just continuing that conversation for a bit, since that is an interlocal type agency jointly--

Commissioner Jerrel: Yes.

President Mourdock: --might we want to take another look even budget-wise to see?

Commissioner Jerrel: Absolutely, because I notice that some people go in their car, some in somebody else's, but there...you know, I almost went far enough to call Camp Atterbury's meeting and the Columbus, Indiana meeting and find out if those agendas are any different than what all of these other meetings have been.

President Mourdock: Following up on that please keep us advised. Sometimes we find people that don't have a plan. I will give him credit, he does a lot of planning because he plans a lot of trips!

**Scheduled meetings**

President Mourdock: We have in our meetings also the scheduled list for future meetings...or we have in our packet our calendar for future meetings.

**Old business**

President Mourdock: Any old business items before we move on to the Drainage Board?

**New business**

President Mourdock: New business items? Pat? Okay, then the Drainage Board will be immediately following and we appreciate your patience those of you who have waited so long here. We have a few papers to sign.

Commissioner Jerrel: I'm going to move that we adjourn this meeting.

President Mourdock: Please do.

Commissioner Tuley: Second.

President Mourdock: So ordered. We will be back in business in about 10 minutes once we get all this paperwork signed.

The meeting was adjourned at 6:55 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Mike Shoulders  
Dan Spindler  
Pete Helfrich  
Dolli Kight  
William Mitchell  
David Dunn  
John Stoll  
Rick Dickinson  
Jim Flynn  
Others unidentified  
Members of the media

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
August 4, 1997**

The Vanderburgh County Board of Commissioners met in session this 4th day of August in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. This is the August 4, 1997 meeting of the Vanderburgh County Commissioners. The agenda are on the table at the far right; one is posted on the window as well. We have quite a bit to cover this evening, but we are going to try to keep this moving along quickly since we are starting a few minutes late. Introductions, at the far right is Tony Greubel, our office Administrative Assistant; Joe Harrison, Jr., County Attorney; Pat Tuley, County Commissioner; Bettye Lou Jerrel, County Commissioner; Suzanne Crouch, the chuckling County Auditor; and at the far end Charlene Timmons, who is our Recording Secretary. By way of procedures, if you are new to a Commission meeting all of our notes are taken verbatim. Everything is on tape, so if you have anything to address the Commission with, we do ask you to come to the microphone and begin by stating your name and address. Also, on several of the issues I suspect there will be multiple speakers. To keep things moving along you do not have to repeat over and over the same information. If what you intend to say is said by the person before you, please save us all a little time and energy here and we'll just keep moving along. You're certainly free to present any new issue or new material. Having said that, please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: We'll begin this evening as we always do with the approval of the minutes from the prior meeting held on July 28th.

Commissioner Jerrel: I would like to move approval of the minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Secondly, we have certification of an Executive Session which took place just prior to this meeting. It began at 4:25 and ended at 5:30. That session dealt with the initiation of litigation or pending or threatened litigation against the county and also with various county personnel matters. I would move for a motion to approve the minutes of the Executive Session.

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Open bids - VC97-08-01, Phoenix Commerce Center Phase One**

President Mourdock: Next on our list, John Stoll, County Engineer, who I thought was here. Where did he go?

Commissioner Jerrel: He is.

President Mourdock: Ah! There he is, I'm sorry. John, regarding VC97-08-01. You have a bid to open?

John Stoll: Those bids have been postponed due to the fact that the sanitary sewer plans for the Phoenix project had to be revised, so we sent out an addendum postponing that bid. We're estimating two to three weeks in delay. Once we have a finalized set of sanitary sewer plans then we'll know when the new bid date can be established and then it can be advertised.

President Mourdock: Okay. Any comments? Not that I would expect any.

**Alvin Holder - City/County Purchasing**

President Mourdock: Alvin Holder with City/County Purchasing on approval of price agreements for uniforms and a rubber tired loader. That's not really what that says is it? That's what it said.

Alvin Holder: Yes, my name is Alvin Holder. I'm the Purchasing Supervisor. I had hoped to come before you tonight with two items. The first was uniforms and related items. I would like to delay that a week due to a couple of questions that we still want to resolve. The second item is for a rubber tired loader. We received six bids and you have before you the summary of the bids. The recommendation is Whayne Supply for a net cost of \$79,220. This bid actually was not the lowest total bid. This bid was for \$118,980 for a model 938F Loader. There were two cheaper bids. One submitted by Diamond Equipment for \$109,031 and one from K & W Equipment for \$113,400, but in part of the process we asked for any additional discounts or anything that would be beneficial to us getting the lowest net price and we also asked for the best value offered to be included. Part of that was a request for any resale value that could be considered. With that in mind, the bid that came back from Whayne Supply showed a total cost of \$118,980 with a repurchase agreement at the end of five years and 5000 hours of \$39,760 which makes the net cost then to be \$79,220. That is the recommendation that I would like to bring to the Board.

President Mourdock: Questions of Alvin?

Commissioner Jerrel: I have a question. We're actually going to pay \$118,980--

Alvin Holder: Yes, yes.

Commissioner Jerrel: --but we know we're going to get back the \$39,760 at the end of that period?

Alvin Holder: Yes, we do have the option not to turn it back in, but, yes, this is a guaranteed buyback at the end of that period.

Commissioner Jerrel: Okay.

President Mourdock: Okay.

Commissioner Jerrel: I'll move approval of the recommended rubber tired loader, VC97-05, to Whayne here in Evansville.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Okay, anything else?

J.B. Foster: Are you going to have any discussion or questions on that?

President Mourdock: Sure.

J.B. Foster: I'm lost.

President Mourdock: Please, state your name and address.

J.B. Foster: My name is J.B. Foster and I'm with K & W in Evansville. I kind of got lost here and you're going to have to help me out. You gave a bid for Diamond Equipment Company of \$109,330 and K & W had a bid of \$113,400. Now there was another bid for K & W that I didn't hear read. K & W submitted two bids, but I never heard the other one read for \$94,900.

Commissioner Tuley: It's on here. It is on this.

J.B. Foster: Okay, I just never heard it read.

Commissioner Tuley: Okay.

J.B. Foster: My question is, you know, you say the net cost is \$79,220 for the Whayne Supply bid. Now after five years what happens? I mean, do you have to turn that loader back in and then rebid this?

President Mourdock: Alvin?

Alvin Holder: At the end of that time you can keep it, but you do have the option to turn it in and you're guaranteed receiving \$39,760.

J.B. Foster: In other words, that's not a discount. That's just a repurchase agreement for that loader? Is that what I am hearing?

Commissioner Tuley: That's what it is called. That's what it says here.

Alvin Holder: It is considered as a discount based on the--

President Mourdock: Reduces the net present value of the price.

Alvin Holder: Yes, based on the bid terms.

J.B. Foster: Well, can anyone buy that loader for \$39,760 at the end of five years?

Alvin Holder: The only--

Joe Harrison, Jr.: That agreement would be with the county.

Alvin Holder: Yes.

J.B. Foster: Yeah, I was just curious because--

President Mourdock: Whayne Supply.

Joe Harrison, Jr.: Yeah, Whayne and the county.

J.B. Foster: In other words, you're just buying the loader for \$118,980 and then at the end of five years you'll just exercise an option should you want to do it?

Commissioner Tuley: Right.

J.B. Foster: I'm mean, okay. I was just curious because \$39,760 seems awful cheap for, you know, a loader in five years should be about \$65,000 or \$75,000. I just was curious if you were going to turn it back in. It doesn't sound to me like there is much of a discount when you're turning a loader back in for \$39,760 when a five year old loader right now retails for somewhere between \$65,000 and \$75,000.

Commissioner Jerrel: I have a question. Did you take that into consideration, Mr. Holder, the price of a loader like that after so many years?

Alvin Holder: We were given that information, but basically when we bid the package we asked for the options that each of the people that were requested to bid wanted us to include, you know, include in the decision and at that point, you know, the feeling was that there was some value to have this buyback option stated in there. It is true that at the end of that time we may not, you know, we may or may not exercise that, but there was some thought that due to changes in equipment, changes in requirements that we have, obsolescence and that type of thing, that there was value to the county to have that as part of the agreement.

President Mourdock: Did anyone else bid with a repurchase option?

Alvin Holder: No, and we did not specifically ask for that, but we did ask for anything that would be a discount or anything that any recommendations that would give us the best value. You know, the best overall value.

J.B. Foster: Just my point in that was that I don't want that to be interpreted as a discount because actually all you are doing is reselling a \$40,000 loader back to Whayne Supply. A \$65,000 loader which is just going on today's standards. A five year loader is anywhere from \$65,000 to \$75,000 and now the county, instead of a discount, you are looking at like a \$25,000 loss just to turn the loader back into them for the guaranteed

buyback. I don't want that price that they put in here to be misconstrued as a discount when actually they're just getting a steal in five years of buying that loader back.

Commissioner Jerrel: That's the reason I asked the question.

J.B. Foster: That's the answer. If, you know, being in the equipment business if you have a five year old loader to trade in the value on it should be--

Commissioner Jerrel: I asked the question and then I asked the other question, where do you get your information that the five year old loader is worth \$65,000? That would be helpful and I asked Mr. Holder that question. What's a five year old loader worth?

President Mourdock: State your name and address, please.

Brad Weisheit: Brad Weisheit. I thank the Board for allowing me to speak for a moment. I represent the Whayne Supply Company in Evansville, Indiana. Basically, I just wanted to bring two things to the discussion of Mr. Foster's questions. The specifications is what Whayne Supply Company was bidding off of. The specifications asked for, and I'll just state a little bit of them: guarantee clauses, clauses requiring specific guarantees; their suitability and specifications; the requirements, guarantee clauses shall be taken into consideration. The option for repurchase agreement hereby grants Vanderburgh County the option of having the loader repurchased for a guaranteed amount. You in no way shape or form will have to sell the loader back to Whayne Supply.

President Mourdock: Is there an exclusivity term at all that if we sell it we must sell it to Whayne Supply?

Brad Weisheit: No.

President Mourdock: So if at that time it was worth let's say \$60,000 and we offered it at \$50,000, anybody could buy it at \$50,000 turn around and sell it for \$60,000?

Brad Weisheit: Exactly.

President Mourdock: So we really did see a savings.

Brad Weisheit: Or you could be like Gibson County and still be running a 35 year old Caterpillar loader.

President Mourdock: Was that a recommendation?

Brad Weisheit: Not a recommendation, but the quality which was in your specifications...there is 100 employees at Whayne Supply in Evansville. Caterpillar is based out of Peoria, Illinois. This will be the first machine, to my knowledge, of 85 years of business at Whayne Supply in Evansville that they've been in business that the county will have ever owned a Caterpillar piece of equipment. I've been working since '89 to try to get a piece in at this county. I read the specifications and tried to follow them with a guarantee or factory discount that the Commissioners might find favorable.

President Mourdock: Okay, there was a motion, there was a second and we did so order. Joe, did you have any legal comments there regarding this?

Joe Harrison, Jr.: I have no comment.

**Joe Profaizer - SCT**

President Mourdock: Alright, Joe Profaizer. Is Joe here?

Joe Profaizer: My name is Joe Profaizer and I'm with Computer Services. I am here this evening to request approval from the County Commissioners to solicit vendor's responses to a request for bid for the Vanderburgh County court's case management system, number VC97-06. The bids will be scheduled to be opened September 8, 1997. I'd be glad to entertain any questions.

President Mourdock: Bettye Lou, one of your favorite subjects.

Commissioner Jerrel: Well, no. It's just you and Joe did talk about--

Joe Profaizer: Yes. Joe, Lynn and myself have gone over this bid, yes.

Commissioner Jerrel: So everybody is satisfied on the language?

Joe Profaizer: Yes, ma'am.

Commissioner Jerrel: Okay.

President Mourdock: I did see David Byrne, didn't I? Do you care to represent the Clerk's Office here, David? I presume you're satisfied with this package as well as far as putting this bid package out?

David Byrne: David Byrne, County Clerk's Office. Yes, Mr. President, we are.

President Mourdock: Okay, thank you.

Commissioner Jerrel: I would like to move approval of the bid process to be begun for the court's case management system.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profaizer: Thank you.

President Mourdock: Okay, thanks, Joe.

Joe Profaizer: I have a second item on the agenda this evening is to request approval and respective signatures from the County Commissioners for the mugshot imaging agreements between Digital Descriptor Systems, Inc. and Vanderburgh County. I do have the license agreement present.

Commissioner Jerrel: You've now solved all the problems about the mugshot imaging advancements that our department was using

and we're now okay on putting that into effect?

Joe Profaizer: I'm not sure I understand.

Commissioner Jerrel: You remember that originally you thought it could be done one way because our people very aggressively utilized it more than what the vendor thought it could be used?

Joe Profaizer: Correct.

Commissioner Jerrel: Okay, that's all--

Joe Profaizer: All those issues have been resolved, yes.

Commissioner Jerrel: Okay. I'd move approval of the mugshot imaging system for the Sheriff and Police.

Commissioner Tuley: Second.

President Mourdock: Deputy Woodall, I presume, is here for that subject?

Steve Woodall: Actually, I'm not.

Joe Profaizer: I invited Sgt. Williams to the meeting, but he had other schedules to attend.

President Mourdock: Okay, well, there was a motion and a second then and I will say so ordered.

Commissioner Jerrel: Again, that fits into whatever system we're working under right now?

Joe Profaizer: That will cross refer and reference with the Tiburon public safety application in the future.

President Mourdock: Okay.

Joe Profaizer: Thank you.

President Mourdock: Thank you, Joe.

**Award bids - Westwood Hills Subdivision**

President Mourdock: Back to John Stoll with the Westwood Hills street repairs. Our favorite Barrett Law project.

John Stoll: I recommend that our favorite project be continued a week. The itemized proposal had an error in the sum on the bid and I need to get with the County Attorney to go over what we need to do in regard to the award of the bid. I haven't had a chance to discuss it with Joe as of yet, but basically the unit prices times the quantities when you sum up the extended prices they don't total up to the sum total on the itemized proposal. There's a...basically, the total on the itemized proposal was \$150,800 and those totals actually are \$146,050. The difference being a reference that the contractor said he included the extra money for his performance bond which I am of the opinion that is included in the price of other items, but I need to give Joe a chance to look through the contract documents

to verify that, so that's why I recommended that it be postponed for a week.

President Mourdock: Okay, alright. We will continue it.

Joe Harrison, Jr.: Yeah, I'll get back with you next week on that.

**Town of Darmstadt - Agreement to provide law enforcement**

President Mourdock: Joe, as long as you've got your mike turned on, the Town of Darmstadt and the Vanderburgh County police service agreement.

Joe Harrison, Jr.: Over the last couple of weeks I've been discussing with the attorney for the Town Board of Darmstadt a new police protection service agreement for the Town of Darmstadt which would be performed by the Sheriff's Department. For the last four years there has been a contract between the Sheriff's Department...or between the County Commissioners and the Town of Darmstadt for police protection. The last contract was for a period of four years and I believe it was entered into in '93 and is up about right now. That was for \$5,000 and the new contract that is proposed that apparently the Town of Darmstadt is comfortable with is for \$1,000 a month which would be \$12,000 a year. I have been in communication with the Sheriff's Department with respect to this agreement and I think they're comfortable with the same. Is that your understanding?

Steve Woodall: Yes. Steve Woodall, Sheriff's Department. The previous contract was for a sum of \$5,000 at which time they eliminated their town marshall they also gave us a fully equipped squad car which now we come up with a figure of \$12,000 which we would still provide the same services as we've always done before. We're comfortable with it. I've been in contact with Mr. Harrison and I believe he is comfortable with it also.

President Mourdock: Okay, and since Council President Curt Wortman isn't here I will say you will keep God's country safe by doing this up in Darmstadt?

Steve Woodall: As a matter of fact, he just mentioned the other day when we were running traffic down from his business and so we made sure to tell him and make sure on his van we've got is specially marked.

President Mourdock: Okay, any questions for Deputy Woodall?

Commissioner Tuley: I'll move for approval.

Commissioner Jerrel: Second.

President Mourdock: Okay, so ordered.

Steve Woodall: Thank you.

President Mourdock: Thanks, Steve.

**Any group or individual wishing to address the Commission**

President Mourdock: Okay, we're at that point in the agenda, any group or individual wishing to address the Commission. I know there are several here from Burdette, but that will be done under the old business issues, so if there is someone else to discuss something other than Burdette at this time? No.

**John Stoll - County Engineer**

President Mourdock: Okay, department head reports. County Engineer, John Stoll.

John Stoll: First I've got a change order for the Stringtown Road Bridge project. This results in a net increase of \$2,013.19. The increase is a cumulative result of increases and decreases in 25 different items on the project. It's recommended that the change order be approved.

Commissioner Jerrel: That's a lot, 25 items.

President Mourdock: It's hard to imagine 25 items and it was only \$2,000.

Commissioner Jerrel: Yeah. I'd move approval of the change order on the Stringtown Bridge.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item I've got is a Notice to Bidders for the resurfacing contract. This will include the resurfacing of Old State Road, Old Petersburg Road, Browning Road, Green River Road and Ruffian Way. It's recommended the Notice to Bidders be signed.

President Mourdock: Okay.

Commissioner Jerrel: Would you say those again? Old State, Ruffian Way, Petersburg...

John Stoll: Petersburg, Browning and Green River.

President Mourdock: So there is four? No, there's five.

John Stoll: Five.

President Mourdock: Ruffian is the one off U.S. 41? The one that the guys were concerned about--

John Stoll: Right, in front of Busler's.

President Mourdock: --the traffic and the danger?

John Stoll: Yes.

Commissioner Jerrel: You need a motion to approve?

President Mourdock: To advertise.

Commissioner Jerrel: I so move the advertising.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item I've got is the street plans for Section 3 of Eagle Crossing Subdivision. This is on the opposite side of the road from the first two phases. This is on the west side of the road up adjacent to the new golf course that is under construction. These streets will be asphalt streets with curb and gutter. The street plans have been reviewed and it is recommended that they be approved. There is one thing I would like to call to your attention though. There are numerous landscape islands that are being designed into this street plan layout and at the time that the streets are being requested for acceptance, one thing that we'll have to make sure is that the homeowners associations have been set up properly to make sure there is certificates of insurance provided to make sure that the county is not responsible for any liability associated with those islands. The intent of those island, they're not going to have trees or anything large within the islands, but just in case.

President Mourdock: Do we normally bond those? Have them bond them as well then in addition to the insurance requirement?

John Stoll: Most of these other things have usually been just a certificate of insurance in the past like the signs out at Crossroads Subdivision out in front of Builders Square. They put some signs in the right-of-way and they had just submitted a certificate of insurance. They didn't put up a bond for it. That's the only one I can think of right off the top of my head.

President Mourdock: The only one that I can think of residentially is Tall Timbers. I'm not sure we ever accepted those streets.

John Stoll: The streets were accepted, but that was quite some time ago and I doubt even a certificate of insurance was asked for at that time.

President Mourdock: Okay, so in this case you would have the neighborhood association formed and they would be the insured...well, they would do the insurance and the county would be the co-insured party?

John Stoll: Yes. Other than that issue, the street plans look fine.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

Commissioner Tuley: So ordered.

President Mourdock: Did you say that was your last item, John?

John Stoll: That's all I've got.

President Mourdock: Pat, do you have anything for John?

Commissioner Tuley: No, thanks.

President Mourdock: Bettye Lou.

Commissioner Jerrel: No.

President Mourdock: Ward Road. Ward Road. We received several calls lately.

Commissioner Jerrel: We gave ourselves two weeks.

President Mourdock: Yes, and the question is where are we as far as getting the budget items back and getting those better defined for the option of getting underneath Ward Road?

John Stoll: We are not finished with those as of yet and right now Valerie was putting stuff together and she is on vacation this week, so probably not this coming Monday. Will the 18th be okay?

President Mourdock: Okay. Make sure you write it down and Tony, if you would, please make sure right now you go ahead and put that on our agenda for the 18th because I want to get that thing resolved one way or the other. If we can do something, we can do something. If not, we're going to tell the folks we can't do anything. If we are going to do something, obviously, that means somehow we've got to find dollars to do it and that may be the biggest question of all. Okay, alright. Thank you, John.

**Rick Dickinson - County Garage**

President Mourdock: County Garage report, Rick.

Rick Dickinson: All I really have is Hogue Road is complete. We talked to the Waterworks and they told us to go ahead and get it done and they will replace it the same as we left it which is new. I don't know how they're going to do that because a patch is still going to be a patch.

President Mourdock: I don't know how they're going to do that either.

Rick Dickinson: Unless they resurface from one intersection to another, I don't know, but they said they could do it. I got a memo today, we're supposed to have a meeting with some of them people.

President Mourdock: When is that meeting?

Rick Dickinson: I knew you were going to ask that. I haven't...next Monday?

Commissioner Jerrel: Someone else I talked to today. It's--

President Mourdock: Okay, I was thinking--

Rick Dickinson: Next Monday at 3:00, I think.

President Mourdock: Okay. Here, do you know?

Rick Dickinson: Yeah. Milton wanted me to bring up something about South Weinbach. We're doing River Road and South Weinbach depends on what list you look at for the paving list. It's on some of them and it's not on some of them. The real list it's not on. What we're wanting to do is there is a couple of roads that we can't do this year because people are doing construction and stuff and it would be silly to go in and do them and then have to redo them. We're just kind of wanting to go in there and take some of the dips and valleys and all that out of Weinbach. I mean, it's bad. I don't know what kind of money, I never really figured it up. You're looking at \$3,000 or \$4,000, but we can't do a section of McDowell from Strueh Hendricks to the dead-end because they've got a bunch of subdivisions going...houses going up back there, so there is no sense in doing that this year until they're done. We have a section on Rosser we can't do. As far as money changing hands, I mean, it's no big deal to do something like that, but just to do it. Weinbach actually needs to be raised 12 foot. We're talking probably millions and I don't see it in the county's future to do that. There is only one place it really serves and I like going over there, but a lot of people in Vanderburgh County don't.

President Mourdock: Did you say it's not on the list?

Rick Dickinson: It's not on the list at all, but we're going to be on River Road starting tomorrow. We're getting River Road done tomorrow and River Road dead-ends kind of into Weinbach.

President Mourdock: I'm not necessarily objecting to what you're proposing, Rick, I just want to make sure we do the bookkeeping right. Have you added that footage then onto the chart that we're keeping as far as how we are progressing?

Rick Dickinson: No, I was going to talk to you all first.

Commissioner Jerrel: What you're saying is you want to subtract two of them and add one?

Rick Dickinson: Basically, yeah.

Commissioner Jerrel: Are they about--

Rick Dickinson: Yeah, equal.

Commissioner Jerrel: All you have to do is be sure that John's people do.

President Mourdock: Yeah, and that's fine. I just want to make sure we're keeping track.

Rick Dickinson: Yeah.

President Mourdock: John, you've been presenting us with the weekly reports. I don't know, have you done it this week or maybe Rick has it as far as where we are paving-wise?

Rick Dickinson: I called John's office this morning and they

said--

John Stoll: I submitted that last Friday.

Tony Greubel: Yeah, that's the current one.

President Mourdock: Oh, that is the current one? Okay, I'm sorry.

Rick Dickinson: Hogue Road is not on there because we didn't get done with Hogue until Friday evening.

President Mourdock: Okay. What does it say, Tony? My eyes aren't very good anymore.

Tony Greubel: It says 38% completed.

President Mourdock: It's 38% completed.

Rick Dickinson: You're going to see in the next month or two you'll see a big change because we are closer to a batch plant now where our trucks don't have to run from all the way over at the east side to west side. So at the end of next week you're going to be over 50%.

President Mourdock: Okay.

Rick Dickinson: I'm not going to promise that! I seen the way you looked at me. I'm not promising that!

President Mourdock: You saw correctly. Well, good. The point of that--

Rick Dickinson: We are going to start going a lot quicker now because we don't have to run all the way to the west side from Rudolph now.

President Mourdock: I understand and the point of that is we are well past 50% of the season and yet we're not quite at 40% otherwise, so I'll be more than happy to see that swing.

Rick Dickinson: Yeah, it will start going that way now.

President Mourdock: Okay.

Rick Dickinson: That happened last year. Last year we did 60% real quick and then when we got to the west side, because last year the west side was the last to get done, and it went real slow after that.

President Mourdock: Okay.

Rick Dickinson: I was supposed to bring up a front-end loader. I don't know what I was supposed to ask about it, but Milton said to bring it up and make sure it was still on.

President Mourdock: Was that the one we just talked about? The rubber tired loader?

Commissioner Jerrel: No, we talked about it last week

about...oh, no. That's was--

Commissioner Tuley: Did we talk about a front-end...I thought we bought a bucket or something.

Rick Dickinson: I think Lynn was supposed to...the specs are down here.

Tony Greubel: Was that for the loader that we...that Alvin was here on?

Joe Harrison, Jr.: You might just talk to her next week.

Rick Dickinson: Okay, he told me to bring it up and I don't know...I'm not sure exactly what he wanted me to ask about it.

President Mourdock: My gut hunch is it was to make a decision on the loader that we dealt with about 20 minutes ago. The new one? Okay, well, Lynn is on vacation this week.

Rick Dickinson: Is that the one that you guys just let the contract? I'm sure that is what that is then.

President Mourdock: Yeah we just bought it.

Commissioner Tuley: We just bought one.

Rick Dickinson: That's what it is, I'm sure.

President Mourdock: Any other questions for Rick? Anything else for us? Okay.

Commissioner Tuley: Rubber tired loader. Is that a front-end loader?

Rick Dickinson: Yep.

Commissioner Tuley: That's what we just bought.

Commissioner Jerrel: We just did it.

Rick Dickinson: Okay, that was it then.

President Mourdock: Okay.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe Harrison, County Attorney.

Joe Harrison, Jr.: One item I have is a deed conveying right-of-way to the county. This is along Burkhardt Road from Oak Grove to Morgan Avenue. It's about a 60 foot strip along the east side of the road. Again, from Oak Grove to Morgan, basically, Morgan up to about the railroad tracks. It looks like it is up to the railroad tracks there. This is in connection with the Robert Woodward donation to the county. The Quitclaim Deed in front of me needs to be recorded, but it was granted to the county on July 16th. It looks in order and I will give this to John Stoll and see to it that it is recorded and then returned back to us. That will, hopefully, assist us or assist the

county with the Burkhardt Road project.

President Mourdock: I think we do need a formal motion of acceptance.

Joe Harrison, Jr.: Yeah, why don't you go ahead and do that. That's fine.

Commissioner Jerrel: I move that we accept the right-of-way from the Virginia Street...or Oak Grove to Morgan.

Joe Harrison, Jr.: Yeah, what you may want to do is call it the Quitclaim Deed dated July 16, 1997 from Margaret Lemmons.

Commissioner Jerrel: Please, Charlene, include that in my motion.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other thing that I received notice of the other day was a notification from IDEM concerning the proposed city and county ozone ordinances. Beginning August 1st, IDEM drafted some language regarding the proposed rules for Vanderburgh County and the City of Evansville and a second comment period or a public comment period concerning the notice was to be published in the Indiana Register on August 1st. The comment period for those rules was going to end September 2nd. I am assuming that it was published. A hearing is scheduled before the Indiana Air Pollution Control Board on November 5th at 11:30 a.m. here in the Civic Center Complex. I'm not too sure which room here, but probably either in this room or else the City Council Chambers. Again, the Indiana Air Pollution Control Board has a hearing scheduled on November 5th at 11:30 a.m. concerning some of the proposed measures set forth in the proposed ordinances. They relate to the four clean air measures that are currently--

President Mourdock: Did it specifically list the four? I thought they were only listing three? The RFP, the stage...or the spray nozzle, stage one and lower RVP. I don't think they included the pollution prevention in the hearing notice.

Joe Harrison, Jr.: You may be right on that. Let me see what it says here in this letter. The measures are low RFP fuel, vapor recovery devices, the use of high pressure low volume paint application. I think you're right, I think it's just those three. That's right for the three control measures.

President Mourdock: The impact on use means for them to do that assumes that the city/county ordinance in effect is going to model that or actually they're modeling after what we are doing only we haven't done it yet?

Joe Harrison, Jr.: Right, but they have to...in order for us to have ordinances that have any teeth whatsoever they have to go through these procedures and we had to start somewhere and provide them with the information that you all were seeking and they have started that and hopefully by November 5th you'll know

exactly where that stands. It's possible that we could have an ordinance adopted by that time, but obviously it wouldn't be able to take effect until after that period of time, but it may be that you may want to wait until the next day after that to formally adopt the ordinance if that is what you desire just to see what kind of comment comes out of that Board on that date at that meeting. That's all I have.

President Mourdock: Questions or comments for Joe?

Commissioner Jerrel: No.

President Mourdock: Okay.

### Superintendent of County Buildings

President Mourdock: Superintendent of County Buildings. Tony, do you have anything to report in Lynn's behalf?

Tony Greubel: I've got two items. On Friday a resident of Knight Township came in to file an appeal for poor relief. She was turned down by the Knight Township Trustee and I forwarded the PR1A Form to the County Attorney.

Commissioner Jerrel: Which township?

Tony Greubel: Knight Township Trustee.

Commissioner Jerrel: Is that the lady that was in here when--

Tony Greubel: No, that was the Perry Township Trustee. I don't know if we need permission or not to schedule a public...or a poor relief hearing on that issue.

Joe Harrison, Jr.: What I'll do is like we've done before. You've appointed me as the hearing officer and I'll make contact with them if you all direct me to schedule that and have a hearing as soon as possible.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Tony Greubel: On the second issue the Indiana Department of Commerce sent a signature form for the Indiana Development Grant Fund in relation to the Replas development. I gave it to Mike Robling to look at this afternoon and he returned it at 4:30 and said it was fine and that he agrees that you can sign it tonight if you would like to.

President Mourdock: Okay, since it came in at 4:30 and we were in Executive Session, what I would suggest maybe, Joe, if you will take that and review it we can take it under advisement for one week if that's agreeable with the Board?

Commissioner Jerrel: That's fine.

Tony Greubel: That's all.

President Mourdock: Okay, thank you.

**Steve Craig - Burdette Park**

President Mourdock: Burdette Park. Steve, I know you're here for the other discussion. Did you have anything to add?

Steve Craig: My name is Steve Craig with Burdette Park. I met with Jerry Schmits last week out at Burdette in reference to the flooding of the main office. We have initiated several simple plans to help this with respect to the sewer that they wanted to replace in front of it, the storm sewer. We're going to give this like six months or so to find out if we really need to put the sewer down the front of it or if what Jerry has come up with and what I've done will correct that problem.

President Mourdock: Good, thank you.

**Consent items**

President Mourdock: In our packet we have consent items including employment changes, travel requests, the County Auditor's report, Computer Services, EMA and also the County Clerk submitting the monthly report for June. Are there any changes?

Commissioner Jerrel: The only thing that I would like to make note is that we do have one employment change that has a job title that is not one that appears in the salary ordinance. While we can approve it, I think we need to call attention to the fact to that department head that we need to make that correspond or at least have that individual work with the Job Study people.

President Mourdock: Do we want to approve it prior to having it done correctly?

Commissioner Jerrel: Well--

President Mourdock: I don't necessarily want to penalize an individual employee.

Commissioner Jerrel: No, I would rather just if the Board members...just go ahead with the action, but see to it that we do send that information to them for action.

President Mourdock: Okay. Pat, any comments?

Commissioner Tuley: Well, I was just trying to see was there a substantial increase in the pay and would that have to be approved?

Commissioner Jerrel: They have the right to use that supplemental money anyway they want to.

Commissioner Tuley: Okay, okay.

Commissioner Jerrel: It's the one that appears in three different line items--

Commissioner Tuley: Okay.

Commissioner Jerrel: --and they have the right to do that.

Commissioner Tuley: Okay, I'll second your motion then.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: We have in our packets some scheduled meetings listed and I'll not read through them all, but they are there.

#### Old business

President Mourdock: Old business items. Before we get to the Burdette Park issue is there any other old business items?

Commissioner Jerrel: I would...I had one other under the consent that I didn't mention.

President Mourdock: Oh, I'm sorry.

Commissioner Jerrel: I would like to request permission to travel with no...I don't need any reimbursement, but I am traveling on behalf of the Commissioners regarding the Cross Pointe issues that you remember I spoke to you and you had sent the letter and I am going to meet Dennis Faulkenburg Friday. I just want it on the record that I have your permission to make the trip, but you don't have to reimburse me.

Commissioner Tuley: I'm not going to argue with that.

President Mourdock: I feel strongly enough about it that I'll pay for your gas out of my own pocket if it means we'll get Cross Pointe done! Okay. Was there anything else old business wise?

Commissioner Jerrel: No.

President Mourdock: Now then, the Burdette Park issue. Just by way of summary and reference, about a month ago we had a lengthy discussion regarding several items at Burdette Park. Specifically, the camping issue and I think it can be summarized...I think it can be summerized by being two major points. One, is what should the rates for camping be at the facility? Number two, should there be a limit on how long people can stay at the facility? Number three, if there is a limit, what is the correct limit? Any comments regarding my recollections there?

Commissioner Jerrel: No, that's correct.

Commissioner Tuley: You're on target.

President Mourdock: Okay, and then we are simply at the point where we need to decide how we are going to proceed and I will open the discussion to either of you to begin the process.

Commissioner Tuley: I've had several conversations with the campground manager out there who has been there some 13 years, Steve? Fifteen years? I think his primary concern was that he doesn't have a problem with putting some restriction on the length of stay. He thought two weeks may be a little short for some people particularly the retirees who come up here to spend summers with their families and what have you. His concern was if we don't put some restriction and we become a year round housing for people we become, in essence, a trailer park or a...is that the right word?

Commissioner Jerrel: Trailer park, yeah.

Commissioner Tuley: Trailer court and he had concerns that our classification actually changes and then we really have a hard time advertising in camping ground magazines and different things like that as a campground. That we've kind of left being a campground and become a trailer park. He had some serious concerns about that because we truly are designed to be a campground.

President Mourdock: Bettye Lou, comments?

Commissioner Jerrel: Well, as I've said before, I'm not sure that I am real qualified to make decisions on these issues. I've been out there and I've looked and I don't think there is any question that we want to try and accommodate people, but I agree with Commissioner Tuley that we need to make some kind of a recommendation that makes this fit what our goal is for the long-term use of Burdette Park and that is to provide a setting that is unique in and of itself for people to use whenever they want to use it. I don't know that it was ever intended to be a permanent home. How many years have you been there Steve?

Steve Craig: Twenty-five years.

President Mourdock: Yeah, you need to come to the mike, Steve.

Commissioner Jerrel: Yeah, I was just going to say am I right in that interpretation? It didn't start out to be a permanent--

Steve Craig: No, it started out to be weekend camping and that, but it goes back to when Darwin, the manager, came out there I think our income the first year was \$800 for the whole year. As we went along we kind of felt it out and we implemented things, you know, what would help us get more people in there as we added a playground and such as. Before we started allowing people to have extended stays there our income was extremely low. The reason that we've built it up to the point where we're, you know, at least breaking even, you know, barely, but we are breaking even with a little bit ahead, it's because we added extended stay. We went that way just because of the income factor. We didn't want it to be losing money every year when we could see a way that we could make some money on it. Maybe in doing this we caused some inconvenience to people that, you know, are traveling across the United States and wants to stay a couple of days and that and they may hit us on one of the weeks that we are full, but the reason that we did implement this was so that we could at least pay our bills and not have it as a deficit to the park, but at least cover the bills.

Commissioner Jerrel: What about...I know you had checked on some of the...the recommendation that we had before us was something about off season rates from November to March 31st and were you thinking in terms of six month stays?

Commissioner Tuley: Yeah, what Darwin...it's hard for me to call him Darwin. I know him as Cowboy. What he was saying...let's back up a little bit. My parents used to camp quite a bit and like they would go up to Pride's Creek and they would have what they called their camping season was from April 1 through October 1 or November 1, I forget that six month period, whereby people could come in and they could pay a fee and they could stay for that six months and have access to it or use of it, but then the other six months out of the year they had to be completely moved out of the park. I mean, they were moved out or at least off the campgrounds. They weren't moved out of the park. There was a storage area for them. They basically couldn't camp. Darwin, what he was talking about if someone was to stay for up to six months then they would have to be removed for a month and then they could come back in and stay another six months. That was kind of what his thinking was. I kind of like the idea that if we could do two or three rows, if that would accommodate the people you've got coming in year in and year out for up to six months and leave two rows for in between. Is that...how's that?

Steve Craig: Yeah.

Commissioner Tuley: I'm talking numbers. You know, maybe you would want to reduce that to two rows. I don't know, Steve, I'm not familiar enough with--

Steve Craig: The way we had broke it down was one row they could stay indefinitely, then one row was six months, one row was three months and one row was just come and go camping. It really worked well that way except that when, like I said, we were probably full two to three weeks out of the year and you may have somebody come in and we didn't have a place for them. It's very seldom that--

Commissioner Tuley: How many year round, I mean, 100% that's their home and there is no other way to put it, that's their home, how many people is that?

Steve Craig: I think there is four is what Darwin told me.

President Mourdock: How many slots do you have in a row?

Steve Craig: Seven.

President Mourdock: How many do you have who may not be there permanently, but are there at least six months?

Steve Craig: I'd say ten.

President Mourdock: That includes, obviously, the four that are there permanently?

Steve Craig: Right.

Commissioner Tuley: Why couldn't we set aside two rows for up to six months no longer? From that period, April 1 to October 1, whatever that six months equates to. Or October 31st or whatever it actually is. Assume April actually begins the camp season. Is that right? May 1?

Steve Craig: April.

Commissioner Tuley: April 1. That's kind of the way it is set up here. April 1 to October 31 would be the six months. I'm just throwing that out for discussion, you know, from Darwin's comments.

Commissioner Jerrel: I've said all I have to say.

President Mourdock: Okay.

Steve Craig: I have a question.

President Mourdock: Sure.

Steve Craig: What if we have these people at the end of the six months, their six months ends up in October and there is only six trailers in the whole court and their six months comes up then is it fair to ask them to leave for a month and come back?

President Mourdock: Well, that's a philosophical question. It comes down to what Pat raised a moment ago when he said do we want this to be a park or do we want this to be a trailer park?

Steve Craig: Right.

President Mourdock: That is simply the question. I mean, if we say there is a time limit, no matter what that limit is, that is what the limit is.

Steve Craig: Right.

President Mourdock: I thought the question you were going to ask is how would we enforce it?

Steve Craig: Well, that was next.

President Mourdock: Okay, I thought it might be in there somewhere and the way we enforce it is like any other rule we have to enforce on county property. If someone out there is unruly and is asked to leave and they don't leave today what happens? You call the Sheriff and basically ask them to leave. I mean, I don't see that really happening, but there is a mechanism under the county ordinances to enforce county property and county rules, so that is what I would see happening. Okay.

Steve Craig: That's all I have to say.

President Mourdock: Okay, thank you, Steve.

Commissioner Tuley: I'm uncomfortable with the two weeks, but I am also uncomfortable going more than six months after that period. I know you had expressed to me just casually that--

President Mourdock: Yeah, I certainly feel there ought to be a limit. As you said, I think we want it to be a park. Interestingly, the comment that you received from the former campground director I spoke to users of this facility and others and the comment that I got that I found most interesting was someone said when they go to a park you can tell immediately where there are people who live there year round and this person said, as someone who likes to camp on the weekend I just never quite feel as welcome there. He said it's like I am moving into someone's neighborhood and that was kind of uncomfortable. I never, not using the park as a camping facility, I never would of come across that, but I thought that was an interesting observation.

Commissioner Tuley: That is interesting, but did you say former campground manager?

President Mourdock: Yes, I did and I guess it's current.

Commissioner Tuley: I hope. I mean, I know Cowboy does.

President Mourdock: You didn't check the consent?! No. Well, we're at the point where we need a motion of some sort. I think all of us have said we need a limit, so the question is now what should the limit be?

Commissioner Jerrel: Is there anything new to be added by anybody that is here?

President Mourdock: We're all adults here. I am assuming if there is something new people are going to rush to the microphone. The key word here is "new".

Elizabeth Sowa: I'm Elizabeth Sowa. I'm one of the permanent people out there. Soon not to be, I guess, but the people who have been there permanently will not come back for six months and you'll lose that income permanently.

Commissioner Jerrel: Tell me something, Dr. Sowa. Are you plugged into one or two of the outlets?

Elizabeth Sowa: We're plugged into the outlet at our space and we're--

Commissioner Jerrel: Plugged into another one?

Elizabeth Sowa: Part of the time.

Commissioner Jerrel: Okay.

Elizabeth Sowa: I don't know that the park has ever been full more than maybe a couple of weeks since we've been there.

President Mourdock: I have every reason to believe that's correct and that's why I make the comment that I made a moment ago. I think it's kind of a philosophical thing.

Elizabeth Sowa: I think if you figure four people and the loss of income there you may not break even. I think that some of the expenses that you are attributing to the campground may not

truly be campground either because I don't see how we could use \$13,000 worth of water at industrial rates. That's neither here nor there. There really isn't any other place to go to speak of, but I can understand your attitude about it too.

President Mourdock: Thank you. Any other comments with new information?

Frank Cook: I'm Frank Cook, PO Box 509 Fort Ogden, Florida. We would like to thank you for taking the time to listen to our concerns and whatever your decisions may be we thank you for being courteous towards us. We still question the amount of water used in the campground. I think it was...if you had this in your own homes you would question it, too. Eight thousand dollars worth of electricity, \$13,000 worth of water. Obviously something is terribly wrong here. I think it is probably water is being diverted to some other part of the park that we're not familiar with and perhaps the park is not familiar with. I know that just recently we had another BMX meet up there and there was a steady stream of people running from the BMX track, because they don't have toilet facilities, over to use the toilet facilities there and I suppose we're being charged for that. I really like the idea of you people questioning this because you are being good stewards of public funds and I, as a former resident of this county, certainly commend you for that. I feel...I wouldn't be one of them effected by the six month stay, but I can certainly understand the people that are there for longer than six months and I really believe that the park would lose quite a bit of income if you would say that they have to move out after six months because usually there is going to be a place for them and it will just be an empty spot there that no one will use because once they're gone they are going to be trying to find some other place that will accept them. I would respectfully suggest that if there is openings there after the six months that they be allowed to stay there as long as it is agreeable with the park management. I think that would pretty well keep everyone happy. I noticed one thing that I think I'm going to suggest this to the Commissioners. The Advisory Board really should have someone from the RV public represented there because I know you're sitting here and really wondering about things about this and you can't understand why we would question the water supply or the water we used and we know that in these things you just don't use that water. So that's one suggestion that I think maybe...or perhaps even someone from the RV retail industry here in the county. Put someone on the Board because they have a lot of good ideas. I would really hate to see the people have to leave after six months if the space is available. I travel a lot and I have never run across what you said a comment that someone made to you that you could always tell when there is permanent people in there. I haven't found that at all. I'll be leaving within two weeks for Canada up there and I feel very comfortable around these parks where they do have permanent people. I have found them to be very friendly, sociable people. Please reconsider this. Like I said, it won't affect me, but it will some of my friends. Thank you.

President Mourdock: Alright, thank you, Mr. Cook. Okay, to begin to move this along and keep it in some form of order, it seems to be the consensus of this Board, but I just want to do this in an orderly fashion. It seems to be the consensus that

there be some form of limit. Without dealing with a specific period of time, again, just step-by-step, is there a motion that we do limit the stay at the park? That's the first hurdle. If we're not to that point the rest of the discussion gets very muddled as if it weren't already.

Commissioner Tuley: Yeah.

Commissioner Jerrel: As I said, I'm not prepared to make a statement that we should limit them or that we shouldn't limit them. I think that we don't want to encourage more than one row of permanent people and I don't think that, you know, I think we need to be a little more careful about the usage of the electricity and I think we need some restrictions on that that protect everybody if we're going to charge one rate and we're going to have a different usage from people. I do appreciate...I know someone else that Commissioner Mourdock had comment because I had the same comment that, you know, this was a park designed for a place to come and camp. There is a different atmosphere when you have permanent residents because they're going to have permanent things addressing, you know, you've got bicycles and this and that and chairs out and, I mean, it's a different look than coming in with a tent or with a moving RV that you pull in and hook up. I think that's our primary mission. That's what that park was designed to do and not become a competitor for mobile home hookups or RV hookups on a permanent basis, so I would limit the permanent to personally I think the one row would be all that would be allowed. Now, what do I mean by permanent? I don't know what I mean. If I mean they can just live there forever?

President Mourdock: Isn't that what permanent does mean?

Commissioner Jerrel: Well--

President Mourdock: Don't want to get into semantics, but at least when you say permanent to me that's what I understand that to mean. What is shorter than permanent?

Commissioner Jerrel: Well, six months. If we're going to make a six month--

President Mourdock: Well, then it's not permanent.

Commissioner Jerrel: But to me to be six months and then go somewhere else for one week and come back that's sort of a...that's not--

Commissioner Tuley: Well, I think what...he didn't say this and I shouldn't say "I think", but my personal opinion was you're not going to have too many people do that, so you're going to limit your stays to six months within the year is what you're going to end up doing.

Commissioner Jerrel: Yeah.

Commissioner Tuley: They're going to come up here, those that travel, Mr. Cook and different ones, stay through that camping season and they'll go wherever it is that they go for the winter, Florida or wherever it is. You're probably right.

They're probably not going to come in and stay for six months and be gone a week or two weeks or month or whatever and then come back.

Commissioner Jerrel: Well, I want to defer to you all. I mean, I really have no--

Commissioner Tuley: Oh, no. You earned that pay, you've got to help us!

Commissioner Jerrel: I'm going to vote. I'm helping you, but I'm going to vote for what I think--

Commissioner Tuley: I don't know either. I'm not a camper. I really don't know and, Steve, I don't honestly know during the winter months do we keep the laundry facilities, the bath facilities and all those things heated and warm and do we do that for four campers?

Steve Craig: Yeah, we do that.

President Mourdock: Yeah.

Steve Craig: We do keep it there, you know, because we do have campers come and go all winter. I have a suggestion on what Bettye said. What about using a grandma clause? We have four permanent people there, those four permanent people, and we won't ever accept any more permanent people and leave them at six months.

Commissioner Tuley: Through attrition that's it.

Steve Craig: That way you won't inconvenience these people that's gave all the time, you know, and the concern for it and because if we would fill up one whole row, you know, with permanent people they could be there indefinitely. As we've almost...we've kind of done this anyway because there was probably some more people there that had been there for a long time, but we haven't accepted any permanent people. Cowboy has told them over the time that they have to leave, but other than the people that we have staying there now with an indefinite stay which is I'm pretty sure it's four, but it may be five--

President Mourdock: Excuse me. What did you just say, Steve? That he has not accepted permanent people?

Commissioner Tuley: Since these people--

Steve Craig: Well, since this issue has come up they've not accepted...we said until this is solved, you know, because it has not even been over the six month period, but I'm just saying that the people, the four or five people, that are staying there permanently, which permanently what's that mean? In a year or two if they leave, you know, or if they intend on staying there forever.

President Mourdock: For the sake of this discussion permanent henceforth shall mean an unlimited stay.

Commissioner Tuley: Let me back up to something else that you

said. You said there is always people coming in and out through the winter months. You'll have people pull in there and stay a weekend or something through the winter months?

Steve Craig: Uh-huh.

Commissioner Tuley: So whether we ban these people from staying over the winter months...ban is not a good word, but tell them you can't stay more than six months, you're still going to have those facilities open then?

Steve Craig: Yes.

Commissioner Tuley: So they don't actually add additional costs per se other than what they actually use.

Steve Craig: That's right.

President Mourdock: Well, even, conceivably even if the park were empty you would be heating the restrooms and heating the showers?

Steve Craig: Uh-huh just because of drive ins.

Commissioner Tuley: Unless you decide to shut down the campground completely, that gives a little different spin on things in terms of the permanent because the only we're going to do is lose the revenue and not really gain anything in cost cutting. Is that right?

Steve Craig: Right. I mean, as far as the facilities goes, you know, if they come in they're going to use electric, but they're paying.

Commissioner Tuley: Right.

Steve Craig: You know, but the people that come in and stay, you know, we have to keep it open for travelers and that and we have people come and stay for two weeks that are working or six weeks and they're working.

President Mourdock: The other side of that, too, let's be fair here, the electrical hookups, the water hookups, all that is basically done on an average basis and, in fact, those people who stay during the winter since their electric bill is not going up during the winter they're paying a flat fee we are in essence paying more for those people during that period.

Commissioner Tuley: Okay, for heating that's true because most of their heat is probably electrical heat.

Several audience members: No. It's gas.

Commissioner Tuley: I'm sorry.

Unidentified from audience: About every one of us is gas.

Unidentified from audience: Our's is propane.

Unidentified from audience: We furnish our own gas.

President Mourdock: Okay, thank you for clarifying that. The electric would still be up. Shorter days, but the heating is from gas.

Ron Sowa: Ron Sowa. I want to address the electrical issue. My neighbor at the last meeting addressed the issue of metering the electricity to show the quality of the electricity and how infrequently is 30 amps available. If you're paying for 30 amps and getting 24 and every time you turn on your microwave or other appliance you have to go out and reset all the fuses, it is attractive to plug into a second place that will give you a little bit of protection from that. Now the only time you would ever use more than 30 amps is if you ran two air conditioners at once which in our situation we are careful not to do. Even with the augmentation of this system, and I will say that we don't use any more electricity than we do with one plug, we just don't go out and reset the circuit breakers as often. Even with the two we still have to reset them at least once or twice a week because of the poor quality of the electrical service there.

President Mourdock: Okay, thank you.

Commissioner Jerrel: Does that mean then that we're supposed to upgrade all the electrical service?

Ron Sowa: No.

President Mourdock: That's kind of what I heard implied in that.

Ron Sowa: I was only explaining what the usage of electricity what that involves in terms of 30 amps versus something more than that with what is available.

Commissioner Jerrel: Would it, Dr. Sowa, would you explain to me then the two hookups...you have a very large one compared to the others?

Ron Sowa: Yes, that's right.

Commissioner Jerrel: So do you...when you hook up to two different outlets you're obviously using more electricity than someone who is hooked to a single in a smaller unit, right?

Ron Sowa: No, I don't believe so. I believe that we're still using the equivalent of a 30 amp...well, it's more than you get for the 20 or 25 amps that you're supposed to be getting 30, but mostly we are getting the opportunity not to go out and reset the circuit breakers as often. If you ran two air conditioners at once, then you would be using more electricity than that, but it's tough as was explained in the last meeting to even turn on our microwave with an air conditioner on without having to go out and reset things. You have to shut things off in order to do that. That's basically what is involved with that. In the winter while the electrical needs drop because the air conditioning drops, we have to have all the lines heat taped so you'll find many people with two or three plugs plugged in because their heat tapes to their water hoses are hooked to that, but those are probably triple amounts of electrical compared to the air conditioning.

Ron Sayne: When we were checking on the electrical usage out there I talked to customer service at SIGECO.

President Mourdock: State your name again. I'm sorry.

Ron Sayne: Oh, I'm sorry. Ron Sayne. I am one of the permanent residents out there or full-time residents, I should say. But anyway, I talked to SIGECO and I asked them the question if all of us moved out entirely what would happen to their rates and they said that they would go back to last year's usage to charge at this year's rate, so you would still be charged even if there was no one in the campground. Basically, if you kick us out after six months you're going to have a dead expense with no income. Through the winter there is very few people stay there. Last year I think there were four that stayed the entire winter. The first year I was there there were two. You know, there's not that many people that stays there through the winter. As far as heating the restroom for our benefit it is not necessary. We never use the restroom anyway. The laundry room we don't use, so, you know, that's a dead issue to us. It wouldn't be necessary to heat the laundry room or the washroom or whatever for our benefit. You know, we're self contained. We've got everything in our own unit.

President Mourdock: Okay. I am the first to concede that given the way some of the billing is done not to you directly, but through the park, I don't know that we can ascertain exactly how much the trailer park costs us versus what it doesn't. The water situation, is there water being used elsewhere that somehow is showing up credited or debited against the park? I'm the first to say probably. The electrical side, as you just pointed out, there is going to be cost there to us whether you all are there or not. That's why I say what I said before. This is, to me at least, as a starting point a philosophical issue. Do we want to be in the trailer park business where we have permanent/unlimited stays, full-time, whatever or do we want to have a park that is continually turning over people? I hear a lot of indecision by my fellow Board members.

Commissioner Jerrel: How do you feel?

President Mourdock: I just said, it's a philosophical issue and I've said it before I don't think it's a trailer park. I think it is supposed to be a park. The question is will we have a motion to deal with this as a stay, limited stay or unlimited stay and if it is an unlimited stay then we don't need any other discussions. If, in fact, there is a limited stay, then the issue that you raised as far as one row being set aside or Pat's comments about how people shift in and out, those things become pertinent. I've been on the Board two and a half years, a little more than that, and I've never known the President of the Board yet to make a motion. Maybe I'm wrong, but I am trying to balance the discussion here.

Frank Cook: I'm Frank Cook again.

President Mourdock: Yes, sir, Mr. Cook.

Frank Cook: Let me make a recommendation to the Commissioners. Why not instead of such a shock to the people that have to leave

and no place to go, why don't we just grandfather them in and say after this no one else can come in for over a six month period. That way I think it would solve the problem very easily. They won't be here forever.

President Mourdock: Okay, thank you for that suggestion.

Commissioner Tuley: Talking to our attorney, which I get the benefit of being in this seat, rather than do "a grandfather clause" if you just stipulate that there will be no more than four permanent camp sites. If one of them moves out, then you've got one if somebody wants to come in as opposed to using grandfather terms and things like that where we have to go back and maybe draft an ordinance to...but if we just look at the Advisory Board member's recommendation here dated July 3rd and instead of having that one row for permanent campers have that changed to four and when they go if someone else wants to come...I'm sorry?

Steve Craig: They say there is five.

Commissioner Tuley: Five, if that's what it is, five, then maybe that's an option. Just limit it to the five that exist and when--

President Mourdock: Then have some shorter period of stay?

Commissioner Tuley: Then have some...yeah, some shorter period of time and say no one else will be allowed to stay there in excess of six months or three months or whatever it is. Basically, the Advisory Board had it spelled out pretty well. One row would be for stays from April 1 to October 31; one row would be for three months; and I don't know if we need to get that--

President Mourdock: Let me raise this question under that scenario and I don't know the answer. I didn't research this side of the equation. Do we know what a trailer park, for instance, the one over off of St. Joe, what they charge for monthly rentals because if you're going to say it's going to be a permanent facility, then we ought not be undercutting the commercial rate that's out there.

Commissioner Jerrel: Wait a minute. We have someone that knows. How much?

Charlene Timmons: They run between \$125 and \$140 a month and that does not include water or electricity or most of the time trash pickup.

Commissioner Jerrel: We're in the ballpark with our suggestion.

President Mourdock: Those do not include the electricity?

Commissioner Jerrel: No.

Commissioner Tuley: No.

Suzanne Crouch: Nothing.

Commissioner Tuley: Those are strictly for the pad.

Commissioner Jerrel: No wait a minute, you're working on a motion.

Commissioner Tuley: Well, I'm just talking out loud, you know.

President Mourdock: That's what a motion is.

Commissioner Tuley: Demotion or motion?

Commissioner Jerrel: Okay, you said one row--

Commissioner Tuley: No, I'm going to change that if there is five--

Commissioner Jerrel: Well, I'm going...you said one row with five--

Commissioner Tuley: A maximum of five.

Commissioner Jerrel: You don't want the five spread out over all the rows.

Commissioner Tuley: I would agree with you on that.

Commissioner Jerrel: Okay, so it's one row with five permanent only and--

Commissioner Tuley: One row that would be for up to six months.

Commissioner Jerrel: All the rest for short-term campers.

Commissioner Tuley: What's your definition of short-term? Anything less than six months?

Commissioner Jerrel: Yeah.

President Mourdock: Let me raise one other issue with this. I think it's proper to do so. Steve, have we ever had any...have you ever had any comments regarding the...I'm trying to think of the right word...the overall cleanliness, the overall setup of the park? The types of comments that I was quoting from earlier where we had people said, yeah, they came in right away and recognized because all the stuff that was underneath the mobile home, underneath the trailers, all the permanent potted plants and all those kind of things. Have you ever gotten comments about the general order of those facilities?

Steve Craig: Yes, I have.

President Mourdock: Okay, well, that was a fair answer. A hesitant answer, but a fair answer. How do we enforce a better set of housekeeping rules? Because that's really what that is pertaining to. That's the word I was looking for.

Steve Craig: Right. We have a set of housekeeping rules and I would say that Darwin and I, I am going to take part of the blame, have been a little bit lax in the past. I have talked to some of the people about cleaning it up because I don't want

people to come in say well, yeah, they live here because, you know, you can tell by the amount, you know, collection of stuff they have around their place. Some people that's been there for a long time you can't tell if they have been there for a day or for a month because it doesn't look like that, but I would have to say that it was Darwin and I's fault, but we do have it on the agenda to take care of that.

Commissioner Jerrel: By take care of it you mean you would enforce it and if you indicate that to them and they didn't do it they would be asked to leave?

Steve Craig: That's correct.

Commissioner Jerrel: Okay, so have we worked this to...you want to say again what you said?

Commissioner Tuley: This is all done with the understanding of what the discussion was right there that those that are permanent abide by the rules that are in place existing, I assume, existing in place and everybody knows about it even though it may not have been enforced. It will have to be enforced. We're not talking about...in my mind I'm not talking about bicycles and things because those are typical things I would see on a trailer on a weekend that people are going to take with them and lawn chairs and stuff, but, obviously, you've been there, you've been there--

Commissioner Jerrel: Clutter.

Commissioner Tuley: These people live there and are out there. We know what we're talking about. We're talking about the things that look like a permanent residents. I'm sorry that I don't want it to look like a permanent residence either. I want people to pull in there and know that is a campground and not a trailer park. I would be willing to move then at this time as far as the length of stay and then we'll go on to the next issue, is that one row with a maximum of five sites be allowed for these, I'm going to call them permanent because that's the term we've been using, and then the remaining part of that row and one other row be left for up to six months and then the rest of them will be dedicated for everything less than six months.

Commissioner Jerrel: I'll second that.

President Mourdock: Okay, a motion and second. So ordered, so we have permanent in one row of no more than five and all other spots are open for a period of six months.

Commissioner Tuley: No.

President Mourdock: I'm sorry.

Commissioner Tuley: In that one row you mean? In the remaining part of that row plus another row set aside for up to six months.

President Mourdock: Oh, okay. A half a row plus one row for six months.

Commissioner Tuley: Up to six months.

President Mourdock: Everyone less than six months is in the other spots.

Commissioner Tuley: The other three remaining.

President Mourdock: Okay, so that's clarified.

Commissioner Tuley: Does that sound reasonable?

Steve Craig: Very reasonable.

Commissioner Tuley: Now comes the fun part.

Commissioner Jerrel: I'm just going to move approval of the previously submitted rates and make them effective September 1st.

President Mourdock: There is a motion.

Commissioner Tuley: Oh, boy. Let's talk before we go to a motion then if you don't mind.

Commissioner Jerrel: You don't have to second it. You can just talk.

President Mourdock: Certainly she can withdraw the motion if she is so inclined. Let me go back to my question of a moment ago which was with those folks that we say are going to be there now on an unlimited stay basis we heard the comment of \$125 to \$140 dollars a month roughly for other trailer parks in the area that does not include electricity. The rates that we're looking at in the June 24, 1997 memo from well, from this group based on what the Advisory Board did, is saying off season rates of \$225 a month and seasonal rates...well, we didn't have a seasonal rate because of the way this was drafted.

Commissioner Tuley: Let me--

President Mourdock: Sure.

Commissioner Tuley: Just so everybody understands where I am coming from. It's not the rates I am questioning. I don't disagree with the recommended rates. I would like to just see them implemented November 1st as the recommendation of the Advisory Board. That's all. I have no question about that just so everybody understands where I am coming from.

President Mourdock: Okay.

Commissioner Tuley: We need to raise the rates. There is no question.

President Mourdock: Okay, and the rates that were proposed you are comfortable with?

Commissioner Tuley: Yeah, I don't have a problem with that.

Commissioner Jerrel: You say--

Commissioner Tuley: Basically, I just asked that we follow the recommendation of the Advisory Board and implement the new rates effective November 1.

President Mourdock: Instead of September 1.

Commissioner Tuley: Yeah, I'm not questioning the rates, Bettye.

Commissioner Jerrel: Alright. I'll amend my motion to November 1.

Commissioner Tuley: I'll second that motion.

President Mourdock: Okay. A motion and a second. So ordered. The new rates go into effect November 1st as issued in the letter of June 24, 1997 by this Board. Is there any other issues on this subject?

Elizabeth Sowa: Could I ask for clarification?

President Mourdock: Sure.

Elizabeth Sowa: The off season rates that's going to be the year round rate (inaudible comments not made at mike) \$225 is for sites without sewer hookups.

President Mourdock: Yeah, you're right. Yes, the \$250 is the year round rate.

Commissioner Tuley: From November 1 to March 31, right?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: Yeah.

Commissioner Jerrel: That's year round though--

President Mourdock: Year round--

Commissioner Jerrel: --for the permanent ones.

Commissioner Tuley: Right. Okay, I see why there was a question on it now.

President Mourdock: Okay, any other old business before the Board this evening?

Commissioner Tuley: Not from me.

**New business**

President Mourdock: New business? Just one new business item. Starting in about 15 seconds out in Darmstadt there is a meeting this evening on the Azteca situation.

Commissioner Tuley: Oh, there is?

President Mourdock: I'm hopefully going out there to hear what is going on with that.

Commissioner Tuley: Who are? The people from Azteca and you?

President Mourdock: No, it's people from the surrounding area.

Commissioner Tuley: The residents?

President Mourdock: Yes, that's what I understand. We'll hear more of that I'm sure. Is there a motion for adjournment?

Commissioner Tuley: Sure is.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: The effective time is 7:00, so ordered.

The meeting was adjourned at 7:00 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
John Stoll  
Rick Dickinson  
Steve Craig  
Alvin Holder  
J.B. Foster  
Brad Weisheit  
Joe Profaizer  
David Byrne  
Steve Woodall  
Frank Cook  
Elizabeth Sowa  
Ron Sowa  
Ron Sayne  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
August 11, 1997**

The Vanderburgh County Board of Commissioners met in session this 11th day of August in the Commissioners' Hearing Room of the Civic Center Complex at 5:49 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting of the August 11, 1997 Vanderburgh County Commission to order. At the far right end of the table tonight is...at the far, far right is Tony Greubel who is our Administrative Assistant; and then we have Lynn Ellis, Superintendent of County Buildings; Joe Harrison, Jr., County Attorney; Pat Tuley, County Commissioner; Bettye Lou Jerrel, County Commissioner; County Auditor, Suzanne Crouch; and Charlene Timmons, who is our official Recording Secretary. If you are not familiar with our meetings, I think most of you probably are, but we have agenda for this meeting over on the far table. If you wish to speak to the Commission, because all of our notes are done verbatim, we ask you to come to the microphone state your name and address. So, having all those formalities out of the way, if you would, please join me for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: The first item on our agenda this evening is the approval of minutes from last week which was August 4, 1997. Those were in your packet.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Mr. Chairman?

President Mourdock: Sure.

Commissioner Jerrel: Could I just make a real quick little remark?

President Mourdock: Sure.

Commissioner Jerrel: It will be quick. You know, this week and next week are the beginning of the budgets and they do verbatim minutes and they run three or four hours a day. The Auditor is seeking help and I'm particularly now speaking on behalf of Charlene. She is going to be transcribing those hours of minutes every day so they are ready the next day, so if we could move in a prudent manner without many words tonight it would help her immensely. She didn't ask me to do that, I just think it would be very helpful.

Commissioner Mourdock: Okay, from here on we'll move quickly and leave out the adverbs and adjectives and cut right to the heart of it! We just approved minutes.

**Alvin Holder - City/County Purchasing**

President Mourdock: The second...or first item on our agenda, depending which one I am looking at, I've got Alvin Holder with City/County Purchasing.

Alvin Holder: Okay. My name is Alvin Holder, Purchasing Supervisor. The first item I would like to bring before you is a bid for uniforms and related items. This is an annual price agreement. We had four vendors bid and we advertised it in the newspaper. I think you each have the bid summary. My recommendation is for all city/county purchased uniforms, which includes Police, Fire, Sheriff, METS drivers and Weights and Measures, to go to Siegel's Uniform and all city/county rental and leased uniforms to Mechanics Laundry. This is just an additional annual price agreement. The agreement represents about a \$1,400 savings on the purchased uniform side and about \$4,000 on the rental and leased side. The reason for that basically is we continue to be more successful in putting all of our business in together combining it and then negotiating with larger volume. My recommendation would be for Siegel's to get all purchased uniform business and for Mechanics Laundry to get all leased and rental business.

Commissioner Jerrel: I would like to move approval of Siegel's Uniform for all city/county, METS, Weights and Measures, Sheriff, Fire Department, Police Department purchased uniforms and Mechanics Laundry for all rental and leased uniforms.

Commissioner Tuley: Second.

President Mourdock: So ordered. I understand you have another issue with dump trucks.

Alvin Holder: Yes. I would like to ask permission to delay the dump trucks for another week. We're still going over some of the specifications.

Commissioner Jerrel: Okay, I move that we delay the dump truck for one week.

Commissioner Tuley: I'm sorry. Second.

President Mourdock: So ordered.

Alvin Holder: That's all I have. Thank you.

President Mourdock: Thank you, Alvin.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Mike Shoulders with an update on the auditorium.

Mike Shoulders: Thank you. I'm Mike Shoulders, President of Veazey Parrott & Shoulders working on the Vanderburgh Auditorium project. Tonight, Commissioners, we would like to fill you in on some technical information that may have bearing on the naming of the facility and update you on certain issues that

we've been exploring in the design office that might have an impact on the name. What we've been doing is trying to understand how pedestrians and visitors and those who may be unfamiliar with the facility who are coming to it for the first time would find their way to specific venues or meetings or activities. We want you to keep in mind that there are sort of three major components in this facility and there may be separate ticketing. There may be ticketing of a function that a person can only enter through one particular door such as there for a function in the auditorium. We're taking a look at that. We're taking a look at the graphic implications and how the signage will present itself actually on the building. We would like to show you some of the graphic work that we've been doing all the way down to suggestions and examples of how tickets might look and so forth. Keep in mind that we feel in looking at this that the name should be quite simple and very descriptive. We feel that the names that have been discussed to date are viable names and we've got a recommendation for you that is sort of a hybrid version of those. Before we go into that, Mike Buente and Charline Buente, from my office, have been looking at the graphics and the way finding and pathfinding. I would like for Mike to get into a little more detail on those issues. Mike.

Michael Buente: Mike Buente with Veazey Parrott & Shoulders. I'm not going to go into a lot of detail on the actual graphics or way finding other than the fact that as Mike indicated we've set up the building as it has evolved. As you'll recall, originally the green field site had the auditorium separate from the convention parts. The way it evolved is the auditorium, or theater as we have referred to it at some point in time, is in the middle. This causes some problems, but at the same time it creates some activity in this building that might not otherwise happen. When we subdivide the building we still will have from the outside an appearance of an occupied, busy complex. While talking with Steve Utley about how you might manage and run this building from a practical standpoint, security, cleaning and so forth, the subject came up of being able to subdivide the building. To actually close off, say, the auditorium and the ballroom and meeting room area and just allow a Gun and Knife Show or a Patio Show that might happen down here just to enter and go into that space. Likewise, you may have a similar situation in the ballroom. You may have an evening event, a prom or some sort of event, up in that area where you would not necessarily need to have them come in the entire building. My concern with that was that we still don't want to sacrifice the convenience of getting into the building out of inclement weather when you have an event. Since we don't have parking garages and enclosed walkways or tunnels everywhere that is also a concern. We've got a series of divider doors where this can occur. As we were developing the signage and the identification of the various spaces to put on the signage, we've basically stuck with similar names that we've got here. We've got the space called exhibit halls, we've got the auditorium space, we've got the ballroom and the meeting rooms. Those are all names that we used in the program. They're consistent with what people would expect to see in a convention center of this type. Now, the only problem we have with the name which has to work both ways is the auditorium. Auditoriums are in a convention center context more of a place where you can hold a lecture or

a meeting of that type. That may apply to what we've got there now across the street, but when we're completed with renovations it is going to be much more than just an auditorium. That needs to be marketed as a separate entity as well for road shows and performing arts type of events. Do you recall back when we did the initial concept drawings when HOK was with us consulting? Mr. Eric Anderson referred to this complex really being a city center because of its location, because of its proximity to a lot of things happening right here in the heart of downtown, the central business district. That was a term he used as an outsider looking at this facility. It sort of stuck in some of the renderings that he did early and it also stuck in the rendering that you see that we did. It stuck not so much as a name that we thought we needed as much as a graphic. If you'll notice in this elevation we've got a lot of vertical and horizontal planes. That is purposefully done. It carries...that same theme of these play of horizontals and verticals is carried out throughout the detailing and the design of the building. When you go into the completed complex you'll see that same theme carried out in light fixtures, patterns in floors, beams, columns, intersections and so forth. The one thing that we felt when we were looking at the overall composition because the scale of the building is very large, two blocks, is that we have this tall atrium element. You'll notice there is a large flag type vertical element there. Well, as we went through cost estimates and after we got beyond schematic design we felt that was an element that we needed to cut out. That doesn't mean something still wasn't required there, so we looked at the practicality of having a flag there, the structural practicality of having that wind load up on that tower, and we decided that was not something that we really wanted to do. We've sort of been postponing what this element should be, but as you see this composition is in the center of the building. It's a very strong composition which I think could be the vocal point of any kind of graphic symbolism that may develop in marketing strategies. To give an example of what might develop there, I've got some physical examples that we just did today. It hasn't had a lot of thought put into it, but if you remember the stadium project there are four corners, entry corner points. The actual symbol of that was or a simplistic form of that was created and you see it on their marketing data. If you get a ticket, an Aces ticket or other events that are not Ticketmaster, you will see that symbol used. It occurs on the signage pylons. We see that a similar type of thing could happen to this. Mike mentioned that we had a proposed name. The name that we propose...we have like two names. One a proper name and one sort of a nickname. The proper name we thought would be something like Evansville Convention and Performing Arts Center. It could also be Vanderburgh Convention and Performing Arts Center. The reason we like that as a proper name is that Evansville, obviously, tells you where it is at immediately. You don't have to put Evansville, Indiana somewhere at the bottom at the end of the name to tell people where it is at. Convention, the name we like because that sort of gives us a prominence that it's a big enough complex to be called a convention center. We've got that name attached to the building now, but really is not a convention center. Performing Arts, we thought was important because that part of the building needs to be marketed separately. It will be a fine facility, I think, probably

comparable to I think it's the Kentucky Center of the Arts over in Louisville if anyone has been there. I don't think it's going to have necessarily the same expense in some of the finishes, but I think what we've tried to do architecturally is to make it look expensive with inexpensive materials, so it is going to have that sort of ambiance as you come in the atrium and you go into the theater. We thought that was important to have. We thought that name was too long though. We've looked at other convention centers and the more successful ones seem to be the short to the point names. We thought the word, the nickname The Center, again, going with the fact that it is in the center of the building, it's in the center of the city as a nickname you can attach various parts of the building. Say you've got an event happening at The Center Auditorium or The Center Exhibit Hall. An example of what we are trying to do vertically as a substitute for the large development for the flag is to do something with a horizontal and vertical composition which might also have lighting associated with it. On this tall vertical entry here. You might carry that form in other venues in marketing data. Here we've shown various ticket stubs that might occur. This one is with The Center as the column element in it and what space that may be occurring in. Here is another more playful type design that still picks up on this as a design theme. (Inaudible comments made away from mike.) I've got a reduction of that if you want to pass that around. We think that would work well with our way finding and signage. We looked at some of the names that were proposed. Some of them are more successful than others. I think the name that we propose sort of meets all the criteria that we would like to see.

President Mourdock: Let me ask you a question, if I may, Mike? Either Mike. As I think you've heard, there has been some interest in some sponsorship, if you will, from a corporation. Certainly this facility we are not so naive as to think that it's going to be a profit making venture for the county. We will consistently have a deficit and we've had discussions and there is at least some interest from the corporate side to help us handle the underwriting of that deficit with the use of a name. In either of the two examples that you've given, do you see much possibility of doing that by sticking a corporate name in there?

Michael Buente: It depends on if it's a short name, I guess.

Mike Shoulders: If it were a one name sponsor we could say the something center. The Evansville Convention and Performing Arts Center as the subtitle. In other words, what we're proposing, I think, is in the literature, in the official contracts that are drawn and in all of that we have the name of the Evansville Convention and Performing Arts Center. We think both elements are important. It is kind of a stigma for a performing arts hall to be a subset of a convention center, so we feel equal weight. But to answer your question, I think with this concept the whatever you can think of center would work very well.

Michael Buente: I visited one last week, Times Union Center. It was unwritten by the local newspaper. That can work.

President Mourdock: Where was that?

Michael Buente: Jacksonville. They have a separate convention center several blocks away.

Commissioner Jerrel: I was just going to say this, you know, you've just brought this to us and really the reason we entered into the discussion of names anyway is because you said we should have it by the 28th of July and you guys are just now coming up with some. Let us take these names and these suggestions under advisement if we may because, you know, everyone else went out to check out names and now, you know, you've had another go at everything so let us have an opportunity.

Michael Buente: I can't speak for Mike, but I wasn't aware that there was some interest in the--

President Mourdock: Oh, yeah.

Commissioner Jerrel: We've been talking about that at every meeting.

Michael Buente: He's been in Florida for several weeks.

Commissioner Jerrel: Oh, okay.

President Mourdock: Checking out Times, whatever...Central or Union--

Michael Buente: I did take a tour. I met with the manager. I worked my way in and got a private tour and looked at some things that reassured us that we're doing the right thing and saw some mistakes that they made.

President Mourdock: Okay.

Lynn Ellis: Jacksonville has more money than Evansville does.

President Mourdock: Dolli, did you have comments to make in this regard? I suspect this is your interest of the evening.

Dolli Kight: Dolli Kight from the Evansville Convention & Visitors Bureau. My only comment is to urge a quick decision on the name so we can get the marketing materials out. I've also brought with me a list of nine conventions that are considering Evansville and the dates that they are bidding right around the corner. The marketing materials and the rates are something that we need.

Commissioner Jerrel: Dolli, what's your phone number?

Dolli Kight: It's 421-2200.

Commissioner Jerrel: Okay, we'll give you a call before this week is over with.

Dolli Kight: I would like to leave these group names with you.

President Mourdock: Sure.

Commissioner Jerrel: Because whether we have a name on the wall

or we have a name for your nine conventions, you know, as long as we have something for you to go with right now.

Dolli Kight: Right. I'll leave these.

President Mourdock: Just to put a footnote on the discussion regarding the commercial side of this and why we see it as important, I fear saying this in public for number one, it will sound like it's a fixed done deal and clearly it is not that and number two, the number could change, but we've talked about something like underwriting a \$500,000 a year deficit each year for ten years, so if somebody were to write us out a check for \$5,000,000 might we give them the consideration of letting our building have their name--

Commissioner Jerrel: We could call it the Evansville Convention Center and da, da, da Performing Arts.

Mike Shoulders: That kind of throws a whole new light on it.

President Mourdock: Five million dollars has a way of doing that, yeah.

Mike Shoulders: Five million does.

President Mourdock: However, for \$4,000,000 we could call it the Veazey Parrott & Shoulders!!

Michael Buente: Can I ask you something again?

President Mourdock: Sure.

Michael Buente: I did have a conversation with our theater consultant today and we had him down here once before so he has been aware of this whole naming issue and he mentioned that was a possibility too. He sees short names being the most...if you don't make it a short name the first marketing person or the first manager that you've got is going to shorten it or find a way to shorten it and it may not be something you want. If you do make it so it is underwritten and that can change, that the name has to have some consistency that the name could change and not have to go through and do all your signage all over again.

President Mourdock: Uh-huh.

Commissioner Jerrel: Right.

Michael Buente: Or re-teach everybody what the building is.

President Mourdock: Right.

Michael Buente: We don't really need to know this to go out for bids. We can do it now or we can do it later. It's just if it was something that we could know we could develop the drawings and put it out with the bid documents. The signage in the building does not have any icons or names of the complex. They are more just way findings, so if the name of the building changed before it was opened or, you know, five or ten years later it wouldn't make any difference the way we've got it set up.

President Mourdock: Okay, and you just mentioned going out to bids. Before we close the discussion on the auditorium here, where are we in getting the bids out?

Mike Shoulders: We were scheduled to go out in the document that I had prepared for you, we were scheduled to go out for bids on...let me think. Right towards the end of September. We are...well, not on that document, but the written...the detailed data we are approximately two weeks behind that. There are two of my local consultants who are about two weeks behind. We're warning them not to be any more than two weeks behind, so we will be moving the bid date. I talked with Steve Utley today. We're moving it back two weeks from what we had reported to you.

President Mourdock: What is now the bid date?

Mike Shoulders: We're going out for advertisements on September 15th and the second legal ad is September 22nd and then bids will be in hand October 14th.

Commissioner Jerrel: How much later is that than the original?

President Mourdock: Well, I'm not sure this is the original, but at one point on this one it was July 7th.

Mike Shoulders: Yeah, that's several months.

President Mourdock: Yeah. By having the bids in on October 14, what does that do to us at the other end of the project?

Mike Shoulders: Well, you know in discussing this with cost estimators and scheduling personnel we, as we have reported to you, still on our guesstimate or estimate about a 21 month construction period, so we had some lag time built into that. We're still...what we're saying is all schedules that have been submitted from day one we're still on the completion date of the building without any problem as we see it.

President Mourdock: Okay, yeah. Just my recollection and these won't be your exact words, but a couple of weeks ago when we talked about that you said, in fact, the night that Danny Spindler was here, that having a fixed date would help you with your bid process.

Mike Shoulders: Right.

President Mourdock: Having a fixed date for people using the facility, so obviously you just heard Dolli say we've got nine that are listed here that want to be here, so we don't want that end date to move.

Mike Shoulders: Right.

President Mourdock: Other questions for Mike? Okay.

Mike Shoulders: Thank you.

President Mourdock: Did you have something else? I see another thing there.

Mike Shoulders: No, this was just for illustration. Thank you.

President Mourdock: Alright, thank you.

**Mike Robling - Department of Metropolitan Development**

President Mourdock: Next on our agenda, is Mike Robling...yeah, he's here. Hi, Mike.

Mike Robling: I was hidden. Mike Robling, Department of Metropolitan Development. My first item is a resolution approving or your first try at it the declaratory resolution and Area Plan Commission approving order for the Phoenix Commerce Center Economic Development Area. After this the Commission will have...the Redevelopment Commission will advertise and hold a public hearing after which they will adopt a confirming resolution and initiate the bond financing process and then this will have to come back to the Board of Commissioners for final approval at some later date.

Commissioner Jerrel: Okay, so this evening we need to approve a resolution, correct?

Mike Robling: Right.

Commissioner Jerrel: Okay, I would like to move approval of a resolution approving certain matters in connection with the establishment of the Phoenix Commerce Center Economic Development Area.

Commissioner Tuley: Second.

Commissioner Jerrel: Now, do I need to read each of these? Can I give them to you for the record? Okay.

Mike Robling: Joe has clean copies.

Commissioner Jerrel: Okay, alright. Pat, did you...

Commissioner Tuley: I seconded.

Commissioner Jerrel: Okay, so ordered.

Mike Robling: Joe has another matter concerning the Phoenix Commerce Center. Do you want to deal with that right now?

Joe Harrison, Jr.: Yeah, there is another matter that needs to be considered in connection with that. It's a project agreement between the Vanderburgh County Redevelopment District which includes the county and the Redevelopment Commission and Ziegler Property Development Company setting forth the terms of the improvements and other information regarding the TIF bonds that will have to be financed or used to finance the project. Again, it will have to also be signed by the Redevelopment Commission at a later date.

Commissioner Jerrel: I need my papers back for my motion. I would like to move approval of the project agreement that will be entered into with the Vanderburgh County Redevelopment District and Ziegler Property Development Company.

Commissioner Tuley: Second.

Commissioner Jerrel: So ordered.

Mike Robling: The next item I have is approval of a resolution authorizing the submittal of a Home Investment Fund application to the Indiana Housing Finance Authority. This application is essentially with the Flood Mitigation Program which we discussed on July 14th. It appears that we may have about ten households that will qualify for the program.

President Mourdock: Joe, did you have a question? I thought I saw you starting to react with a question.

Joe Harrison, Jr.: No, I'm sorry. The notice that you made reference to was related to the Redevelopment Commission only, so they don't have to act upon that. Is that correct?

Mike Robling: Right.

Joe Harrison, Jr.: Okay.

President Mourdock: We don't have to act or they don't have to act?

Joe Harrison, Jr.: We don't.

President Mourdock: Alright, thank you. The third item on your list then, Mike.

Mike Robling: Okay, well there is a resolution I would like you to adopt for the Flood Mitigation application.

Joe Harrison, Jr.: Yeah, and that is something different. I'm sorry, I interrupted on something else.

President Mourdock: Alright.

Commissioner Jerrel: He has my flood mitigation...I would like to move approval of the resolution authorizing the submittal of home investment fund. Is that it?

Mike Robling: Right, that's it.

Joe Harrison, Jr.: This isn't Phoenix.

Commissioner Tuley: This isn't Phoenix at all.

Commissioner Jerrel: Yeah, I'm making a motion.

President Mourdock: Right.

Commissioner Jerrel: Alright, for the home investment application to the Indiana Housing Finance. We know what we're doing!

President Mourdock: Yeah, we know what we're doing. Is there a second.

Commissioner Tuley: At least this time! Second.

President Mourdock: So ordered. The third resolution?

Mike Robling: The third resolution is a resolution concerning the acquisition of easements for the Daylight Sanitary Sewer. On July 14th you adopted a set of offering prices. As I was preparing those offers I realized one of those was totally miscalculated--

Commissioner Jerrel: I noticed!

Mike Robling: --and would like for you to approve the revised price for Lin-Gas correcting it from \$7,710.10 to the correct amount which should be \$1,927.53 and also approving an increase in the offer to William Young from \$1,067.20 to \$1,127.63.

Commissioner Jerrel: I would like to move approval of Lin-Gas offering for their easement to \$1,927.53 and a corrected amount for William J. Young property of \$1,127.63.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Mike Robling: Thank you.

**Indiana Industrial Development Grant Fund Agreement - Replas**

President Mourdock: Okay, thank's Mike. You might want to hang around for one second just to make sure that this next subject we're clear on and that is Joe Harrison, Jr. had some paperwork on the Indiana Development Grant Fund Agreement for the Replas project.

Joe Harrison, Jr.: I've reviewed the grant application or the grant agreement between the State of Indiana and Vanderburgh County concerning the infrastructure improvements to be made out at the Replas area for the improvements relating to that incentive package. The state has indicated that they will pay either \$100,000 or 22% of the infrastructure project cost whichever is less. Concerning the projects and the items that will be paid for are for the most part set forth on Exhibit A. Project infrastructure improvements include the reconstruction of approximately 850 feet of existing frontage road on Replas property to meet Vanderburgh County road standards and construction of a 2000 foot railroad siding to serve Replas facility among other things. The agreement looks fine. It will also have to be signed by the State of Indiana and then some other agencies as well.

Commissioner Jerrel: I would like to move approval of entering into the grant application with the Indiana Department of Commerce for the Industrial Development Infrastructure Grant for Replas.

Commissioner Tuley: Second.

President Mourdock: So ordered. Lynn, would you please draft a letter to Kirk Wright, whose address is in there, and let him know that this Board so acted this evening. Did you have any additional comments on that one? I know you've been working on

it.

Mike Robling: It's a very standard contract.

President Mourdock: Right. Alright, thank you. I appreciate you hanging around.

**Welfare to Work Gatekeeper recommendations**

President Mourdock: The next item on our agenda, we have in our packets a letter dated July 31st that we need to enter into the record from Philip Lieberman & Associates regarding the Vanderburgh County Initiative Based Assistance Program Gatekeeper. There were several items that were unresolved in the actions that we had previously taken and I should add deliberately unresolved because we needed a little flexibility. They have reviewed with the task force, the Welfare to Work Council Task Force, some specific recommendations on measures of successful outcome, client choice and vendor versus costs for those services, establishing income eligibility guidelines as allowed by the IBAP Gatekeeper Ordinance. Establishing budget expenditure caps for transportation, safety net, child care, if desired, like employment/job training cap of \$2,500 lifetime during a six month service limit. Discussed and project fund/service set aside for the approximate 65 employ-ment/job training clients etc. and reviewing child care. That was in your packet earlier in the week. I don't know if you are ready to act with it. I have read through it and sat through part of that meeting and personally I am comfortable with it.

Commissioner Jerrel: I'm comfortable in making the motion to approve the finalized recommendations for child care, employment/job training, transportation, the safety net as well as the...well, I mentioned child care, that has been present to us and I'll give her my copy for the record.

President Mourdock: Okay, alright. So your motion is to accept all the items in the July 31--

Commissioner Jerrel: Yes, all the items as presented.

Commissioner Tuley: I'll second.

President Mourdock: Okay, and I will say so ordered.

**Evansville Bicycle Club - Waiver of fees for Shelter 18 at Burdette Park**

President Mourdock: Next in our packet we have a request from the Evansville Bike Club regarding waiver of fees for a shelter house at Burdette Park.

Commissioner Jerrel: I would like to move approval of the Great Pumpkin Metric Bicycle Tour's request in October. It's a good group. People that ride enjoy it.

President Mourdock: As an avid bicycler you know the Great Pumpkin well?

Commissioner Jerrel: Yes, I know the hills!

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### **ECHO Health Center - Request Burdette chalet donation**

President Mourdock: We also have a request from the ECHO Health Center for a one night stay at Burdette. Well, I can't get my notes correctly, but at Burdette, one of the chalets.

Commissioner Jerrel: I would like to move approval of the request for the ECHO volunteer group to have the night at the chalet that they have presented a request for.

Commissioner Tuley: Okay, second.

President Mourdock: So ordered.

#### **MSE Contract for GIS Cost/Benefit Study**

President Mourdock: We have in our packets from EMA approval of a contract between MSE and the county for GIS Cost/Benefit Study.

Charlie Thomas: I'm Charlie Thomas from Evansville Water & Sewer Utility. I trust you all are somewhat familiar with this project in that we're entering into a joint city/county contract with MSE to do a GIS feasibility, that's Geographic Information System, study mutually funded \$35,000 each by city and county for a total of \$70,000 for the study. What this involves briefly is a series of interviews with all of the various city and county agencies and departments, particularly the ones that do any mapping activities. GIS is a mechanism to help us to interact better and to operate more efficiently amongst ourselves and to reduce an awful lot of redundancy where different departments are basically redoing a lot of the same things and shuffling papers and bringing everything up electronically. I could say a lot more about the details of the study. I would like to introduce Jim Sparks from MSE who is here and available to answer any questions, but rather than talk and make a lot of transcribing necessary, I would be glad to answer any questions, otherwise I would request approval.

Commissioner Jerrel: I just have one comment to make. You know, we're trying to budget so the study is what we...and we've already paid for the study.

Charlie Thomas: Yes, ma'am, and we do appreciate that. I had no idea that we had already been paid.

Commissioner Jerrel: That's alright. I wanted you to know we are not going to pay for it again!

Charlie Thomas: We really do appreciate that.

Commissioner Jerrel: That doesn't mean that we're saying to you we want to fund this next year because we are embarking on a rather significant computerization and software of the court, so I just want to make that clear. We don't want to come up with

any two point something million dollar program when we are not going to do it right now.

Charlie Thomas: We understand that entirely. Our target is to complete this study during this calendar year in the October/November time frame to put together presentations for you all as well as the County Council and the City Council to show them basically the results of the study. If all of our guessing is right, once the scientific work is done you will see a very rapid payback of whatever investment may become, but, no, all of this hopefully will be addressed in the next budget cycle if it is addressed at all, but right now all we're doing is the study and saying is it feasible to continue to look at the GIS possibility for both the city and county.

Commissioner Jerrel: Well, I so move since we've paid for it. We want you to get on with it.

Charlie Thomas: We would love to, believe me.

Commissioner Jerrel: Okay.

Commissioner Tuley: Second.

President Mourdock: I'll say so ordered. I understand that you need to take these?

Charlie Thomas: I would like to if possible because I am taking them to the Utility Board tomorrow. Thank you.

President Mourdock: Thank you, Charlie. Give us a momentary pause here while we sign these.

**Clark Field - Mediation Center of Evansville**

President Mourdock: Okay, returning to our agenda, next we have Mr. Clark Field with a presentation on the Mediation Center of Evansville.

Clark Field: Yes, I am Clark Field with the Mediation Center of Evansville, 817 Ravenswood and I'll be brief. I left a packet for you all today with some background information and you probably haven't had time to really look at it much, but the reason the Mediation Center would like to do some training for county personnel and the reasons can be, I think, condensed to two. One would be that with increased training personnel can be more productive and have a higher morale and be more sensitive to their customers. The second would be prevention which is a catch word in the quality movement. In TQM they talk a lot about prevention and I don't think anybody would vote against quality for county personnel. I've been 14 years working in this building and I guess...I don't think I'm paranoid, but sometimes I do get a little concerned about irate taxpayers and residents that come here for various reasons into this building.

President Mourdock: Zoning meetings is one example!

Clark Field: So I think in terms of prevention kind of selfishly, but last year for instance when the Assessors, the Township and County Assessors were getting a number of

complaints from irate property owners they asked us to do some training for their personnel and judging from the evaluations it was highly productive. I just remember one time when I was complaining to one of the offices here, I won't mention who, in this building, but I had a complaint and all I wanted to do was be heard. Actually, I knew I had to give in, but I wanted to be heard first and the person who was in charge, who is still unnamed, wanted to argue with me, but there was no need to argue. All I wanted that person to do was listen to me and be polite and I would have been happy, you know. So anyway, like I said, I'm not going to take a lot of time, but I have just completed those two manuals over there that have to do with creative problem solving. Buffalo, the group from Buffalo, New York, came down to Indiana State University and trained a bunch of us here in the state with a terrific process called Creative Problem Solving.

President Mourdock: Is that the Simplex System?

Clark Field: No, no. It may be similar.

President Mourdock: Divergence, convergence?

Clark Field: Yeah.

President Mourdock: Okay, been there.

Clark Field: Another name maybe. A lot of words, yeah, but anyway there is a lot to be learned from it.

President Mourdock: Indeed there is.

Clark Field: Do you have any questions?

President Mourdock: Okay, any questions for Mr. Field?

Commissioner Tuley: No.

President Mourdock: Yeah, thank you and we did just get the packet when we walked in.

Clark Field: Thanks.

**Westwood Hills Subdivision - Award bid for street repairs**

President Mourdock: John Stoll, update on Westwood Hills. While you are walking to the microphone I know Mr. Walther was here earlier in the day. Were you able to take care of his question?

John Stoll: Yes. He was asking about the status of the project and I told him that I had contacted Andy Easley, it's been a couple of weeks ago, and told him to submit the plans and specs to the Sewer Department for their final review and approval and I told him I had not talked to Easley again since I had talked to him on the phone, so I will check up on it and get back with him.

President Mourdock: Okay.

John Stoll: On the Westwood Hills project I would like to

recommend that the contract be awarded to Crane Construction in the amount of \$146,050. That amount is different than what was originally shown on their bid. They had included some additional money on their bid for performance bond. They have since said that they will accept the contract at the actual bid price rather than the inflated price with the performance bond included in on top of some of their bid items.

President Mourdock: Were they the lowest bidder previously?

John Stoll: Yes, this hasn't changed the low bidder.

President Mourdock: Okay.

Joe Harrison, Jr.: They're even lower now.

President Mourdock: Right. I would have been concerned if it had been anything other than that.

Commissioner Jerrel: Do we need a motion to accept this?

President Mourdock: Yes.

Commissioner Jerrel: Okay, I would move acceptance of the Westwood Hills street repair contract with Crane Construction.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Permission to place HARN point at Sheriff's Training Center**

President Mourdock: The next item, we have a request from the County Surveyor's Office to place a HARN point at the Sheriff's Training Station. If my recollection is correct, HARN stands for High Accuracy...High Accuracy Resolution something?

Commissioner Tuley: Network.

President Mourdock: Network?

Commissioner Tuley: That's what it says.

President Mourdock: Okay. Do you know anything about this one, John, since I see no one here from the Surveyor's Office?

Commissioner Jerrel: Tony called, I believe, today and talked to Eric and Steve Woodall and at this point the Sheriff did not know anything about this, so I just said that if we made a tentative approval based upon the Sheriff's agreement and Eric and Steve said that would be fine. So I make a motion that we permit this with the Sheriff's agreement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The only other thing I was going to add to that was the packet of information that Tony gave me didn't identify exactly where this point would be set and my only concern would

have been if it could be set in a county ditch line. We didn't want it getting damaged if the county crews went out and did some work on it, so that is something I need to talk to the Surveyor's Office about as well.

Commissioner Jerrel: Here is the map. I don't know if that shows you anything.

John Stoll: The way the letter read it would be put somewhere in the 41½ foot area between the edge of the pavement and the building set back line, so I have a feeling it will probably be set where it won't be a problem, but that is just something that I needed to check on to make sure.

**Any group or individual wishing to address the Commission**

President Mourdock: Okay, don't leave the microphone, John. Seeing no group or individual wishing to speak to us tonight, unless a member of the press wishes to run to the microphone?

**John Stoll - County Engineer**

President Mourdock: Seeing none, John, you're back at it.

John Stoll: The first item I've got is a request for street plan approval for Ashley Place Subdivision. We've reviewed the street plans in my office and would recommend that they be approved. The streets will consist of asphalt streets with curb and gutter. After some changes, we do recommend that the plans be approved.

President Mourdock: Those changes are already incorporated?

John Stoll: Correct.

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item I've got is a sidewalk waiver request for Waterford Place Subdivision. This is a commercial subdivision located on Burkhardt Road between Columbia and Vogel Road. This subdivision, part of it is a replat of some previously platted lots and part of it is some new property that was not included in any previous subdivision plats. A sidewalk waiver was approved for this subdivision originally and now that they've replatted to include a greater area they are just requesting a sidewalk waiver be granted to the balance of what was not included on the original one. We recommend that the waiver be approved.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next, I've got street plans for that same subdivision. These street plans will consist of concrete streets with curb and gutter. The only unusual item, I guess, for lack of a better term to describe it, is the developer intends to eventually build it as a three lane cross-section, but he only wants to build two lanes initially because he would leave the western-most lane off of the road because he doesn't know how these lots would develop adjacent to that, so he doesn't want to go put in a bunch of curb and driveway approaches and then turn around and rip it out again once the property is developed. Since he is proposing to do it that way he is going to need to make it so it's a privately maintained street until such time he does finish the street out. So with the condition that it be privately maintained until the third lane is completed, I would recommend that the street plans be approved.

Commissioner Jerrel: Okay, I move approval with the caveat that he takes care of it until the other lane is added.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: We'll just make them record a maintenance restriction that will assign the maintenance to one or more of the lots, so that way we'll make sure that somebody will be responsible. The next item, I would like to recommend that the rehab of the Oak Hill Road Bridge be awarded to Gohmann Construction for the amount of \$583,753. They were the low bidder on the project and now that the money has been transferred, we've got enough in the account to cover the contract cost.

Commissioner Jerrel: Is that about what you thought it would be?

John Stoll: That is over what the consultant's estimate was. It was approximately \$100,000 over the consultant's estimate.

Commissioner Jerrel: What consultant was that? Was that Armstrong?

John Stoll: That was Floyd Burroughs & Associates.

Commissioner Jerrel: Floyd Burroughs. Okay.

John Stoll: The two items that they really underestimated badly were the sandblasting and painting of the beams and the removal of the existing structure. On every bridge that has involved sandblasting and painting of bridge beams, everyone that has been since I've been here, the consultant has significantly underestimated the cost of that item.

President Mourdock: That is the work that Armstrong would do now on this next one coming up right?

John Stoll: Pardon?

President Mourdock: That is the same work as far as estimating that Armstrong would do coming up based on our action--

Commissioner Tuley: No.

President Mourdock: Not Armstrong, I'm sorry. Never mind.

Commissioner Jerrel: Beam?

President Mourdock: Beam Longest & Neff, yeah?

John Stoll: No, they would just recommend what work needs to be done and then a consultant would be hired--

President Mourdock: Wouldn't actually do the cost estimate?

Commissioner Tuley: Right.

John Stoll: Right. No, Armstrong had underestimated on the String-town Bridge substantially underneath what that painting and blast-ing item was as well, so it is just something we've seen on every one of them.

President Mourdock: Give them what they want to hear.

Commissioner Tuley: Yeah.

Commissioner Jerrel: I would like to move approval of the...I don't know the contractor's name.

John Stoll: Gohmann.

President Mourdock: Gohmann.

John Stoll: Gohmann, G-o-h-m-a-n-n.

Commissioner Jerrel: Gohmann in the amount of \$583,753.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item I've got is in regard to a request that Lynn had submitted to me about the potential signalization of the St. Joe and Allen's intersection. I don't know if that was forwarded to each of you or not, but we've received a request that a traffic signal be installed at that intersection due to accidents and the traffic counts that are out there. Periodically, even when I work at EUTS that intersection has off and on justified a signal and it was never installed. Now it looks like it has been, based on EUTS studies, warranted and it is staying warranted unlike in the past where the traffic or accidents fluctuated enough that it would or wouldn't be warranted depending on when you studied it. It looks like now it is warranted and in order to pursue the signalization we would need to hire a consultant to design the signal and then we would have to be coming up with the funds to install the signal as well.

Commissioner Jerrel: Why don't we look for the funds first. You tell me about what you think that's going to cost.

John Stoll: I spoke with Dave Savage today and he said through

his agreement with the City/County Traffic Department he does have rates established for the design of signals and he estimated it would probably be \$2,000 to \$5,000 for design and probably up to \$40,000 for the installation.

President Mourdock: Is that buying the signal or just installing the signal?

John Stoll: That's everything, buying and installing. He was proposing that maybe some of the poles that the city has stockpiled through removal of other signals that those could be used to help keep the cost down.

Commissioner Jerrel: Can he do the design?

John Stoll: Yes, that's what he was saying. It would be \$2,000 to \$5,000. He said he didn't know exactly where it would lie in that range because he has not really looked at it in that great of detail.

Commissioner Jerrel: Why don't we just have a proposal prepared and bring it back next week and look at it?

Joe Harrison, Jr.: As soon as possible.

Commissioner Jerrel: Yeah.

President Mourdock: That's fine with me. Pat?

Commissioner Tuley: That's fine.

John Stoll: Okay, I'll get in touch with Dave and see--

Lynn Ellis: Dave Savage is under contract to do the signalizations for the city, so--

President Mourdock: But that doesn't preclude him from doing it for us?

Lynn Ellis: No, absolutely not. He does all the ones for the city.

President Mourdock: Right. Okay, why don't we have a motion just to direct John.

Commissioner Jerrel: Okay, I move that you instruct Dave Savage to prepare a cost estimate so we can proceed and design.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all I have unless you have any questions?

Commissioner Tuley: Quick question for you. I think last week Richard asked you about Valerie and her numbers on Ward and you said it wouldn't be here this week because she was on vacation last week. Is next Monday night still our target?

John Stoll: Right.

Commissioner Tuley: Mr. Bell is getting to be as persistent as Mr. Moser.

Commissioner Jerrel: It would really be nice if we got that a little bit...if we got that Friday or on the weekend.

President Mourdock: Yes, good point.

Commissioner Jerrel: Will she be...I mean, will she be back?

John Stoll: She is back tomorrow.

Commissioner Jerrel: Okay, well, maybe we could have something so we can take a look at it before just starting because those meetings get kind of...I would like to know what I am talking about first.

John Stoll: Can we do like we did out on Radio and tell Mr. Bell that when he removes his pipe we'll do our work? Like we did out there on the bridge?

President Mourdock: The entire situation is so complex I will not strike out any possibility beforehand. Any alternative might come to pass. Okay, any other questions for John? I have one. Burkhardt Road. Where are we at? General status as far as design work?

John Stoll: The only remaining issue is the box culvert issue and Bettye Lou, Bob Brenner, Bill Jeffers and I met last week. Bill Jeffers is preparing a list of items that he wants addressed in conjunction with the installation of that box culvert and then the consultant can address those concerns and then we can proceed.

President Mourdock: Okay, any more information on the crossing for Cross Pointe? Anything new there?

John Stoll: The final plans, final signal plans, are supposed to be submitted to INDOT tomorrow by Bernardin Lochmueller and that is the only thing that INDOT is supposed to be waiting on for issuing their construction permit. They're not going to require a signal agreement now. There are a few other issues in regard to the change orders that we'll have going into the job that I wanted to talk to you about prior to bringing it back into the meeting for any awards, but we'll have a change order on construction plus potentially change orders for design fees that need to be addressed. Bill Jeffers has the drainage analysis and we need to get a final approval from him and the railroad agreement is supposed to be sent to me this week.

Commissioner Jerrel: Mr. Tuttle and I talked.

President Mourdock: Okay, so they were given a push in our direction?

Commissioner Jerrel: Yes.

President Mourdock: Okay, great. Okay, thank you John.

**Milton Hayden - County Garage**

President Mourdock: Milton, County Garage.

Milton Hayden: Milton Hayden, County Garage. You all do have your sheets?

President Mourdock: We do. We have the time sheets or the Highway Progress Report from August 1 through August 7.

Commissioner Jerrel: What's happening with our paving?

President Mourdock: Yeah.

Milton Hayden: Pardon?

President Mourdock: Where are we at paving-wise?

Milton Hayden: We're at Waterworks Road, second section. That's River Road. We should be through with that this week and then we'll move on to our third section.

President Mourdock: I did have in the report here as well or where did I see it? Both the paving and drainage reports as far as progress.

Milton Hayden: Yes, I had them both.

President Mourdock: Okay, those were submitted. As I recall, drainage...I'm sorry, paving-wise we were at 41% and drainage-wise we were at 50? Yeah, pretty close, 42% on county paving and I can't read the one up on top there.

Commissioner Jerrel: It looks like 50%.

President Mourdock: It's 51%. Okay.

Milton Hayden: And ditching.

President Mourdock: Ditching, right.

Commissioner Jerrel: Was your meeting a good meeting?

President Mourdock: Yeah, in fact it was a very good meeting. I was going to save it for new business, but with Milton here I will certainly bring it up. Just prior to this meeting we had a meeting that I think was very helpful regarding infrastructure development and it involved people from EA2, City Water Utility, the Highway Department, the Garage, SIGECO...I got to know. What's going on?

Charlene Timmons: Somebody's meeting is uglier than ours!

Suzanne Crouch: Half of them are already in.

Commissioner Jerrel: Oh, are they going to have...the Mayor is going to have a bad day! He had a bad day in the Solid Waste Meeting.

President Mourdock: I'm feeling better and better about our meeting folks!

Commissioner Jerrel: Let's get out of here before they get us!

Joe Harrison, Jr.: They don't need an attorney do they?

President Mourdock: I just saw people. I didn't see an ambulance! Okay, now back to business here. The meeting we had beforehand was about infrastructure out in the county and trying to get everybody working together a little bit and as a result of that meeting we formed a permanent working group, a permanent infrastructure working group, that will be meeting on the first...I'm sorry--

Milton Hayden: Second of every month.

President Mourdock: --second Monday of each month--

Commissioner Jerrel: That's good.

President Mourdock: --with one person from all the different infrastructure agencies out in the county. I think that's a very positive development. Everybody was seemingly very glad to be in one room talking at the same time which was quite a shock to me actually.

Milton Hayden: Well, it was for me also, but I'm glad we got a lot of things out.

President Mourdock: Yeah, and I know the meeting continued after I left.

Milton Hayden: Yes, it did. We discussed that we thought it would be best if one person would be there instead of two.

President Mourdock: Right.

Milton Hayden: I think that's...well, it's going to be a leeway for us to understand each and everyone's organization. I mean, we can get everything together that way.

Commissioner Jerrel: I think that's really...I would like to compliment Lynn. She got that started. I know, Richard, you guys were talking about it and Milton, good job.

President Mourdock: Lynn, if you would, please draft up a letter from the Commission and we can all sign it or I'll sign it just basically to each of those agencies stating that we are going to be meeting the second Monday of each month and also include the several groups that weren't there to make sure we get all those people having one representative at each meeting and if they can't be there for that given meeting making sure that they send a representative. Okay, any other questions for Milton? Thank you, Milton.

Milton Hayden: Thank you.

**Burdette Park**

President Mourdock: Okay, we have in our packet a report from Burdette Park on the activities of the crews out there. I guess tomorrow is probably...yeah, tomorrow is their last day for the

pool? School starts on the 13th.

Commissioner Tuley: Yes, yes.

President Mourdock: So things are starting to wrap up.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report.

Joe Harrison, Jr.: The only thing I have to add is with regard to Burkhardt. We're going to have to file a condemnation action for the Euler property and we'll be doing that hopefully this week. I'm working on it right now. I see where in the consent agenda that you all consider in a minute that the other piece of property or one of the other pieces out there has been purchased as far as right-of-way is concerned.

Commissioner Jerrel: Right.

Joe Harrison, Jr.: I believe John may want to answer this. Has the Williamsburg, has that been resolved yet or are we still...I guess we're still working on that, right?

John Stoll: Williamsburg was supposed to get back with United Consulting today and I didn't hear from them this afternoon, so I am assuming that...I'm hoping that Williamsburg did get back with them. United had said that the negotiations were looking pretty positive in acquiring that without going to condemnation, but they were supposed to get a final response today, so I should know something tomorrow.

President Mourdock: Okay.

Joe Harrison, Jr.: That's all I have.

President Mourdock: Alright, thank you.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn.

Lynn Ellis: I have one item. I have a contract from Ameritech regarding pay phones located at the auditorium and at Burdette Park. The monies received for those have inadvertently been routed to the Sheriff in lieu of the Commission, so I asked them to prepare a contract to rectify that problem. The auditorium, with the construction, will be removed from the contract with a mutual agreement at the end of this year when the construction begins and then when they are reinstalled the phones would...the monies would be diverted to the Building Authority, so I would ask that the Commissioners approve this.

Commissioner Jerrel: I would like to move the transfer of the Ameritech pay phone money from the Sheriff to the Commissioners.

Commissioner Tuley: Second.

Joe Harrison, Jr.: Plus the new agreement regarding the

auditorium and Burdette.

Commissioner Jerrel: Also to include Burdette and the auditorium agreements.

Commissioner Tuley: Second.

President Mourdock: So ordered. That was it, Lynn?

**Consent items**

President Mourdock: Okay, consent items. We have a packet including employment changes, travel requests, the Auditor's Report, Health Department Report, a letter from Torian Hofmann & Dillow and the County Treasurer's Report.

Commissioner Jerrel: I would like to move approval of the consent items.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Scheduled meetings are attached.

**Old business**

President Mourdock: Any old business for this evening?

Commissioner Jerrel: This is either old or new. I don't know what it is. We need to have Charlene advertise the Maasberg Ditch reconstruction. That has to be advertised with the surrounding neighbors before we can do anything. We agreed to go ahead and do it, but we've got to advertise that.

President Mourdock: Okay, just as a procedural question is that something that this Board does or the Drainage Board? Do we have to be in a meeting as the Drainage Board?

Commissioner Jerrel: Well, I asked Tony to call Bill Jeffers to find out the status of this and he came back and said he felt it could be done under old or new business.

President Mourdock: Of this Commission?

Commissioner Jerrel: Of this Commission.

John Stoll: I was going to say, I thought it was authorized by the Drainage Board at the last meeting and it was just a matter of getting the legal ad prepared.

Commissioner Jerrel: We didn't do the ad.

President Mourdock: You're exactly right.

Joe Harrison, Jr.: So that's fine.

President Mourdock: So did you state that as a motion?

Commissioner Jerrel: Yes, that's a motion that we advertise.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any other old business this evening?

**New business**

President Mourdock: New business?

Commissioner Tuley: Do you have that letter? What does that fall under? Do you have a letter to go to the Council?

President Mourdock: Yes, do you have the original?

Commissioner Tuley: No, I don't have it. It was just shown to me.

President Mourdock: Okay, several new business items then. First, well, I just mentioned the infrastructure working group that we established. Second, there is a letter here somewhere from the three Commissioners to the County Council regarding the budget proposal that's going forward.

Commissioner Jerrel: Oh, yes, I'm sorry. That is really required by law and there should be some attachments that I would like to get us to sign and we can give it to them...is that not here?

Commissioner Tuley: It was shown to me since I was late coming in, but Tony kept it as far as I know.

Lynn Ellis: It's in the file.

President Mourdock: Okay, it's in the signature file. Well, we need a motion of approval for the letter then that goes to the budget--

Commissioner Jerrel: Pat, was that okay?

Commissioner Tuley: Yeah.

Commissioner Jerrel: Okay, I move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Also as a new business item we received this week and actually I think it came to you, Pat, but it got circulated to me first, Local Government NAAQS Network and for those of an environmental bent that means National Air Ambient Quality Standards particularly for ozone. This is basically, I think, a Washington lobbying group that is being formed on behalf of counties to deal with the potential of the new regulations. They are soliciting for counties with populations of less than \$200,000 a \$1,000...I'm sorry, for populations of less than 200,000 a cost for a year of \$1,000 to participate with this group.

Commissioner Jerrel: Can we just wait until next week because I just checked our dues account and what we had in it and we don't have enough money to pay it, so we would have to get an appropriation.

President Mourdock: Alright, I was just going to suggest that we take this under advisement anyway. I think with the changing standards this may be something worthwhile.

Commissioner Jerrel: Right.

President Mourdock: There may be others equally good or better, but this one just caught my attention.

Commissioner Jerrel: We had \$9,000 and we've spent \$8,880, so we don't have enough.

President Mourdock: Okay. One last item that I have is, I think, verbally here knowing what the week is and even though we did this meeting in an hour and about 12 minutes, do either of you have any problem with Charlene taking some extra time if necessary to get these minutes to us not next week, but the following week?

Charlene Timmons: I'll have them done.

President Mourdock: You'll have them ready? Okay.

Commissioner Tuley: I only have one question. Are you doing minutes from this and the Council?

President Jerrel: She's helping, yes, she is.

Suzanne Crouch: We have seven transcribers in the office, so they are all working on the budget.

Commissioner Jerrel: We didn't use to get Council minutes until January of the year following the budget session and we're going to get them on a daily basis.

Commissioner Tuley: That's good. I just didn't know what your involvement was. That's good.

President Mourdock: I know the issue of minutes for this body in the past has become rather volatile at times and certainly given the extraordinary performance Charlene gives every week in getting these things turned around if the next one is--

Commissioner Tuley: Did we put her in for a good raise?

Suzanne Crouch: I was going to say, did you recommend more than 3%?

Commissioner Jerrel: No, we just said equitable for all employees.

President Mourdock: Yeah, that's right. Well, we appreciate it Charlene and we know your priorities for the coming week.

Suzanne Crouch: We appreciate it.

President Mourdock: Alright, any other new items?

Commissioner Jerrel: I move that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Tuley: I tried to keep my comments brief.

The meeting was adjourned at 6:59 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Lynn Ellis  
Charlene Timmons  
Alvin Holder  
Mike Shoulders  
Mike Buente  
Dolli Kight  
Mike Robling  
Charlie Thomas  
Clark Field  
John Stoll  
Milton Hayden  
Others unidentified  
Members of the media

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
August 18, 1997**

The Vanderburgh County Board of Commissioners met in session this 18th day of August in the Commissioners' Hearing Room of the Civic Center Complex at 5:30 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the August 18, 1997 meeting of the Vanderburgh County Commission to order. There are agendas on the far table if you would like one. The most important announcement of the evening perhaps is that because the County Auditor's Office is knee-deep in dealing with all the aspects of the county budget process, we're deliberately trying to keep this to be somewhat of a shorter meeting than normal. Charlene, at the far left, does all of our transcripts minute-to-minute and word-for-word, so if we seem to be moving through this rather quickly we do not intend in any way to skip over any meaningful or important information and certainly you are free to make the comments you have, but please do try to keep that in mind. Their workload is tremendous this time of year, so we want to save them some effort if we can. Introductions, at the far left is Charlene Timmons, who is our Recording Secretary; Suzanne Crouch, County Auditor; Bettye Lou Jerrel, County Commissioner; Pat Tuley, County Commissioner; County Attorney, Joe Harrison, Jr.; and Lynn Ellis, who is Superintendent of County Buildings. Join with us in the Pledge of Allegiance, please.

**Approval of minutes**

President Mourdock: In our packets this evening we have our Commission minutes from August 11th.

Commissioner Tuley: I'll move approval of the minutes from the August 11th meeting.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Before this meeting we had an Executive Session to discuss threatened pending or initiated litigation against the county, collective bargaining negotiations and county personnel matters. I would ask for approval of the minutes of that Executive Session.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Alvin Holder - City/County Purchasing**

President Mourdock: The first item on our agenda, then, for action is Alvin Holder with the annual price agreement for tires and also an update on our dump truck bid.

Alvin Holder: My name is Alvin Holder. I am Purchasing Supervisor. I have two agenda items. The first is the annual price agreement on tires. The bid summary, I think, has been circulated. We had two bids that bid the entire package which was 102 of 102 items. They were Reis Tire at \$220,719.90 and Raben Tire at \$229,027.83. Those were the only two that bid the entire package. My recommendation is to award it to Reis Tire at \$220,719.90. I did go through each of the bids and take the lowest cost on each individual item. By doing that we came up with a low item cost of \$200,100.98. What this would cause, which is basically an issue that we have at the current time, is that we end up in situations where vehicles go to tire stores with multiple sizes. If they have a trailer or another piece of equipment, if they have more than one tire size and they make a visit sometimes it requires...a lot of times it requires a trip to a second or third tire store. Also, in addition, Reis Tire bid it as a total package originally and therefore the recommendation is for Reis Tire \$220,719.90.

Commissioner Jerrel: You've spoken to...I mean, you've told everybody the way you're bidding it?

Alvin Holder: Yes.

Commissioner Jerrel: Okay, I'll move approval of the recommendation.

Commissioner Tuley: Second.

Joe Harrison, Jr.: This is a joint city/county--

Alvin Holder: Joint city/county, yes.

Joe Harrison, Jr.: Did the Board of Public Works consider this? The city Board of Public Works, have they considered this yet?

Alvin Holder: Yes, last Wednesday.

Joe Harrison, Jr.: They approved the same?

Alvin Holder: They approved it the same as it was presented tonight, yes.

President Mourdock: Okay, any further discussions? There being a motion and a second, I will say so ordered. Dump trucks.

Alvin Holder: Thank you. Second item is dump trucks. We were going to present this last week. We had some questions that we wanted to study for an additional week. We have a total of three dump trucks on the bid; two tandem axle, one single axle. Four people responded to the bid: Miller Truck of Evansville, Kenny Kent, Evansville Truck Center and Sternberg in Evansville. Of the three bids, only one actually met the specifications. That was Miller Truck. They also happened to be the highest of the three. That is why we delayed this for a week to go back

and consider the issue. At this point, it has been reconsidered. It is still our recommendation that the three trucks be awarded to Miller Truck Company for a total price of \$180,782.

President Mourdock: Questions?

Commissioner Tuley: Alvin, the only thing that I question, and I am not questioning, I mean, the only question I have is I want to make sure I heard what you said was that Miller was the only one who met the specs in all instances?

Alvin Holder: Yes.

Commissioner Jerrel: You did speak with the County...Milton is behind you.

Alvin Holder: Milton is here, yes.

Commissioner Jerrel: Did you and Milton meet today?

Alvin Holder: Yes.

Commissioner Jerrel: Okay, so this meets what their needs are?

Alvin Holder: Yeah. There is a great deal of concern about the strength in the bed of the truck. That was basically the issue that appeared to have the primary focus of the concern. We've reviewed the other bids, but the feeling is that it is in the county's best interest to stay with the specs and award it to the one company that did meet the specs.

President Mourdock: Other questions or comments?

Commissioner Tuley: I'll move approval of the recommendation of Mr. Holder.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Alvin Holder: Thank you.

President Mourdock: Thanks, Alvin.

**Joe Profaizer - Approval for RFB for Courts Network Cabling**

President Mourdock: Next on our list, Joe Profaizer. My notes say it's an RFB for courts network cabling. Is that right?

Joe Profaizer: Correct.

President Mourdock: RFB?

Joe Profaizer: Request for bid.

President Mourdock: Oh, for bid, okay. I'm used to looking for the P for proposal.

Joe Profaizer: My name is Joe Profaizer from Computer Services

Department requesting approval from the County Commissioners to solicit vendors for a Request for Bid for the Vanderburgh County Courts network cabling, Bid Number VC97-07. The bids are scheduled to be opened on September 22nd.

President Mourdock: Questions? Has the Data Board seen this one, Joe, or are they aware what all is going on with this?

Joe Profaizer: Yes, the Data Board approved this.

Commissioner Jerrel: I'll make the motion to approve, but after we get through this don't leave.

Joe Profaizer: Okay.

Commissioner Jerrel: I would like to move approval for the network cabling.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Commissioner Jerrel: We had a request in the budget where an issue was raised that you knew all about the \$150,000 Sheriff request for computers.

Joe Profaizer: They're going out for a new jail system next year.

Commissioner Jerrel: Is that what that is?

Joe Profaizer: I believe so, yes.

Commissioner Jerrel: Has that all worked its way through the system?

Joe Profaizer: That is a budget request for '98, if I'm not mistaken.

Commissioner Jerrel: Right, it is, but I ask the question because of some other issue that just came up that is in '98, but has that been looked at? Is that a reasonable amount of money or too high or too low? I mean, do you have any feel for that all?

Joe Profaizer: That is a reasonable amount of money for a new jail system, yes.

Commissioner Jerrel: Okay, and how old is our current jail system?

Joe Profaizer: I believe we brought that in-house in 1990 or '91.

Commissioner Jerrel: Okay, that's all I wanted to know. I couldn't remember and I couldn't find it in the minutes and that was just a question because they were looking at something. I'm not saying that they were not going to approve it, they were just asking some questions of me and I couldn't answer them.

Joe Profaizer: Alright.

Commissioner Jerrel: Thank you.

Joe Profaizer: Thank you.

President Mourdock: Thanks, Joe.

**Appointment to SW Mental Health Board**

President Mourdock: The next item on our agenda, the Southwest Mental Health Board, which the county routinely helps to fund, has requested that we fill the vacancy there that is normally held by a County Commissioner. I would think it is appropriate as the President of the Commission to make a motion, so I would move that Bettye Lou Jerrel be assigned or asked to serve as our designee to that Board.

Commissioner Tuley: I only want to make one comment and then I'll second. I just want to make sure, and no one that I have been able to talk to so far has been able to tell me what vacancy this is or if this is the appointment that Commissioner Borries, ex-Commissioner Borries, used to hold. Was it a Commissioner sitting on the Board or what was it? I mean, I'll second the motion with the understanding that I would like to bring it back...for someone to bring it back and let us know specifically what appointment this is.

President Mourdock: Fair enough.

Commissioner Jerrel: Right, and I am responding just simply that is fine with me because we have been getting calls regularly from them wanting an appointment as has the Council.

Commissioner Tuley: Right, and I'm not disputing that. I just want to make sure that I know because I didn't see this on the list of all the board appointments at the beginning of the year, so I don't know where this appointment is. I just need some more information on it is all. I sure don't want to serve on it!

President Mourdock: It may be that we simply need to add it to that list.

Commissioner Tuley: That may be the case and if that is the case that's fine.

President Mourdock: I made a motion and I think I heard a second?

Commissioner Tuley: You did.

President Mourdock: I will say so ordered.

**Harris Howerton - Food Service Contract**

President Mourdock: The next item which we had was regarding the Safe House and without the representative here we'll pull that one and save that for next week.

**John Stoll - Ward Road report**

President Mourdock: We have John Stoll on the list, but before John gets up we'll just include his in the engineering...County Engineer report if no one minds.

**Lincoln Senior Citizens Center - Waiver of fees for Bishea Building**

President Mourdock: Lincoln Senior Citizens Center has made a request for the use of the Burdette Bishea...I can never say it right, Bishea House--

Commissioner Tuley: Bishea.

President Mourdock: I told you I could never say it. Thank you. The house out there that starts with a B. They want to use the house free of charge.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second.

President Mourdock: Since the letter was addressed to County Commissioner President Curt Wortman, I'll, in his absence, say so ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Okay, that being the sum total of our regularly scheduled action items, anyone wishing to address the Board this evening? Jim Daniels. For the record, state your name and address, please.

Jim Daniels: My name is Jim Daniels and I live at 1808 Ravenswood Drive here in the city. I'm here tonight as a member of the Izaak Walton League and that's I-z-a-a-k. I'll try to be relatively brief based on the comments that I heard earlier. The reason I am here is because of an article that I read in the newspaper this morning stating that a letter was received by the President of the Commission from a Commissioner in Texas asking for assistance in joining a battle, if you will, that would oppose the implementation of new EPA proposed air quality regulations for the country. Basically, there is going to be an effort in the Congress to either delay the implementation of those regulations or an effort to eliminate the regulations all together. I'm standing before you tonight asking you to do just the opposite of what my understanding of that letter's request is. I would ask you to support the proposed EPA regulations and to speak or write a letter to our Indiana Congressional Delegation in favor of it. I believe that the regulations will be beneficial to Evansville and Vanderburgh County, as well as the entire country, based on the fact that they are and have been generated from a health standpoint and I believe that the health standpoint is a very valid one. Essentially, the regulations used to be for ozone .08 parts per million several years ago and were rolled back because of industry pressure. I believe it is time to actually consider the health of the citizens of this country more so than some short-term business

profits. I do believe that the business profits will not be damaged by stricter environmental regulations. In fact, it is my personal belief that the exact opposite will occur because that has been the case with environmental regulations across the board. If you look at the Institute for Southern Studies, they've indicated the strongest economic states in the country are the ones that also have the strongest environmental protection laws. I don't think that's by accident. I think that's on purpose. That that is the case. I believe that if we do support these regulations we will wind up being better off both economically and environmentally and from a health based standpoint. So I would ask you to support the U.S. EPA's proposed regulations rather than oppose them.

President Mourdock: Okay, thank you, Jim. Any comments or questions?

Commissioner Tuley: I didn't read the article.

President Mourdock: I haven't read the article either. I did read the letter though and I don't know if the other two Commissioners have seen the letter.

Commissioner Jerrel: I haven't.

President Mourdock: It was a letter from, I believe, his first name is Scott Arme, who is on the Board of Commissioners in Denton County, Texas, I believe. He was simply...and I also infer that he is probably the son of House Majority Leader, Dick Arme, but I don't know that. He was simply extolling that he wanted counties that were in nonattainment, as Vanderburgh is, to fight the argument that the proposed EPA regulations were, in fact, extremely harsh, so if the Board wishes to consider that letter and that request at some point we can do that. I personally have no great passion to do that. To either enforce that letter or to delve beyond the areas of immediate concern to us which is our own attainment issue.

Commissioner Tuley: Agreed.

President Mourdock: Bettye Lou?

Commissioner Jerrel: Agreed.

President Mourdock: Okay.

**John Stoll - County Engineer**

President Mourdock: County department head reports. First up, County Engineer, John Stoll.

John Stoll: The street plans you have in front of you are for Astoria Subdivision. This is on Schlensker Road. The streets will consist of asphalt streets with curb and gutter and a right turn deceleration lane will be built out on Schlensker Road as well. The reason for the decel lane is to help address the sight distance issues that were brought up a couple of months ago in regard to discussions that were held here at one of the meetings on reductions in the speed limit. The revised entrance location does barely meet the sight distance requirements and

for added safety the decel lane was requested and the developer agreed to install the decel lane. With the revised locations of the decel lane, it is recommended that the street plans be approved.

President Mourdock: Questions of John?

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Do you have the copy of Bill Jeffers' letter? I thought you did. I took my copy home.

John Stoll: Also, in conjunction with this same subdivision a letter was submitted requesting a sidewalk waiver. Since the lots are two and a half acres and greater that is consistent with where waivers are typically granted, so it is recommended that the waiver be approved.

Commissioner Jerrel: I move approval of the waiver.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I have a street plan for a private road in a subdivision. This is a two lot minor subdivision that had to have a rock road installed for meeting the Plan Commission requirements for frontage. What they propose to do is construct a 20 foot wide rock road that will narrow down to a 12 foot rock road. Let me show you the details here. This road will be installed just to serve two lots on this subdivision. There is a fork in the rock drive where it does serve an adjacent property that will be outside the limits of the subdivision, but all in all it will be a private road and I discussed this issue with the County Attorney regarding the fact that it would be narrower than typical, but given the fact that it will be privately maintained he didn't see any problem with it and I didn't either as long as they had a 20 foot width up where it ties into the county maintained road which is St. Wendel Road. So, based on that and subject to the developer maintaining the road, it is recommended that this plan be approved.

Commissioner Jerrel: I would like a title.

John Stoll: It's in Jarboe Minor Subdivision.

Commissioner Jerrel: Okay, I would like to move approval of the...it's a waiver?

John Stoll: No.

Commissioner Jerrel: A road?

John Stoll: It's an approval of the road.

Commissioner Jerrel: Alright, the road improvement for the

Jarboe lane.

Commissioner Tuley: Second.

President Mourdock: Just officially, it's Jarboe Minor Subdivision. The motion is seconded and I will say so ordered.

John Stoll: The final item, I guess, is the Ward Road and Anthony Drive issue. I don't know if you all saw the memo I sent out on Friday. It was kind of late when we got it sent out, but in the memo we recommended that Ward Road have a one inch overlay...not a one inch overlay, an overlay placed on the road to provide a three percent crown in the road in order to try and force the drainage that starts on the west side of Ward to keep that on the west side of Ward Road. That would do nothing to address the flow that comes down on the east side of the road and comes down and hits the wall and turns and heads towards Bell and Tabor's houses, but the way I understood it from Mr. Bell one of his concerns was trying to keep the water that originates from the west side have it stay on the west side.

President Mourdock: Did I hear you say, John, a one inch overlay?

John Stoll: No. I said one inch, but it wouldn't end up being one inch simply because we need to provide a greater crown.

President Mourdock: Yeah, you have three and a half inch in your text here.

John Stoll: Okay. I didn't remember what it was, but I knew it wasn't one.

President Mourdock: Right. The other question then for that water that is originating on the east side and staying on the east side, are you making any recommendation as far as how that water should be addressed or things that should be done?

John Stoll: Ultimately in our opinion it needs to be open ditches. That would be the most suitable thing.

President Mourdock: On the east side?

John Stoll: Correct. Really up and down all roads out there since none of them were intended to have pipes. The best thing would be to have the open ditches installed like they were originally built, but that would probably be the least popular thing that could be done for probably 35 of the people who live out there.

President Mourdock: I guess I was referring to your paragraph that is on page 3. The last two paragraphs on the page and let me just read it into the record here:

"In addition to the resurfacing work there is some additional work that needs to be done off the county right-of-way. First, the 12 inch pipe that is located adjacent to Bell's house must be removed or replaced by a larger pipe. During a 50 year storm

approximately seven and a half cubic feet per second of water will flow to this pipe. This seven and a half cfs assumes that no additional storm water is crossing Ward Road or is being diverted along McDonald's wall. Although an open ditch would be preferable, it appears that an 18 inch pipe can accommodate this 50 year flow."

So is that the open ditch that you are referring to? Under this option, assuming that the resurfacing option which you have identified as alternative number two, if that option is accepted are you saying that you will only get maximum benefit from that if indeed that other work is done off the county right-of-way?

John Stoll: Yes. He would have to do that work to try and accommodate the flow that is going to keep coming his way. We would take the water that is crossing Ward Road out of the picture. He would have to install the ditch to handle the natural flow that comes down that way. That still would leave the area that is being diverted along the wall which would still come his way, so from that respect he would probably need a larger open ditch or a larger pipe.

Commissioner Jerrel: Do we know what piping exists along the frontage there? Now, you're talking about the front of their houses right? You're talking about behind...or in between?

Commissioner Tuley: This is in between.

John Stoll: This 12 inch pipe that is in the paragraph that Richard is referring to?

President Mourdock: Right.

John Stoll: Yes, that's the one that runs alongside of Bell's house.

Commissioner Jerrel: I gotcha.

President Mourdock: Runs in a north/south direction?

Commissioner Tuley: Right.

Commissioner Jerrel: Right.

Commissioner Tuley: John, you know it's a 12 inch pipe for sure that's in there, I mean?

John Stoll: I've not gone out and physically measured it, but that's what everybody that has been out there said it was a 12 inch.

Commissioner Jerrel: I would like to make a motion to take these under advisement. I want to ask some more questions of Valerie and then I think we need to, you know, have a meeting with these individuals. I know that's a long extensive meeting when it gets started because when you look at these options there will be all sorts of people wanting to make decisions. Of course, I am open to arguments if you want to say approve alternate two and get on with it. I just don't know if that's the right thing

to do.

President Mourdock: Okay.

John Stoll: That definitely will not address all the problems. I mean, I'm not going to get up here and say that.

President Mourdock: I don't think there is any one alternative that you've listed that will address all the problems.

John Stoll: Probably the closest thing would be the most expensive one which would be storm sewer, curb and gutter all up and down all streets and that's a pretty expensive alternative.

Commissioner Jerrel: If we do that here it will be done--

John Stoll: Everywhere.

Commissioner Jerrel: Then any drainage problem in place in the county and there is not enough funding for anything like that.

John Stoll: Given some of the rainfall events that these residents are attributing their flooding problems to, you couldn't design a road and a storm sewer system within reason that is going to handle that kind of flow. I mean, we're talking 300 year storms and roads and storm sewers aren't designed to handle that kind of stuff.

President Mourdock: Milton, have you had a chance to look this over? Have you seen this at all?

Milton Hayden: John and I both have.

President Mourdock: Okay. Do you believe the resurfacing option is something that just from the mechanical side is possible? Can you get that consistent of a crown out there to make sure that we do isolate that drainage?

Milton Hayden: I don't believe that we can do a crown like that.

President Mourdock: I'm sorry? I couldn't hear you, Milton.

Milton Hayden: I don't think that we really could do it.

President Mourdock: Okay.

Milton Hayden: It would have to be contracted out.

President Mourdock: Okay.

Commissioner Tuley: That's a good question. John, are these estimates based on contracting or doing it in-house?

John Stoll: Contracting.

Commissioner Tuley: Okay.

John Stoll: The problem we would probably run into there in regard to the resurfacing option would be we would have to

appropriate or transfer some money because the resurfacing contract that we have out right now through my office is pretty much going to use up the rest of the money that is in the contractual account, so we would have to put in additional money to cover that.

Commissioner Jerrel: Or we would have to do it out of a different account.

John Stoll: Right.

President Mourdock: For what it's worth, my feeling on this issue and I think we've set, maybe not deliberately, but we set an interesting precedent in dealing with the people on Radio Road where we did a written resolution telling them that we were willing, we on behalf of the county, to make an expenditure to help deal with the problem on the county right-of-way, but only after they made a commitment to deal with the problems on their own properties.

Commissioner Jerrel: Are you getting to that same issue?

President Mourdock: Right, yeah.

Commissioner Jerrel: Okay.

President Mourdock: The last two questions...or the last two paragraphs on page 3 say quite clearly there are problems that go beyond our right-of-way and quite honestly I am hard pressed to make the expenditure unless these issues are dealt with on private property.

Commissioner Jerrel: Could I fish a little bit without a motion being taken?

Commissioner Tuley: Got a license?

Commissioner Jerrel: Nope.

President Mourdock: Yeah, you do. You were elected.

Commissioner Jerrel: Okay. If we choose the crown I would like to see this written in a different way. I would like for you to take this option and make it as clear as possible and then add those paragraphs and recommendations. I would like for it all to be in one paper. You follow me? Then if we had it in one paper that we could look at what we were going to do and what we were expecting to be done, then we might choose to do a resolution at that time, but I am not prepared tonight to do it because it's all over the place.

John Stoll: So do you want where I tried to discuss the pros and cons of each not in that and you just want it to say that the county will do the resurfacing if you do this, this and this? The only reason I added in all that extra was to try and address that there were pros and cons to each and no one solution was going to take care of all the problems short of curbs and gutters everywhere.

Commissioner Jerrel: No, I think you did a good job. I'm just

saying, obviously, we're not going to have the funding to do those.

John Stoll: Right.

Commissioner Jerrel: So if we do something that we've never done before to address these, then I think your point is a good one.

President Mourdock: Yeah, I think we have to get their involvement. Again, I will go one step further to say before we become involved it isn't that we take a wish and a promise that they are going to do it, but that they have it done. I guess maybe the bigger question then is, is this all that needs...on the private property is this all that needs to be done? We're basically talking about one property here. Logic says to me if we fix one link in the chain we haven't really fixed the chain. Are there other properties that we need to say this must be done on this property, this property, this property and come right up the drainage with it?

John Stoll: The other big one is the wall behind McDonald's house and unless some pipe is installed to bridge that area where the storm water takes the turn and heads east along the wall, then you couldn't--

President Mourdock: The wall is not in the right-of-way, correct?

Commissioner Tuley: Part of it.

John Stoll: Well, part of it probably is.

President Mourdock: Could we deal with the part that is in our right-of-way to fix the problem you just defined?

John Stoll: Not without a lot of pipe and ditching around McDonald's house. Then we get into the issue that he claims that there is this permit that says the county will never open ditch his property or whatever the story is. I can't remember exactly what he says, but supposedly he has a permit that says the county wasn't going to come back and open ditch or do anything like that, disturb his driveway in any way.

President Mourdock: Have you ever seen that?

Commissioner Tuley: That was going to be my question.

John Stoll: Never. Just like most of the other things out there. Never seen it.

Commissioner Tuley: Could be bluffing.

President Mourdock: Yeah, until I see that I am going to be skeptical that it exists.

John Stoll: I am too.

President Mourdock: Let me go back down drainage from the Bell residence. Are there other properties along that route that

need to have something done? I mean, if we're going to take the stand that the people there need to make some changes just having one property owner do it may not be sufficient.

John Stoll: The only other one that I can think of, like I said right off the top of my head, is McDonald.

President Mourdock: Okay.

John Stoll: The problem is you've only got about four people who are really being affected out here and it's about 45 people who have gone out and piped the ditches. The rest of them just deal with a flooded street at the end of Anthony Drive. They're not having their property being damaged.

President Mourdock: Okay, you just said there are four properties that have some piping?

John Stoll: No, four properties are being--

President Mourdock: Affected?

John Stoll: --damaged by the flooding. You've got Bell, you've got Tabor, Rucker--

Commissioner Jerrel: Garrett.

President Mourdock: Garrett, yeah.

Commissioner Tuley: Which is a whole new question. The very last paragraph, how do we manage to make that happen?

John Stoll: I've never personally contacted the Sewer Department about that, but I can do that and see if they'll...they might be listening to us now.

Commissioner Jerrel: Let me go back and say what I've said. Let's give this some careful thought this week and take it under advisement because I think we have a lot of unanswered questions and we want to do this right. You've done a good job of giving us some things to think about. I'm going to make a motion that we take this under advisement.

Commissioner Tuley: Okay, I'll second.

President Mourdock: So ordered.

John Stoll: I need to get you any other properties that need some off right-of-way work?

President Mourdock: If you have a recommendation. I'm not saying just make lines on a map, but if engineering-wise it looks like there are things that ought to be done that will keep from impeding the flow so that we get better drainage, let's not deal with half a loaf.

Commissioner Jerrel: That includes the west side of the street and all of that east side. I mean, if that should be piped. I mean, if that wall should come down.

Joe Harrison, Jr.: Again, the Commissioners...he is only referring to what the county can spend.

Commissioner Jerrel: Right.

President Mourdock: On county right-of-way.

Joe Harrison, Jr.: He is only talking about the street. That's his estimate and it only relates to the street. Is that correct?

John Stoll: Right.

Commissioner Jerrel: Right.

Joe Harrison, Jr.: These people are probably going to want to know what it is going to cost them to do what he thinks ought to be done to make the whole thing work in that one option and I don't know if you can ever give an estimate. Maybe you can't, but that is going to be the first thing those people ask is how much is it going to cost me to do whatever? I don't know if you can ever give them a ballpark on that, but I would think that is one of the first things they're going to ask.

Commissioner Tuley: It's got to be cheaper than a flooded basement no matter what it costs.

President Mourdock: That's right and the shocking thing is that it hasn't been done before now.

Commissioner Tuley: John, one other point I would like to ask you to do, too, in reference, again, to that last statement. Would you make contact with the Water and Sewer and tell them this is one of the things that we are contemplating and are they willing to go in there and pull this out and replace that as you recommend or are they going to fight us on that and how are we going to see that gets accomplished?

President Mourdock: Yeah, or if there is something they can do less than that and I don't know.

Commissioner Tuley: Yeah, I don't care as long as they are willing to work with us. I just don't want to have the homeowners all agree to do this and we agree to do that and then we still end up with a problem because of this. At least we would know up front what we are going to be up against.

John Stoll: I don't know if you can open ditch around McDonald's house and not open ditch the entire north side of Anthony Drive to bypass that wall. That's the problem we would end up with then. You're going to end up having to open ditch the whole north side of Anthony Drive to have that water come down the east side of Ward to the north side of Anthony, turn the corner and head east. You may end up having to ditch the whole north side. I don't know given the--

President Mourdock: The north side of...?

John Stoll: Anthony.

Commissioner Jerrel: Anthony.

President Mourdock: That may be and if that is what it takes and it is on our right-of-way I would like to see that as an option. If it's on private property and only they can do it--

John Stoll: It would be on our right-of-way to the extent...the ditch definitely would be. It's where you start grading the back slope to match the existing yards, that is when you might involve the temporary right-of-way issues. That's where it could get long and drawn out, but we can look into that.

President Mourdock: Again, if we say this is the program and they're not going to give us temporary right-of-way the problem is resolved as far as we're concerned at that point.

Commissioner Jerrel: See, I think you could take that option and flush it out a little bit.

John Stoll: Okay.

Commissioner Jerrel: Because we've raised issues and I think if we take it under advisement and we get additional questions answered like Pat's, then we would be far better served when we were going to make a decision.

President Mourdock: Okay. Could you report back in two weeks?

John Stoll: Okay.

**Milton Hayden - County Garage**

President Mourdock: Okay, next up Milton Hayden, County Garage. How goes the paving?

Milton Hayden: Well, I am quite sure that you all have the report sent to you.

President Mourdock: Uh-huh. For the record, we have the August 8th through August 14th Progress Report. Did we get an update on our paving progress this week?

Milton Hayden: Yes.

President Mourdock: Let me read across the room there. Is that...?

Commissioner Tuley: It's 26.76--

President Mourdock: Those were last weeks, though. Those are August 6th. Have we got newer ones, Lynn?

Milton Hayden: You've got one from August 15th.

President Mourdock: Okay.

Lynn Ellis: I'm not sure where--

Milton Hayden: Yeah, I did. I received one. I don't know why you all didn't get one.

President Mourdock: Okay, well, we'll find one then. How are you sending those or how are those getting done?

Milton Hayden: Through the Engineer.

President Mourdock: Okay.

Milton Hayden: Tim Spurling is doing them.

President Mourdock: Tim's doing them and then--

John Stoll: He delivers those on Friday.

President Mourdock: Is Tim supposed to be getting them to us then?

John Stoll: He's been putting them with the consent agenda.

Lynn Ellis: He did. It was in the packet. I don't know where it is.

John Stoll: I was going to say--

Milton Hayden: I got mine.

President Mourdock: Lynn, since they are coming into the office would you double check and find out what's happening to them because this is twice?

Commissioner Tuley: I don't see it in my packet.

President Mourdock: Yeah, I don't have it either.

Commissioner Jerrel: I don't either.

President Mourdock: This is twice at least that this has come up. Okay, you're off the hook on that one!

Milton Hayden: Thank you. Well, anyway we did finish...we're through with River Road and South Weinbach.

President Mourdock: Okay.

Milton Hayden: Now I'm over to Crowley. I hate to be over there. I have no other choice; it's on the list.

President Mourdock: Okay.

Milton Hayden: She came out there today and told me she had some papers and told me that we can only stop where she had a stake at. I told her...I mean, that was that way three years ago or four years ago.

President Mourdock: Who is she?

Commissioner Tuley: Mrs...what is her name?

Milton Hayden: Betty Whittinghill. I said, well, I'm sorry I've already talked to the Commissioners and we are going to do the road. John Stoll and I had agreed that we are going to do it

until the dead-end and just come out of there because we don't have to spend that much time there.

President Mourdock: Okay.

Commissioner Tuley: She appeared before us when we were having our road hearings. This is like two or three years...at least two years that we've seen her.

Milton Hayden: We've seen her for four years.

Commissioner Tuley: Four years? Okay.

John Stoll: One of the issues she is talking about is the road list shows that we've got 1,000 feet of that road accepted and her deeds don't specifically call off the right-of-way on the very south end of the road. It just says subject to existing right-of-ways, so the paperwork she keeps showing everybody doesn't prevent the possibility that the right-of-way truly exists out there, so we're going off the road list and it says 1,000 feet.

President Mourdock: Okay, alright. How is the ditching going, Milton?

Milton Hayden: The ditching is going well.

President Mourdock: Let me add one to that list if it's not already on there.

Milton Hayden: What's that?

President Mourdock: On ditching on Hillsdale Road just west of 41 just west of the railroad tracks there is a bad spot there that is silted up and it's going to get out of there and get to our road the way it is going.

Milton Hayden: Okay.

President Mourdock: Okay, any other questions for Milton?

Commissioner Jerrel: I went out and watched the paving. I'm not going to make a habit of that, but it was right out there by my house so I just went out there and watched.

President Mourdock: Put her on the screed out there.

Milton Hayden: She would probably do a good job!

President Mourdock: Okay, thank you, Milton.

Milton Hayden: Thank you.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Next up, Joe, County Attorney's report.

Joe Harrison, Jr.: I've got a couple of items. First of all, on the lawsuit filed by the State Treasurer that had something to do with the creation of the sports district. That particular

lawsuit that was pending in the Marion Superior Court was dismissed on August 13th. I have a copy of that decision for the Commissioners. I received a copy of this today and I made a phone call to someone that is assisting me with what the next step is on what the county might be able to do to try to recapture some state sales tax with regard to this. Also, I am going to find out if there is a possibility of an appeal. I don't want to start working on something in case there is a good possibility of the State Treasurer prevailing on appeal. I don't think that is likely though. Anyway, I am checking into it and hopefully next week or the following week I'll have some information for you all as to what action the county might be able to take to try and capture some of the sales tax on the facilities that the county owns within Vanderburgh County.

President Mourdock: Okay.

Joe Harrison, Jr.: I have a copy of this decision that I'll pass out. The second thing, I've got an agreement titled Memorandum of Understanding for consideration by the County Commissioners and it will be considered by the Building Authority with respect to some items relating to the auditorium project. There is a lease agreement that for the most part governs the relationship between the Building Authority and the county with respect to the auditorium and the new facility to be constructed over across the street. Some of the items addressed in here have to do with the closing of the facility. That it is going to be closed on January 5th and that after January 5th of '98 the facility will be operated by the Building Authority. There is some information or some items contained in here relating to the project. The construction of the project, where it is the intent that there will be one general contractor for the entire project, one prime contractor for furnishings and one prime contractor for signage are among some of the items that are set forth in this agreement. If the Commissioners are willing to consider this, then the Building Authority can consider the same at their meeting later on this month. There has been a draft of this that you all have seen over the past month or two.

Commissioner Jerrel: I would like to make a motion to get this on the floor that we approve the Memorandum of Understanding with the Building Authority.

Commissioner Tuley: Second.

President Mourdock: So ordered. Is this the original that I have here?

Joe Harrison, Jr.: No, I've got it right here.

President Mourdock: Okay, give it to Lynn.

Commissioner Jerrel: On that same issue may I ask a question?

President Mourdock: Sure.

Commissioner Jerrel: We did send a letter to Given & Spindler about the closing. We should also send a letter to the employees if we are going to be consistent in that. I would like to recommend that be done.

President Mourdock: Again, just for the record it is basically by doing that we are in compliance with the Federal Plant Closing Act which requires pre-notice of such closures.

Commissioner Jerrel: Well, I would like to make that in the form of a motion.

Commissioner Tuley: Second.

President Mourdock: So ordered. Joe, I would ask you, if you would please, go ahead and compose those letters and mail them on behalf of us.

Joe Harrison, Jr.: Okay, I'll get them for your signature.

President Mourdock: Sure.

Joe Harrison, Jr.: Let me see if I had something else. I thought I did, but I guess I don't. I think that's it.

President Mourdock: Okay, thank you.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings, Lynn.

Lynn Ellis: A little earlier this afternoon I received a letter from Robert Doerr, Chief of the Perry Township Fire Department. I have a copy of that. Apparently he made a site visit to Burdette and cited some areas that need to be addressed as far as fire hydrants go. Some are in bad locations and others need to be added, some moved, raised and that kind of thing. I will look into that, but I wanted to make you aware of it. I don't have an estimate on the cost since I just got this today.

President Mourdock: Alright, thank you.

Lynn Ellis: Also, today I was made aware by PENCO that there are some areas out at Corrections that need looked into regarding fire escape and emergency backup generator and that kind of things. They are not working and the fire escape is faulty, so those things needs to be addressed immediately.

President Mourdock: Who passed that comment on?

Lynn Ellis: PENCO who is working with our insurance agent.

President Mourdock: Okay.

Lynn Ellis: The last thing, I think, that I have is a request to advertise for bids for transportation for the elderly and handicapped. As you know, I've been trying to work with METS Mobility in providing those services to the county residents and I finally met with them today and they gave me a figure of \$100,000 to \$150,000 per year. Currently our contract is \$54,000 per year. I know that the bids won't come in that low anymore, but hopefully they won't be \$150,000. I would request permission to advertise and to seek bids for that service with the understanding clearly spelled out in the bid that the Commission is under no obligation to make an award and it will

be based upon the cost to provide those services and then the Commissioners will have to make the decision when the bids come in if you still want to underwrite that service.

Commissioner Jerrel: I would like to make a motion that we grant the proposal be developed and with those general outlines.

President Mourdock: If I understood, I think that has already been developed and you are ready to send it out for bid? Or is it--

Lynn Ellis: No, it will need to be developed more so. I mean, it is in draft form, but following the conversations this morning we need to add several different options because of Ms. Preske's concerns with the length of service and the number of runs per day and that kind of thing. There will have to be several options in there.

President Mourdock: Okay, so the motion was correctly stated. There is a motion...

Commissioner Tuley: Second.

President Mourdock: So ordered. Lynn, this was on our desks, the outline of the campground at Burdette Park. Was that specific to anything you had?

Lynn Ellis: I'm not sure why Tony laid that out. There is a letter that was in your packet that was attached to the campers at Burdette regarding the rate increase.

President Mourdock: Okay, yeah, we did see the letter.

Lynn Ellis: That was to be attached to that letter so they'll know what spaces are affected.

President Mourdock: Okay.

### **Burdette Park**

President Mourdock: Okay, relative to Burdette Park then--

Commissioner Jerrel: Well, I'm just having a little conversation here.

President Mourdock: Okay, a little sidebar there.

Commissioner Jerrel: Well, the Auditor just made a suggestion that, you know, if we just reaffirm that we are not going to use the Burkhardt Road money for...I mean, the Burdette Park money for Burkhardt Road and that if the money rolls over we have the option to reappropriate it. Sort of what Commissioner Tuley's understanding of the original intent was. Just so we can tell them that we did that in a public meeting that we are not using Burkhardt Road...anything for Burkhardt Road that we are--

President Mourdock: We're not taking anything from Burdette.

Commissioner Jerrel: We're not taking anything from Burdette

Park.

President Mourdock: To use for Burkhardt Road.

Commissioner Jerrel: Right, right. The names are so similar I am getting them mixed up. That was the intent all along, so it was just a misunderstanding, but just to set the record straight, we will not use that money for Burkhardt Road.

President Mourdock: Is that a motion towards a resolution or what?

Commissioner Jerrel: Well, the Auditor just recommended maybe that's where we ought to stop and just, you know, what do you think?

President Mourdock: Comments, Pat?

Commissioner Tuley: I read the article in the paper. I wasn't at the Council meeting, so I don't know exactly where the confusion came. I do remember because I was one of the Commissioners when we set aside that money. I believe it may have been in '96 that we allocated so much money out of CCD or made a recommendation to the Council and what we said was we would set aside \$500,000 out of CCD money, out of '97 money, the combination of what was left in '96 plus '97 money for Burdette in the event that down the road there may be support among the Council and Commissioners to go ahead and build that building. I don't think anybody at that time said one hundred percent we're going to dedicate \$500,000 a year this year and each year until we have enough money to do it, so I'm not sure where the Council got confused, but the money was set aside with the hopes that someday down the road we could either add money to it or there would be a decision made to build that building. At the time that money was set aside there was no decision made to build that building, so I think it is something that we are exploring and I think it's fine to reaffirm and set the money...you know, guarantee that we'll reappropriate or whatever we have to do to keep it there.

Commissioner Jerrel: Right.

Commissioner Tuley: I think it is earmarked for the park. That may turn out to be a building. That may not turn out to be a building. At the time it was set aside--

Commissioner Jerrel: I reviewed your minutes. You did it and I wasn't there, but you are repeating exactly what was in the minutes.

Commissioner Tuley: Yeah, okay.

President Mourdock: Just to get my two cents in since I was the guy at the Council meeting, there was a lot of...maybe confusion is the right word. Certainly, the many nuances of county budgeting are still something that I am learning day-by-day, but there seemed to be the feeling among the Council members that if, in fact, we moved ahead with Burkhardt from CCD that somehow that was going to cost Burdette CCD. Clearly now we know that is not the case. As I told them, I see the key thing here as

far as any expenditures that this Commission wants to do at Burdette to be a part of the defined plan that we are still working on. I think that the data that we pulled together is a good start to that plan and I am certainly willing to say in these minutes that, yeah, we're committed to improving Burdette Park and we certainly want to see the money that was set aside.

Commissioner Jerrel: Yeah, we would reappropriate it into a Burdette line item.

President Mourdock: Okay.

Commissioner Jerrel: Okay, well, here's a letter in case nobody reads our minutes.

President Mourdock: I will read the letter into the record then and it is simply from the three Commission members to the Council members:

"The 1997 Burdette appropriation in the amount of \$500,000 will roll back into the CCD Fund at the end of the year if it is not spent. We are committed to reappropriating \$500,000 into the Burdette line item in January."

I'm comfortable with that and if you're making a motion that we formally--

Commissioner Jerrel: Right.

President Mourdock: --adopt this letter?

Commissioner Jerrel: Right.

Commissioner Tuley: I'll second your motion.

President Mourdock: Okay, so ordered. We'll sign that and pass that on to the Council members. We also have in our packets the normal work list from Burdette. Are there any other comments about Burdette before we move to consent items?

<b>Consent items</b>
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President Mourdock: Alright then, we have in our packet consent items on employment changes; travel requests, Weight & Measures, Knight Township Assessor, Auditor, County Assessor, Health Department, EMA and I think I said Weights & Measures. There is one change from the Auditor's Office, a Mr. Hochstetler.

Suzanne Crouch: Hochstetler.

President Mourdock: Explain that, please.

Suzanne Crouch: Yes, the job title needs to be changed to TIF Settlement Clerk. He was transferred into that position and the individual that prepared this just forgot. You did approve that pink slip moving him into that position.

Commissioner Jerrel: Right.

President Mourdock: Okay, it should be TIF Settlement Clerk.

Suzanne Crouch: Correct.

Commissioner Jerrel: I'll move approval of the consent items with that correction.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Scheduled meetings are attached in our packets.

**Old business**

President Mourdock: Is there any old business before us this evening?

Commissioner Jerrel: I asked the Auditor to do a little research on what is happening with our Burkhardt TIF and kind of take a look at some of the costs. She is going to tell us.

Suzanne Crouch: What you have before you, what Commissioner Jerrel had asked that the research reflect is a cost of the bonds that the county currently has participated in either through TIF or through county bonding. The bond indebtedness if you look at the worksheet it has the name of the bond, the length of the bond years, the amount of the bond indebtedness, the interest that will be paid over the life of the bond and then the total projected cost. When you go through those four issues you can see that the in-terest...the percent of interest paid is incredibly high over the course of those bonds. Anywhere from 43% on the 1996 reissuance to over 100% on the Azteca TIF. If you played the same scenario out with Burkhardt and you did a bond issue for the Burkhardt Road project and it would be a \$6 million issue and it was a 15 year issue you could conservatively say that your cost on interest would be in the neighborhood of \$3 million. One of the things to look at in the whole issue of Burkhardt Road pay as you go is the amount of savings to taxpayers over the course of a particular bond issue. That's what you have before you.

Commissioner Jerrel: I guess this is just a reaffirmation of what we've already said and done, but you know there were so many questions raised I just think it is important that we at least look at these numbers and realize if we can pay for it we can get it done quickly and we will save lots of money.

President Mourdock: Okay. Point well made. Any questions for Suzanne? Joe.

Joe Harrison, Jr.: The only thing, the Building Authority, you know, is not the county's.

Commissioner Jerrel: Right.

Joe Harrison, Jr.: I think technically that was in December. I

guess it would have been a '96 issuance as opposed to '97.

President Mourdock: Okay, thank you.

Commissioner Jerrel: Thank you very much.

President Mourdock: Any other old business?

Commissioner Tuley: Nope.

<b>New business</b>
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President Mourdock: Any new business?

Lynn Ellis: Did you want to mention again the meeting Friday? The open house for the Gatekeeper?

President Mourdock: I have not--

Lynn Ellis: It's Friday at 11:30, the open house.

President Mourdock: Has it been formally scheduled? I haven't heard that.

Lynn Ellis: It's in your box.

President Mourdock: Oh, okay. When it is? I'm sorry.

Lynn Ellis: Friday at 11:30. The formal opening--

President Mourdock: Ribbon cutting.

Lynn Ellis: --and ribbon cutting and open house. The media has been sent an invitation. It's at the CK Newsome and that is for the Gatekeeper.

President Mourdock: Okay. Well, as seems to often happen my schedule will not allow me to be there then because I'll be in St. Louis that day. Hopefully, someone from this body can be there. Okay, any other new business? Alright, we have rezonings at 7:00 and we are then upon a motion adjourned until 7:00.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:30 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
John Stoll  
Milton Hayden  
Alvin Holder  
Joe Profaizer  
Jim Daniels  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
August 25, 1997**

The Vanderburgh County Board of Commissioners met in session this 25th day of August in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting of August 25, 1997 of the Vanderburgh County Commission to order. For the few new faces I see in the crowd here, if you did not get one the agenda for this meeting are on the table. The game rules here are that if you wish to speak to address the Commission on any issue, because we take all of our minutes verbatim, we ask you to come to the microphone and state your name and address for the record. If your issue is not listed as one of our action items you will still have a chance to address on Item I, any group or individual wishing to address the Commission. By way of introductions, at my far right is Lynn Ellis, Superintendent of County Buildings; Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; Commissioner Bettye Lou Jerrel; County Auditor, Suzanne Crouch; Charlene Timmons; and to Charlene's left is Gary Tucker, also from the Auditor's Office. If you would, please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: First of our action items this evening is the approval of minutes from our meeting of August 18, 1997.

Commissioner Jerrel: I would like to move approval of the August 18th minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Second, just prior to this meeting this evening we had an Executive Session of the Vanderburgh County Commission at which time county personnel matters were discussed. All three Commissioners, the County Attorney and County Auditor were present at that meeting that commenced at 4:00 and was completed at 5:30 p.m., so I would ask for approval of the certification of that Executive Session.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Mike Buente - Veazey Parrott & Shoulders**

President Mourdock: Next on our agenda is a report from Veazey

Parrott & Shoulders regarding the Auditorium architectural matters.

Michael Buente: A very brief report. As you know, last week or two weeks ago the schedule was revised. Working with the Evansville-Vanderburgh Building Authority we have revised the advertisements and they are subject to be approved at their Board meeting tomorrow. The signage and furnishing drawings, which are two separate projects, the drawings went to the printer last week, so when we get the final advertisement approval from the Building Authority we will go ahead and start printing those and probably will put those out and make those available even prior to the advertised bid. Other than that, we have no further things to report.

President Mourdock: Okay, let me just give the Board members an update then since I have not had a chance to do this individually. On Tuesday of this past week there was a meeting that took place regarding the auditorium schedule. At the meeting, and I am doing this by memory so please correct me if I am wrong, but at the meeting was David Dunn and Dolli Kight from the Visitors & Convention Bureau, Lynn Ellis, Steve Utley, Mike Buente and myself. The discussion there, as I mentioned, was over the schedule. There was a proposal made that we basically split the project into two parts with the first part being the completion of all of the renovated project except for the auditorium. It was proposed that the substantially complete date on that be July 15, 1999 and that the auditorium section itself be substantially complete on December 15, 1999.

Commissioner Tuley: Say that date again.

President Mourdock: December 15, 1999. When it was originally presented to us that was presented...well, there was not two dates, there was one date and that date for substantial completion was July 15, 1999. After a long discussion the synopsis of which was we agreed to leave both phases in the bid to be completed July 15, 1999 and with liquidated damages of probably \$10,000 a day, although this was still going to be examined, I think. Am I right on that, Mike?

Michael Buente: Well, we've written in \$10,000.

President Mourdock: Okay, at \$10,000 a day liquidated damages would start on August 15th. However, if the bidders feel that they can save the county money by extending the construction solely of the auditorium project until September 15th, we would give them the leeway to do that. However, any delays beyond September 15th would result in liquidated damages beginning September 15th.

Michael Buente: We were doing that as an alternate.

President Mourdock: Right, as an alternate.

Michael Buente: An alternate price.

President Mourdock: Mike's point in all this was that it may be by trying to hurry them to get the completion all done simultaneously that they may put more money in the bid to do that and thus it was somewhat of a budget item. Did I state all

that correctly?

Michael Buente: Yes.

President Mourdock: Okay.

Michael Buente: The auditorium was also the later started...the later start on the auditorium because of the occupancy until January 10.

Commissioner Jerrel: The auditorium?

Michael Buente: Also, it's more complex.

Commissioner Jerrel: Is going to be used?

Commissioner Tuley: Not to my knowledge.

President Mourdock: No, no. He is saying the construction phase of the auditorium will actually begin after the convention center phase.

Michael Buente: Since the existing auditorium is going to be open until January 5, 1998 and turned over to the contractor on January 10, 1998, that was the shortest duration for the most complex part of the building. That is why we suggested that portion have a different completion date than the proper convention spaces.

Commissioner Jerrel: I guess I just...I mean, I haven't been part of this discussion, but I thought the timetable that you presented to us was different than that.

Michael Buente: The timetable that was presented on the bar chart, you're correct, was different.

Commissioner Jerrel: Okay, and now this is even a different one?

Michael Buente: What we are doing now corresponds with the bar chart.

Commissioner Jerrel: Okay. Any everything will be, in terms of the completion of the drawings, the design drawings the items for the bid, are all going to be ready to go out whenever you're...when are you putting them out?

Michael Buente: The advertisement and the drawings and specs will be available on September 15th.

President Mourdock: The bids will be due back in October 15.

Michael Buente: October 14th.

Commissioner Jerrel: Okay, and they will all be...everything, auditorium as well as all other facets, will be bid at that time?

Michael Buente: Yes, they were always bid at the same time, but what Mr. Mourdock is talking about is the completion dates.

Commissioner Jerrel: Right.

President Mourdock: Just to say, again, something you were saying, Bettye Lou, and I want to be sure you understood it and make sure I understand it, the dates that we are now giving in the bid package that this project must be completed by are the same as are on that chart with the exception that if a contractor feels that they can save us some money by giving us an alternate completion date of September 15th for the auditorium part, then we could accept that if he presents that to us as a money saving option, as an alternate.

Michael Buente: The other thing that was discussed after that meeting is the other two projects, the furnishings and the signage. They also have to be completed at the same time. We also need to put liquidated damages on those projects. I talked to Mr. Utley in a subsequent phone conversation and he directed me to put \$3,000 a day on each of those contractors because they all tie together. We've written it such that the general contractor has to be done with a lot of the work prior to the date that we've established so that the other ones can get in and do their work.

President Mourdock: Okay.

Commissioner Tuley: Mike, I'm sorry.

Michael Buente: Yes.

Commissioner Tuley: So this body and its other representatives have done everything at this point in time that we need to do to make this work? This timetable, right? I mean, we don't have anything hanging up out there now--

President Mourdock: This body?

Michael Buente: This body does not. I am still awaiting some information, some legal information, from the Building Authority and supplementary conditions of the contract. We've given them our suggestions and all insurance rates and they need to respond to us.

Commissioner Tuley: Okay, I just wanted to make sure then, is there something that we need to do here? I guess because we're saying this is it. This is the way it is going to work from here, so I want to make sure--

President Mourdock: That's my intention and Mike Buente is not aware of this, but the letter that you have in front of us to send to Veazey Parrott & Shoulders basically is saying that same thing.

Commissioner Tuley: Yeah.

President Mourdock: This is the schedule that we're sticking to. It's the schedule that was originally proposed by them to us as to the completion.

Commissioner Tuley: So we've done everything to this point to make this schedule work from our point of view and, Mike, by apparently agreeing to this date says from their point of view

this can work. Correct?

Michael Buente: Well, we were directed to do it that way, so that's the way we set it up.

Commissioner Jerrel: What happens if you don't do it that way?

Michael Buente: I'm not following your question. Are you talking about completion date?

Commissioner Jerrel: Well, the contractors have liquidated damages, but, I mean, there is no recourse on Veazey Parrott & Shoulders if you--

Michael Buente: If we don't have the plans ready for that date?

Commissioner Jerrel: Yeah, and if you--

Michael Buente: They will be going out on that date short of a catastrophe or something, death or something.

President Mourdock: That's not good enough!

Commissioner Tuley: If you die you still have to get it done.

Michael Buente: I guess it depends who it is and how many!

President Mourdock: Okay, I noticed Dolli Kight and Jerry Schmits. Jerry has been working with Steve Utley. I didn't know, Jerry, if you had any other comments to make, or, Dolli, from the Visitors & Convention Bureau? I would just add that a part of the discussion on Tuesday was very much driven by Dolli and David Dunn's concerns regarding the marketing of the facility because, obviously, one of their concerns is that if the construction in the auditorium lingered on for a number of months it would be hard to put any type of activity in the convention side and work around the construction zone.

Commissioner Tuley: Sure. I mean, that was the whole...my understanding earlier on in the discussions I was kind of for phasing it in, but I think as the discussions went it was decided we weren't going to phase it in. It was going to be all in one because of the complexity of trying to rent out part of it with still part of it being worked on.

President Mourdock: Right.

Commissioner Tuley: I don't disagree. In the long run I think that was the smarter move and I still feel that way now.

Michael Buente: I would like to add one thing.

President Mourdock: Sure.

Michael Buente: I have not actually written the alternate that you suggested about extending it one month. I'm not sure of the impact of the other contracts. It makes it very complex. The signage contract is not a problem. The furnishing contracts have potential multiple bid packages, so if I take an alternate to extend the auditorium for a month I need to do that in those

projects as well. I just haven't figured out all the verbiage that needs to take place, but there is going to be more than just one fill in the blank. There is going to be multiple fill in the blanks.

President Mourdock: Okay.

Michael Buente: Because the seating contractor for the auditorium and also the signage contractor for the auditorium is in those other two projects. If we would accept an alternate to extend the auditorium for one month we also need to get a price to extend that for one month on all those other projects.

President Mourdock: All the other projects being simply the furnishings?

Michael Buente: And the signage.

President Mourdock: I thought you said the signage wasn't affected.

Michael Buente: No, it would be. There is signage in the auditorium.

President Mourdock: What did you say a moment ago would not be affected? You said something wouldn't be affected.

Michael Buente: The signage is just one price. It's one contractor. The furnishings contract has multiple bid packages.

President Mourdock: Okay.

Michael Buente: That's where the complexity comes in.

President Mourdock: Okay.

Michael Buente: I've got to coordinate all those numbers and make sure it doesn't add to the confusion.

Lynn Ellis: Mike, for your information you indicated some confusion with the Liberal Arts Building at USI. Bids were received on August 19th and they are being evaluated and should be ready for award this week.

Michael Buente: I hadn't heard that. I knew they were originally due on the 18th.

Commissioner Jerrel: I'll make this in the form of a motion that the schedule for construction will be July 15, 1999 substantial completion of the entire project. August 15, 1999 liquidated damages will begin if project is not substantially completed. Ten thousand dollar liquidated damages **per calendar year\*** for failure to meet the substantial completion dates. An alternate for substantial completion of the auditorium only of September 15, 1999 with liquidated damages to begin September 15, 1999. That's in the form of a motion.

President Mourdock: Just for the record you have in front of you a letter from this body to Veazey Parrott & Shoulders confirming this. I'll ask for a second to that so we can sign it and send it along.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. The next item on our agenda then--

Ed Moser: May I speak?

President Mourdock: Sure, Mr. Moser, yes.

Ed Moser: I appreciate this. Thanks very much, Commissioners. Ed Moser is my name. I'm President of the Coterie Club. We have a dance coming up September 6th. I'm referring basically to the article that was in the Press last Friday and I am concerned about this. Are we going to have to clean the restrooms or are we going to have to set up the facilities for the dance, etc.? Now this is September 6th and we are having one of the best bands in the country, Al Pearson directing the Guy Lombardo Orchestra. We had a Board meeting last night at a private residence and we discussed this thing and I said I am going to be here and I am going to raise this question. What is the situation?

Commissioner Jerrel: Our manager misspoke.

Ed Moser: Huh?

Commissioner Jerrel: Our manager misspoke.

President Mourdock: I am confident that--

Ed Moser: Misquote?

Commissioner Jerrel: Misspoke. We'll be open. It will be clean.

\*Amended 9/2/97 to read **per calendar day** per motion by Bettye Lou Jerrel, seconded by Pat Tuley and so ordered by President Mourdock

President Mourdock: I'm confident, Mr. Moser, business will be done as usual at the convention center right up until--

Ed Moser: Now, we've got another dance date in November.

President Mourdock: As I was about to say--

Ed Moser: That's another fine band, Jack Morgan and then we vamoose.

Commissioner Jerrel: It will be clean and ready.

Ed Moser: It will be in order with the tables set up and we do the rest?

President Mourdock: We will have business as usual in that facility until midnight of January 5, 1998 at which time the building goes down to construction.

Ed Moser: Yeah, that's the date we...well, I thank you very much for that assuring remark. I will sleep better tonight knowing that I won't have to put on my work clothes before I go dancing. Not to be facetious, I appreciate it.

President Mourdock: I understand.

Commissioner Jerrel: Well, we're sorry that was even a concern.

Ed Moser: One more quick question, may I please? This is relative. What is the situation with the County Commissioners and the Coliseum?

Commissioner Tuley: We have a long-term lease. They run it.

Ed Moser: Does the county own the building?

Commissioner Tuley: Yes.

President Mourdock: Yes, but it is under a long-term lease.

Ed Moser: You lease it to the Veterans?

Commissioner Tuley: It's under a 99 year lease or something.

Ed Moser: Yeah, I just wanted to verify that.

Commissioner Tuley: That's correct.

Ed Moser: We're in touch with the people over there to get a dance date or two in 1998.

Commissioner Jerrel: That should be a good floor.

Ed Moser: Well, it looks pretty. The very first time I saw it about 15 months ago it was set up for a dance and it looked alright.

President Mourdock: Feel free to call them because they negotiate and do their own leasing there.

Ed Moser: Yeah, well, we had some so...I'm sorry to interrupt you, but it was relevant to the whole picture as far as the auditorium, etc. Thank you very much.

President Mourdock: No problem.

Ed Moser: I appreciate it.

President Mourdock: We're still considering Mour-Tu-Jer.

Ed Moser: Pardon?

President Mourdock: I said we're still considering the Mour-Tu-Jer Center that you suggested.

Ed Moser: Touch of class, wasn't it?

President Mourdock: Indeed.

Ed Moser: Don't forget the wooden dance floor.

President Mourdock: I knew you would sneak that in. Okay.

Ed Moser: Thank you.

President Mourdock: Yeah, you bet.

**Appointments to Local Welfare to Work Planning Council**

President Mourdock: The next item in our packet we have the Local Welfare to Work Council which you'll recall this body has been involved with for several different issues, but under the state statute that was, I guess, reenacted this past year we need to rename members to that group. Lynn, I saw the letter earlier, but I don't find it in here. Yeah, there it is. Under SEA477, and there is a list of names submitted that need to be appointed and I would take those from you.

Commissioner Tuley: You're talking about Number 4, Number 8 and Number 9D?

President Mourdock: Yes, that's right.

Commissioner Tuley: Just the three?

President Mourdock: Yeah, and I believe, Lynn, that these people have been contacted to see that they are still willing to serve?

Lynn Ellis: Yes. All of the members need to be reappointed and then those three highlighted positions need to be appointed. That's in accordance with the requirements of SEA477.

President Mourdock: Right.

Commissioner Jerrel: I would like to move approval of the appointment of Roger Frick, United Way; Jeff Amos, from Private Industry Council; Gary Heck, from Step Ahead Council. He's no longer there though is he?

Suzanne Crouch: Yeah, he's there.

Commissioner Jerrel: Is he? Okay. Steve Melcher, from the Community Action Program; Mary Hart, Pigeon Trustee; Brenda Murray-Pittman and Margie Schenk, Job Training/Placement Agency; Lois Rini, of Ivy Tech, for Vocational Training Facility; Diana Simpson, WIC Nutrition Program; Jeff Devine, representing Business; Peggy Forbes, Business; Steve Folz, Laborers Local 561; John Dunn; and Harriet Kimmel; Linda Gilbert, representing School Teachers; Joanne Reid, School Administrators; and other members include Ken Eskridge, School Administrator; Leanne Hudson, EVSC New Directions; Phyllis Donahue, Division of Family and Children; Cyndi Spear-Duncan, Division of Family and Children; Richard Mourdock, Vanderburgh County Commissioner; and then...that's all.

Commissioner Tuley: Second.

President Mourdock: So ordered. I think there was one other person who wants to be on this group which there are open positions. That would be Walter Julian who is with the Behavioral Health Care Center. Is that right, Lynn?

Commissioner Jerrel: Is there an opening?

President Mourdock: Yes.

Commissioner Jerrel: I'll include his name in the approval.

Commissioner Tuley: I'll second.

President Mourdock: Okay, again, so ordered.

**EHA - Requesting donation of 317 E. Cherry Street**

President Mourdock: Okay, the next item we have is the Evansville Housing Authority has requested the donation of 317 East Cherry Street. Lynn, do you have any additional comments on that?

Lynn Ellis: Um, you can come to the microphone. The request was made and I forwarded it to the County Attorney to review to see if it would meet the requirements and if we would be permitted to make that donation.

President Mourdock: State your name, please.

Kenneth Colbert: Kenneth Colbert, with the Evansville Housing Authority.

President Mourdock: Okay, go ahead and make your pitch here, I guess.

Kenneth Colbert: Okay. We are requesting again this year the property at 317 East Cherry. In the past you have donated other parcels to us and we have assumed the responsibility of paying for the title searches and assuming any liens or liabilities that may be on those parcels. We do own currently the property at 315 East Cherry which abuts this. We are developing that area of Cherry Street. We currently have three homes that are under construction and our intent or plan is also to develop that vacant lot for that purpose.

President Mourdock: Okay.

Kenneth Colbert: We have worked also with some of the not-for-profits, with Habitat, etc. to make sure we did not conflict with that particular area where we are concentrating.

Commissioner Tuley: I only have one question. I just want a clarification. You said you were here again and I hope that means not again on 317?

Kenneth Colbert: No, that's correct.

Commissioner Tuley: Okay, alright.

Kenneth Colbert: There were other parcels that you gave to us with clear titles.

Commissioner Tuley: In the past?

President Mourdock: Yeah.

Commissioner Jerrel: I have to share with you what the Auditor was sharing with me, 317 we don't have clear title to.

Joe Harrison, Jr.: Right. I have indicated that to them.

Commissioner Jerrel: Oh, okay.

Joe Harrison, Jr.: Hopefully within the next two months I think there is an expedited sale that is going to be taking place and then the county will have title and I mentioned to them that at this time we wouldn't be able to give anything because we don't have anything to give. The Commissioners in a couple of months, hopefully, will be in a position to consider the request and they may want to act upon the same conditionally if that is, in fact, acquired by the county within the next two months or so. There is a procedure that will have to be followed and I can advise the Commissioners what they will have to do, but it is my understanding that you'll be willing to pay the cost and assume the liens that are--

Kenneth Colbert: That is correct.

Joe Harrison, Jr.: --out there. Okay.

President Mourdock: Can you state what the cloud on the title is, Joe?

Joe Harrison, Jr.: Well, they probably have 70 pieces of property that are kind of in the same status that have gone through two tax sales and now have to go on the expedited tax sale that I think is going to be in September. Suzanne may know for sure when that is going to be.

Suzanne Crouch: I think it will probably be September or October.

Joe Harrison, Jr.: Okay, and then at that time assuming that no one purchases the property, then it will go to the county and then from that point forward we can...the Commissioners can consider the gift of that property. It would not be prudent to give something we don't have right now.

Lynn Ellis: I indicated to Mr. Colbert that the Commissioners had previously requested that the nonprofit organizations work together because there had been an issue before where two or three of these agencies wished to have the same piece of property.

Commissioner Tuley: That was my question when he said again 317. I just...you're right.

President Mourdock: Okay, it sounds to me that the best we can do at this point is take your request under advisement then and see what happens as the title process proceeds.

Kenneth Colbert: Thank you.

President Mourdock: Okay, thank you.

President Mourdock: John Stoll, County Engineer, with a bid item.

Commissioner Tuley: You just need them to be opened? I would move at this time, then, that the County Attorney be directed to open the bids for VC97-08-02, Repair and repaving of various roads in Vanderburgh County.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Permission to advertise an ordinance amending Chapter 151**

President Mourdock: County Auditor, permission to advertise some subdivision ordinances or a subdivision ordinance. We have the County Auditor on our list here for a subdivision ordinance.

Suzanne Crouch: I'll let Charlene speak to that.

Commissioner Tuley: Like all good secretaries, tell the boss what's going on.

Charlene Timmons: The Area Plan Commission brought this down to the office to have an amendment made to Chapter 151. I'm just asking for permission to advertise this so that it can be held for a first reading on September 8 and a second reading on September 15.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Approve Chamber of Commerce recommendations for appointments to PIC**

President Mourdock: We have a Chamber of Commerce recommendation regarding the PIC Program, which is the Private Investment Council?

Commissioner Tuley: Private Industry Council.

President Mourdock: Private Industry Council. I knew that didn't sound right.

Commissioner Tuley: Their recommendation is for Ms. Shelby Clark, of Casino Aztar, and Mr. David Rector, of Ameriqua, and I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So order. We may be one of the few Commissions that appointed another Commission member there.

Commissioner Tuley: Yeah.

**Food Service Contract - Community Corrections and Jobs Program**

President Mourdock: We also have in our packets the Food Service Contract for the Community Corrections facility, the Safe House, as recommended by Harris Howerton.

Commissioner Jerrel: I would like to move approval of the contract between the County of Vanderburgh and the Vanderburgh County Jobs Program for the food.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Department heads, John Stoll.

Commissioner Tuley: You don't have any group?

President Mourdock: Oh, yeah, I'm sorry. Any group or individual wishing to speak to an issue that does not show up on our agenda?

Eldon Maasberg: I do. Do you want me to wait until after John?

President Mourdock: No, please, come forward, sir. This is regarding the County Commission not the Drainage Board?

Eldon Maasberg: Right. Well, it might be both, I don't know.

President Mourdock: Okay, well come on up and give it a shot.

Eldon Maasberg: That will be your decision.

President Mourdock: Okay.

Eldon Maasberg: I was checking bridges. I don't know what you guys think of the water that is going down the creeks now. This is clear off of Buente.

President Mourdock: Sir, just for the record will you state your name and address?

Eldon Maasberg: Oh, Eldon Maasberg. I live on Lutterbach Road. Do you want the address and all?

President Mourdock: Sure.

Eldon Maasberg: 14747 Lutterbach Road, Evansville, Indiana 47720. Alright, these two I took tonight at Owensville Road and this is Buente Creek and this is Pond Flat. Wait a minute, I got it backwards. This one is Baseline Road. Now I really messed it up. Yeah, Baseline at the railroad by Azteca. This is Owensville Road at 5:00 tonight. Now the clear one, this one down here, would be the one down at Mann Road is what I should of said. I think this is water coming off of Azteca. I mean, we're polluting our streams. Now if this was a farmer doing it you would be all over our backs. Now what are we going to do about this kind of mess coming down our creeks? We're talking close to five miles...well, this one would be about four miles from this here. I would like to think that the water would

purify itself if you had a little in there, but this is a lot. Anybody can see that. I don't know what the County Commissioners plan on doing with it or about it, but they build their alfalfa field on a kind of a tight soil and it is not taking the amount of water that Texas would have took in their sandy soils. This water, if you opened up the can, would smell just like the smell that Darmstadt is smelling right now if the air is right. If the creek would of ran or it would of had some rain this would have been all flushed on down to the Wabash, but it didn't make it yet.

Commissioner Jerrel: Did you talk to anybody that visited with their chemist about a week and a half ago that went through each of these steps and looked at their drainage and viewed the changes? Dr. Tucker was there and--

Eldon Maasberg: First of all, I didn't know this was in the creek until Sunday afternoon.

Commissioner Jerrel: Could I...I mean, may I, please? I'll get out of everybody's way, but I went over this with him and I am very interested in it and in answer to your question are we going to do anything? Absolutely, we are monitoring, but I want to try this myself.

Eldon Maasberg: This is Mann Road. The one that I really seen.

Commissioner Tuley: Is she going to go drink it?

Suzanne Crouch: Is she going to drink it?

Commissioner Tuley: Where is she going?

Commissioner Jerrel: Yeah, take that top off for me. Go ahead. Just forget I am here.

Eldon Maasberg: Yeah, you may not want to smell it. Anyway, like she said, I didn't know it until Sunday because for later on in the ditch meeting I've got a complaint about that. When I got down there Sunday morning looking at the bridges, that's what I seen several miles away from Azteca. Probably as black as that is more than likely it is down maybe half way to Posey County or, you know, the Wabash by now.

President Mourdock: Did I understand you that the jar that Bettye Lou has which I guess is the blackest of the water, did I understand that came from Baseline at the railroad?

Eldon Maasberg: The railroad tracks, right.

Commissioner Jerrel: I'm going to keep this one so I can check it.

Eldon Maasberg: Well it's all about the same stuff. I mean, a person can go out and get it real easy unless it cuts loose raining in the next hour. Like I said, I got it last night at 6:00. The other two, the clear one and the Owensville Road, which I bet ain't a lot different than that one in front of you, was done this evening about a half an hour before I showed up here. Like I said, the clear one there on Baseline on my road, or where we've got our farm there, that is shy from being clean

up the drain.

Commissioner Jerrel: Let me just share what they told us. There were mostly people from...there was four or five people from your neighborhood with...I can't think of his name. It's Dr. Garcia, would that be right?

Commissioner Tuley: From Azteca?

Eldon Maasberg: When you say my neighborhood, see, I'm really from Armstrong Township.

Commissioner Jerrel: Well, the people that are closer to here.

Eldon Maasberg: Like I said, I am not really involved in it.

Commissioner Jerrel: Well, let me tell you what they...we went up to their lab and essentially what they do after this corn is cooked at a very high temperature with some lime added to it at that time, it's put in a centrifuge and all of the liquid is removed that can be removed and what's left is a solid material, but they're all cellulose, starch and food products. There are no additives to change. I mean, these are food products.

Eldon Maasberg: Well, are we going to say that this is working with the fish or killing the fish?

Commissioner Jerrel: Well, fish will die if a PH is changed, but I am just saying that this...they had problems. What they showed us, the reason for the problem that developed. Well, we have a reporter here just writing away, but I think listened to all this, the anaerobic bacteria in the lagoon were not at the right balance with the aerobic bacteria in the lagoon and that is what caused the darkening. That is to reach a neutral PH of about seven in order to do away with the dark color and to keep the odor down. There's no...I mean, the substance is not a substance that contains dangerous materials. It's a PH problem of the corn by-products.

Eldon Maasberg: I don't know about that. I understand that they could of had some bins of corn go bad, too.

Commissioner Jerrel: Yeah.

Eldon Maasberg: I wondered if that was pushed up in there, too, and has caused everything to get out of whack, you know?

Commissioner Jerrel: You're very correct that the PH was out of the neutral zone in the middle, but there is not any dangerous material. It was a matter of they have to...it's their job and they are going to have to get it to that neutral so that this is the way the substance looks and then there is no odor.

Eldon Maasberg: Right.

Commissioner Jerrel: If it gets over too far one way or the other then there is a problem.

Eldon Maasberg: You would think that came out of a septic tank the way that looks.

Commissioner Jerrel: Yeah, I know it. The only reason I brought that up is that, yes, all three of us are very interested and are monitoring it.

Eldon Maasberg: I understand there is supposed to be a meeting at Scott School. I don't know whether it is tonight or tomorrow night, but it is sometime this week. Am I right?

Commissioner Jerrel: I thought it was in September.

Eldon Maasberg: Oh, it's in September?

President Mourdock: Yeah, we are very much aware of it and I sent Lynn back to get my correspondence file because the people with the engineering firm, MRV, that is supervising the activities at those ponds and I have had some correspondence regarding the types of questions you've raised. They've gotten one answer back to me and I think--

Eldon Maasberg: I mean, I really haven't been involved.

Commissioner Jerrel: Sure.

Eldon Maasberg: Since I was down checking the bridge I ran across it.

Commissioner Jerrel: I'm glad you did.

Eldon Maasberg: You know, if that one on Mann Road, as black as it is now, and take some of that clear water how far down before it will start clearing up? I mean, is it going to be down around Wadesville when it clears up or is it going to be down to Cynthiana? What town will it clear up?

President Mourdock: Possible options that they are looking at, and I am not speaking for them, don't misunderstand me, but just speaking kind of as Bettye Lou was from the more technical and scientific side their possible options are to change the aerobic/anaerobic balance which affects the PH to get away from that problem and if they can't do it in the pond itself then the other possibility that I would guess IDEM may face on them is to put in their own sewage treatment discharge type of plant to deal with that locally. The situation cannot continue as it is and I think they are well aware of that. They are working to mitigate it in some way and that is certainly what we are going to continue to get them to do.

Eldon Maasberg: I just didn't know whether you were aware how far down the creek it was getting.

President Mourdock: Yeah.

Commissioner Jerrel: Yeah, we're aware.

Eldon Maasberg: You can follow me home and see it tonight yet. I mean, like I said that one I picked up a half an hour before getting here. It's there now.

President Mourdock: As you may know, I live in Darmstadt and where I live is about probably three and a half miles south and

I've smelled Azteca at my house on a few rare occasions and I smell it at my office on North 41 a lot.

Eldon Maasberg: I know where you work. Anyway, like I said getting around that creek when you cross it on Owensville Road you can smell it there and it's there. It's not like what you're talking about smelling when you drive by the plant. Was it Monday night I noticed it was raining and they were spraying like heck. Like Bill Jeffers says, when the ground is full where is it going to go? I mean, I'll use one of his expressions. He probably don't like me using his name. That's pretty well what I've got to say. Thank you.

President Mourdock: Thank you.

Commissioner Jerrel: Thanks.

Bill Jeffers: On that issue, I just wondered if everybody knows that one particle of that leaving the site is a violation of the permit that they hold under IDEM and our office has been receiving calls on that since December.

Commissioner Jerrel: Now that's not what the IDEM information letter that we saw at the site said. Correct, Jane? They are in compliance. Why don't you just talk to them because that is not what we saw out there. I wouldn't want to say that on the record and then we just saw something that didn't say that.

Bill Jeffers: Well, the Director of IDEM told me that and her Chief Inspector told me that.

President Mourdock: For the record, those comments from Bill Jeffers from the drainage office.

Bill Jeffers: Right. That was a result of a conversation with the Executive Director.

President Mourdock: It may simply be the question of which one of those jars are we talking about because the one jar, probably, yeah they are in compliance, but with the others I would agree with Bill.

Bill Jeffers: Whenever there is water running in that ditch through the Rexing's property it is a body of water and under the Clean Water Act they are not allowed to discharge a particle of what they are treating out there into that body of water.

President Mourdock: Okay. Any other individual wishing to speak to an issue that is not on our agenda?

**John Stoll - County Engineer**

President Mourdock: Department head reports, John Stoll.

John Stoll: First I've got a Notice to Bidders for Contract Number VC97-08-03, Culvert replacement on Slate Road. This is a culvert that is too large for the County Bridge Crew to install and we'll contract it out. I would recommend that the Notice to Bidders be approved.

Commissioner Tuley: I'll move for approval the Notice to Bidders in reference to VC97-08-03, Culvert replacement on Slate Road.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next I've got a Notice to Bidders for Contract Number VC97-08-04, Phoenix Commerce Center, Phase One. This would be a revised set of plans for the Phoenix Commerce Center project. The original bids were due back several weeks ago, but that bid date was canceled because of problems with the sanitary sewer design. Now they've said the sewer design will be revised and approved, so now we are going to rebid the thing. I recommend that Notice to Bidders be approved as well.

Commissioner Jerrel: I move approval of VC97-08-04, Phoenix Commerce Center, Phase One, that be proposed and submitted.

Commissioner Jerrel: Second.

Commissioner Jerrel: So ordered.

President Mourdock: For the record, I abstained on the Phoenix issue.

John Stoll: The final item I've got is a culvert replacement on Old State Road. Up on Old State Road there is a culvert that is in poor condition that needs to be replaced prior to the county resurfacing that project through our bids that the County Attorney just opened. We received price quotes back from four contractors and Deig Bros. provided the low quote at \$10,948. The scope of work for the contractor would be just to install the culvert. The culvert itself would be purchased through the county's annual bids. I recommend that it be approved so that we can get a purchase order to install that culvert.

Commissioner Jerrel: I move approval of the \$10,948 low bid to Deig Bros. for the replacement of the culvert.

Commissioner Tuley: Second.

President Mourdock: So order.

John Stoll: That's all I have.

President Mourdock: Any questions of John?

Commissioner Tuley: Are you going to be around for Drainage Board?

John Stoll: Yes.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No. Did you get any information from...who were we looking for on Cross Pointe?

John Stoll: I talked to the railroad and they said, again, that the agreements are being processed and they would overnight the

thing to me by the end of this week.

Commissioner Jerrel: We already got the other approval from the state?

John Stoll: We received the INDOT permit today and then the drainage issues will be discussed at Drainage Board.

Commissioner Jerrel: You're going to get a cost outline?

John Stoll: I've got that.

Commissioner Jerrel: Do you have it with you?

John Stoll: Yeah.

Commissioner Jerrel: Okay.

John Stoll: Once we get the railroad agreement at the end of this week then maybe next week I can come back with some more information about whether or not we can go ahead and get it awarded.

President Mourdock: Okay, so we just need to take this under advisement this evening?

John Stoll: Yes.

President Mourdock: Two questions, John. Number one is just to remind you next week, again, we want to talk about Ward Road briefly to have everything narrowed down there. Secondly, I've had several calls and I know you have in the past also on county road standards. I know the Chamber of Commerce has been working with this to some degree. You and I have discussed the need to have such standards and really haven't talked about how it might be done. Just as a question, something you might think about and come back to us with a proposal, we use Mr. Schmits with a number of different consulting things here of late and I am just wondering if the city and county...if it makes since to have similar road standards? Logic tells me it probably does although I could be dead wrong.

John Stoll: I think they should be the same.

President Mourdock: Yeah, okay. If they should be the same could he possibly...could we use his services to coordinate with you and also Herb Butler to see if we can come to a common set of standards in a fast or fashion? Kick that idea around. If you think it is appropriate, then hopefully we can get some of the fees that would otherwise be owed there, too, towards Mr. Schmits' consulting from the city. I know we've had the question come up as far as the different standards from everything from industrial developments to commercial centers to residential and we need to set a standard. I don't know if either of you have any comments about that, but I would look to your office for some direction and a recommendation.

John Stoll: Okay.

President Mourdock: Okay.

Commissioner Tuley: You brought up Ward Road. John, is that sanitary sewer going in along Ohara there? Is there an Ohara Drive sanitary sewer project or anything like that going in there? Mr. Bell called me from in his car down in Kentucky somewhere today.

John Stoll: Whirlpool is doing a lot of drainage work along their property. They are putting in some 36 inch pipe. It's all concrete pipe, but everything that is being done out there is improvements that Whirlpool is doing to their own--

Commissioner Tuley: To their own property and for their own benefit.

John Stoll: Right. It will probably help out everything out there, but it's all work that they have initiated.

Commissioner Tuley: Okay.

President Mourdock: You think it will help out everything?

John Stoll: Yes. They've cleaned up that ditch and they've done quite a bit of work, so it's definitely--

Commissioner Tuley: So if water gets into it--

John Stoll: The only thing the county has done is replaced one culvert that crosses underneath St. George, but everything else has been work that Whirlpool has undertaken.

President Mourdock: Okay.

Lynn Ellis: You see with John's report the paving progress and the ditch cleaning progress. That's included in his report this week.

President Mourdock: Okay, alright. Thank you. I was going to mention those under the County Garage. I see the accurate ones, or the up-to-date ones are posted there, too, for August 21st. Alright, thanks, John.

John Stoll: Thanks.

**Rick Dickinson - County Garage**

President Mourdock: Next up, Rick, County Garage.

Rick Dickinson: I don't have much other than the reason the pie charts aren't moving much this week is because of a lot of rain last week. We can ditch in the rain, but you have no place to put the dirt.

President Mourdock: My concern factor is getting highly elevated now because we're still showing slightly less than half of the work done on both of those and we are now 66% of the way through the year.

Rick Dickinson: Yeah.

President Mourdock: We're falling behind.

Rick Dickinson: Two roads will be complete tomorrow. That will be Kissel and Little Schenk unless it rains.

President Mourdock: Okay, because if we stay much further behind this schedule in a few weeks, I mean, we've got to think of another option of how we can get this done. We don't just want to carry those roads over into next year. At least I don't want to, that's speaking for me.

Commissioner Tuley: Nobody else does either.

Rick Dickinson: Yeah, we don't want to either. I know last year we paved up until January 1st. We took a big, big chance.

President Mourdock: Yeah, and you got real, real lucky, too.

Rick Dickinson: That wasn't up to me. I was fighting the other way.

President Mourdock: I know Bettye Lou and I spoke one day about the El Niño which is predicted for this winter which is to say we're supposed to have a very, very mild winter.

Commissioner Jerrel: A very mild winter and then watch out!

President Mourdock: It will be a wet winter.

Commissioner Jerrel: The rains will come!

President Mourdock: Which may take us back to the Drainage Board! Okay, we do have in our packets, by the way, the August 15th through August 21st Highway Report. Any other questions for Rick? Thanks, Rick.

Lynn Ellis: I wanted to make a statement. Rick didn't mention it, but he is working on the two year list for proposed roads for our upcoming meeting, so he is doing that.

President Mourdock: That's great.

Rick Dickinson: Everything that happened with us meeting and everything, it's working really well.

President Mourdock: Great.

Rick Dickinson: Everybody is starting to talk.

Commissioner Jerrel: That has really been...like I said the last time, I didn't have anything to do with it, but those of you that did have really made it work and I think that's wonderful.

Rick Dickinson: It's working real well for both us and them. We've had a problem with SIGECO. Our problem, not SIGECO's. It's been bad communication on a culvert being put in and stuff where we run in...we call in for locates, but we go to take up a culvert and they are piped in the way and we've got roads closed down.

Commissioner Jerrel: I have some paperwork here that needs to be taken care of. Let me come around here and show you before you

get away. (Inaudible conversations made away from mike.)

Rick Dickinson: Okay, I guess I need to...I don't know if I am doing this right. This is the first time I've ever done this, but \$64,200 into line item 2010-4230.

Commissioner Jerrel: Alright.

President Mourdock: What is this? I'm sorry.

Commissioner Tuley: Yeah. Is it a transfer?

John Stoll: An appropriation.

Commissioner Jerrel: For one of the motor vehicles from their unappropriated money. You know, the trucks that we approved?

President Mourdock: Uh-huh.

Commissioner Jerrel: They needed to appropriate from the unappropriated money \$64,200 from Highway Fund line item 2010-4230 and then Local Roads and Streets needs to have \$63,560 appropriated from line item 2160-4300.

Commissioner Tuley: This is a request to go before Council?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

Commissioner Jerrel: Let me ask you a question now. Obviously, this can't get on because it wasn't advertised. You know, it has to be advertised. We could do the transfer, but we couldn't do this advertising, but it will be...these trucks have things that have to be done to them don't they?

Rick Dickinson: Yeah.

Commissioner Tuley: Yes.

Commissioner Jerrel: Okay, so there will be a little time in there.

Lynn Ellis: The expected delivery is not for 60 days, so no payment would be made--

Commissioner Jerrel: We're okay.

Lynn Ellis: --until then.

Commissioner Jerrel: We'll have the money in place in time to pay the bills. Okay, I just wanted to make sure I got this all done right tonight.

Rick Dickinson: I don't know a thing about this stuff.

Commissioner Jerrel: You don't have to do anything else with

that.

Rick Dickinson: Okay.

President Mourdock: Okay, thanks, Rick.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Next up we have the County Attorney's report.

Commissioner Tuley: I think you're up.

President Mourdock: You're up, Joe, County Attorney's report.

Joe Harrison, Jr.: I was talking to Pat, I'm sorry. The first thing I would like to address are the bids that came in for the repair and repaving of various county roads. I believe it was VC97-08-02. There were three bids submitted for the repaving of various county roads. They are as follows:

1. J.H. Rudolph & Company \$494,999.31
2. E & B Paving, Inc. of Evansville \$497,058.23
3. Gohmann Asphalt & Construction, Inc. \$525,608.44

Those were the three bids and I would ask that the Commissioners take these under advisement to consider their responsiveness.

Commissioner Jerrel: I would like to move that we take these bids under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The next item, the one particular Barrett Law project that has been moving along rather quickly is the Westwood Hills Subdivision street repair project. It is my understanding that if work hasn't started the contract has been awarded and I believe that they are probably starting...if they haven't already started they will be starting soon on the road improvement project out there in that subdivision. There has been a proposal submitted to the County Commissioners on behalf of three of the local banks: Citizen's National Bank, National City Bank and Old National Bank to finance the bond with respect to that particular project to buy the bond relating to that project. The interest rate that they are proposing is 6.95% fixed. I think each of you has a copy of the commitment letter and the commitment is good for a period of 90 days. Again, the fee is listed on there as well. It's 1% of the bond amount plus reimbursement of reasonable attorney's fees, I guess if there is a default. It's a 15 year term and those who do not pay the assessment for the project within the first 30 days would then be on the bond plan, so to speak. The bond amount could be up to \$200,000, but it is going to be lower than that. The bid, I believe, was about \$150,000. There will be other costs associated with that, but there will be a number of people that will be paying their fair share up front, so the loan amount...the bond amount would probably be around \$100,000 or somewhere in that vicinity. Again, this is from three of the local banks: Citizens, National City and Old National. If you

all are interested at this point in having me send a letter to them saying we will accept this offer I will do the same. If you want to take it under advisement and consider it for a while that's fine, but it appears to be very favorable. I've sent this to counsel for Westwood Hills Neighborhood Association and he was very pleased with this proposal and thought it was great and that was from Mr. Flynn.

Commissioner Jerrel: Shouldn't we act promptly though?

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: I mean I would think a motion...you're not telling us to delay.

Joe Harrison, Jr.: No.

Commissioner Jerrel: I think it would be in our best interest and I would like to move approval of accepting this.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Thank you.

President Mourdock: I presume with that, Joe, you'll draft a letter then that we'll sign next week or do you just want to go ahead and handle that?

Joe Harrison, Jr.: I think I can go ahead and do that. I'll indicate that it was approved on today's date.

President Mourdock: Okay.

Joe Harrison, Jr.: The last thing that I had, and I don't know if...okay, I am getting a nod from the Auditor's Office. I've got a copy of a grant contract renewal between the Indiana State Department of Health and the local Health Department, the County Health Department. The period of the grant runs from October 1, 1996 through September 30, 1997. No, that's the current one. This would be an additional one year period from October 1, 1997 through September 30, 1998. This would be an option to renew the current contract. The current grant that the county is receiving is \$183,630. Pursuant to the terms of the agreement, I would ask that the Commissioners approve a copy of this agreement. You may have it in your packet, you may not, but it has already been executed by the Health Department through their officer, John Hiedingsfelder. The grant that was prepared by the state did not list the Commissioners, but I would ask that you give your approval to this document and then it can be forwarded up to the state and hopefully we'll be receiving grant funds again for the balance of 1997 and '98.

Commissioner Jerrel: I would like to move approval of the grant that will run from...well, it's the federal fiscal year, really. It's September 30 through October 1, 1998.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: I think that's it.

Commissioner Jerrel: I read it backwards.

Joe Harrison, Jr.: Okay.

Commissioner Jerrel: I knew it was backwards when--

President Mourdock: Yeah, she defined fiscal year as September 30 through October 1st.

Commissioner Jerrel: Yeah, it's the other way around.

Commissioner Tuley: Takes that long to get it approved.

Joe Harrison, Jr.: That's all I have.

Commissioner Tuley: We know what you mean.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Okay, Superintendent of County Buildings. Lynn, do you have anything for us?

Lynn Ellis: Yes, I do. I have a couple of things. I have a request that was dropped off today from Mike Robling that says:

"Attached for your signature are the transmittal letters and certifications for the Indiana Housing Finance Authority Flood Mitigation application."

He'll provide us with a complete copy later in the week, but I would ask that you sign this letter or authorize Richard Mourdock to sign it as President of the Commission. This is regarding that voluntary acquisition demolition for the flood mitigation and there is additional monies available without meeting certain poverty restrictions and so it is expanding our program a little bit and we've had quite a few applications for this.

President Mourdock: Discussion?

Commissioner Jerrel: No, and I don't know what kind of a motion you were requesting.

Lynn Ellis: Just authorization to execute the letter addressed to the Indiana Housing Finance Authority submitting the application for the monies.

Commissioner Jerrel: Okay, I would like to move approval of that authorization.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: I would like for the Commissioners to request that the County Attorney address a letter or draft a letter to SIGECO

regarding Burdette Park and the fact that they are on a Peak Performance rating and have been for years with no real clear explanation as to why. I had faxed him a request last week to do this and would ask for your authorization or permission to do so.

Commissioner Jerrel: Yes, I would like to move that we send a letter requesting a change in the arrangement that we have for the utilities at Burdette Park.

Commissioner Tuley: Second.

President Mourdock: So ordered. Just to clarify that, are we on Peak Performance or we want to be on it?

Lynn Ellis: Yes. No, we are on it which means that we pay whether we are using them or not.

President Mourdock: Okay. Anything else, Lynn?

Lynn Ellis: I think that is it.

#### Consent items

President Mourdock: Consent items in the packet are relating to employment changes, travel requests and scheduled meetings. Before we do anything, I know Commissioner Tuley had a last minute addition to--

Commissioner Tuley: It's in there.

President Mourdock: --the consent items.

Commissioner Tuley: Yeah.

President Mourdock: Was that in there?

Commissioner Tuley: Believe it or not, they got it to the agenda.

President Mourdock: That was added.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: Just by way of clarification also regarding scheduled meetings. The Vanderburgh County Commission will not meet next Monday, September 1st which is, of course, the Labor Day holiday, but we will meet September 2, 1997.

Commissioner Tuley: Along those lines, on my permission to travel I asked to leave here the 29th which is a Monday night meeting, so I won't be here for that meeting. It's the fifth Monday of the month.

President Mourdock: Is that a question as to whether we need to meet or just simply the statement that you will not be here?

Commissioner Tuley: I won't be here and if one of you others won't be here then there won't be a meeting.

Commissioner Jerrel: That might be a good thing to consider.

Commissioner Tuley: There are several people probably going to that conference.

Suzanne Crouch: Oh, that is the AIC.

Commissioner Tuley: That's the AIC Conference.

Suzanne Crouch: Yeah, I'll be there.

President Mourdock: You want to take that up for discussion at a later time?

Commissioner Jerrel: You want to decide whether we have a meeting when we meet next Tuesday?

President Mourdock: Sure, that would be fine.

Commissioner Jerrel: Okay, if there is no pressing need then I think we can cancel that meeting.

President Mourdock: Okay, and just FYI, I will not be here the meeting of September 8. I will be on vacation.

**Old business**

President Mourdock: Old business for this evening?

Commissioner Tuley: None.

President Mourdock: Any old business items?

Commissioner Jerrel: No.

**New business**

President Mourdock: New business? Just as an update, I appeared last Wednesday at the budget hearings and the County Council was most appreciative of the letter by which we committed the reappropriation to Burdette Park. I told them that I would be there personally to ask for that appropriation at their first meeting of the year. One other point with that, obviously, was that our CCD budget was approved as requested by a 4-3 vote.

Commissioner Jerrel: Good.

President Mourdock: Any other items of new business? Alright, I would look for a motion for adjournment prior to beginning the Drainage Board meeting.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**The meeting was adjourned at 6:45 p.m.**

**The meeting was reconvened at 6:47 p.m.**

Commissioner Jerrel: I would like to make a motion to reopen the Commissioners meeting.

Commissioner Tuley: I'll second.

President Mourdock: Okay, so ordered. The meeting of August 25th is momentarily reopened for a bit of business.

Commissioner Jerrel: Yes, because there were two, the Auditor's Office and the other Commissioner, namely me, were not included in the travel requests to the AIC.

President Mourdock: Okay, is that a motion?

Commissioner Jerrel: That is a motion.

Commissioner Tuley: I'll second your motion.

President Mourdock: Okay, and I will say so ordered. Any other business before the Commission this evening?

Commissioner Jerrel: The motion to cancel the meeting on the last Monday of September.

Commissioner Tuley: I'll second that.

President Mourdock: Okay.

Commissioner Jerrel: With permission to advertise.

President Mourdock: Okay. So there is a motion to cancel the Commission meeting of September 29th and to advertise. I need a second.

Commissioner Tuley: I'm sorry, second.

President Mourdock: So ordered. Okay, now a motion for adjournment.

Commissioner Jerrel: I move that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered. We are adjourned.

The meeting was adjourned at 6:49 p.m.

***THOSE IN ATTENDANCE:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
John Stoll  
Bill Jeffers  
Rick Dickinson  
Michael Buente  
Kenneth Colbert  
Ed Moser  
Eldon Maasberg  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

---

Richard E. Mourdock, President

---

Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
September 2, 1997**

The Vanderburgh County Board of Commissioners met in session this 2nd day of September in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the September 2, 1997 meeting of the Vanderburgh County Commissioners. I think everyone who is in attendance tonight knows our rules and pretty well knows everyone who is here, so I am going to forego a lot of that and simply ask you if you would, join us for the Pledge of Allegiance. Even having foregone the intros it suddenly occurs to me for the record I do need to say, the Superintendent of County Buildings, Lynn Ellis, is present; Joe Harrison, Jr., County Attorney; Pat Tuley, County Commissioner; Bettye Lou Jerrel, County Commissioner; Suzanne Crouch, County Auditor; and Charlene Timmons, our Recording Secretary are at their usual places.

**Approval of minutes**

President Mourdock: We have several action items this evening. First of all we have the minutes from the meeting of August 25.

Commissioner Jerrel: I would like to call your attention, if you would, to page seven...I mean, page six, the seventh paragraph. I would like to correct that motion. Page six, paragraph seven.

Commissioner Tuley: Okay.

Commissioner Jerrel: About one, two, three, four, five, the fifth line down it should read liquidated damages per day. When it comes to money I made a...I misspoke.

President Mourdock: So the accurate reading of that sentence should say \$10,000 liquidated damages per day for failure to meet the substantial completion dates.

Commissioner Jerrel: Yes, and I would like to have the minutes corrected to read that way, so I make that in the form of a motion.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Are there any other additions or corrections to the minutes of August 25, 1997?

Commissioner Jerrel: Then I would make a motion that they be approved except for that one correction.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Also prior to this meeting this evening we had an Executive Session which began at 4:00 and was completed at 5:35 p.m. In attendance were the three Commissioners, Attorney Harrison and County Auditor, Suzanne Crouch. The issues discussed were the initiation of litigation or pending or threatened litigation against the county, implementation of security systems and other county personnel matters, so I would ask for a motion to approve the minutes of that session.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Dale Olson - Disaster Preparedness Program**

President Mourdock: Next on our action items for this evening we have, I know, Bob Quick is in the audience to present a check from the State of Indiana for disaster preparedness efforts. Is that your issue, Bob? And Mr. Olsen is present. For the record, please state your name.

Dale Olson: My name is Dale Olson and I'm President of Citizens Insurance, but in my capacity tonight I am the Chairman of the Disaster Recovery Business Alliance which is a new alliance which is just in the process of being founded to compliment the efforts of the government, of our governmental agencies, in terms of preparedness so that we have a business alliance to take its seat at the table with government in terms of disaster recovery for disaster preparedness. I would like to just make a comment that, and many of you already know much of this, but back in April, the middle of April, April 15 and 16, a large group of entities came together to name Evansville and Vanderburgh County as a pilot community to become a disaster resistant community. Among those, and I am sure that I will miss some, but FEMA was here. The state geological people were here. The state disaster preparedness emergency management were here. CSEC, which is the Central States Earthquake Consortium, out of Memphis were here as were a lot of just generally interested parties from quite far away to witness what was going on here. This program came about as a result of the fact that the federal government is experiencing so many disasters in which they are asked for money to help to recover from disasters and that probably is going to go away, so with the push as in all areas to push these programs down to the local area this was an effort to try to get us to be more disaster resistant and prepared. The Institute for Business and Home Safety, which is a group of insurance companies on a national basis, some of the major companies that represent maybe 80% of the business that is written across this country, have a program that they wanted to appoint one city as being a Showcase Community. They want to do this with a number, but Evansville and Vanderburgh County is the first Showcase Community for this organization. As a result of that they intend to support us in a number of different ways. One of those is that they will...they're going to sponsor the non-structural retrofit of all of the not-for-profit day care centers in the county. That includes things like for example if

you are putting film over the windows so if you have an earthquake that they don't break and injure a bunch of kids or if you have open florescent lighting that you put tubes around those lights and you use the flexible tubing for gas appliances. There are about 14 things that are done. That program will be under way. Many of you probably know about the program that is under way for Sustainable Evansville in which they are going to build a home. Their intention is to make it energy resistant and to make it use recycled products as much as possible and not to generate any more waste than they have to. After that kick-off we talked with...that building will be built by the high schools, but once that is built that building will be open for three years just for the public. We talked with Bill Brown, who is the President of Sustainable Evansville. We're going to colla-borate with him and we're going to make that...have that home have a seal of approval which means that they exceed the earthquake code and that will include things like, for example, strapping the building securely to the foundation. Strapping the roof to the walls. Just things like that, believe it or not, would of made a tremendous difference, for example, in Hurricane Andrew in the amount of damage that was sustained. If those kind of things were done it would have been tremendous. The Disaster Recovery Business Alliances' job is to organize business so that we can interact with the governmental unit and show the kinds of things that we will have in the event of a disaster; the kind of needs that we'll have. For example, in that April meeting somebody asked the question what would happen to the twin bridges if we had an earthquake? Some geologist from Kentucky said I think we saw a study on that and that they would withstand a moderate earthquake. However, the approaches would be gone. That means that you need some very large forklifts if you have no approaches to those bridges. The good news is that FEMA has funded a program called HAZUS, which is Hazards US. It's a software program that already all of the faults in this whole area have been mapped. We know all the schools have been mapped. All the hazardous materials have been mapped. Effectively, we could...and all the census tract information has been mapped, so that you can do a simulation of an earthquake. You could say that 50 miles west of Evansville there is a 6.0 earthquake and you could run that simulation and you would know the tons of debris that you would have. You could do that on Tuesday afternoon at 2:30 with all the kids in school and you could actually forecast the damage. Now the point is that in that program there is a lot of default information where you just default to the federal information. We don't have all the information in there for Evansville, but that \$10,000 grant that we have from the state is there to help us get more information in over time with our commitment as a community. The flood information is there. We can do the wind information. I'm sure that before too long we will be able to do maybe the terrorism thing. An interesting thing about this whole thing was that when the blast occurred in Oklahoma City the federal government came in and put a yellow ribbon around a number of blocks in that devastated area and would not even let business people in to get their records. Two hundred and some...I've heard 270 businesses failed because they could not get to their businesses. What we want to do is to look at that stuff up front instead of looking at it after it occurs. Remember that if we can do that and lessen the damage and get

people back to work...after a major disaster we have increases in spouse abuse, child abuse, alcohol, drugs and all of those kinds of things and if we don't get business up and running people don't have jobs, people don't have paychecks and our community is in a really bad situation.

Commissioner Jerrel: May I ask a question?

Dale Olson: Sure.

Commissioner Jerrel: I want to be clear on this. Your organization that you represent, the Disaster Recovery Business...

Dale Olson: Alliance.

Commissioner Jerrel: Alliance, okay. You are helping the county in your measures to help what? Along with this hazard is the software program that the \$10,000 check from the state--

Dale Olson: HAZUS US will help all of us.

Commissioner Jerrel: Right.

Dale Olson: It will help our government units. Incidentally, the reason that we are here is because of what Roger Lehman has done and what Sherman Greer has done and what Ms. Cunningham has done and because of the respect that they have for the things that already have been done. What will happen is if you go out to Sherman's...if you go out to that operations room that they have for a disaster and you look at all the names around that table and those telephones there is no one there from the business community to be able to interact with the governmental units to tell them what it is that business needs. I mean, what roads do we have to have open, what do we have to have in order to be able to get people back to work?

Commissioner Jerrel: Dale, that is truly the interaction that your group is trying to accomplish?

Dale Olson: Yes, right. We want to be able...and remember that this journey that we're on there is a couple of dates that are really kind of important. If you look at 1937 and 1997 in 1937 there was a flood here that devastated this community. Until three years ago because of everything that generated we now have the levee system, but that wasn't completed until about three years ago. Grand Forks is just starting on that. That kind of a path after their destruction. What we would like to be able to do is to look into the future and try to get this kind of planning going and institute changes in our culture so that we look at our problems before they occur.

President Mourdock: Don't let me put words in your mouth, but with the Executive Director of the Chamber of Commerce standing right behind you, Bob, I presume certainly the Chamber is very supportive of this?

Robert Quick: Yes.

President Mourdock: I know with the local EMA, the planning that they've done, and as you've mentioned Roger and Sherman have gotten us in a position to be the first in the nation to get this designation. I think that's very important.

Robert Quick: We're the first showcase community in the country and the benefits of that clearly from a selfish standpoint is that we can put a disaster recovery program together in time of a natural or man-made disaster. The other thing is as this group of dignitaries goes around the country they have Evansville, Indiana at the top of their list. Evansville; Dallas, Texas; Los Angeles. Here's Evansville at the top and they are promoting the fact that we've got vision and we have leadership as a community here in Evansville and Southwestern Indiana to take an issue that is not very glamorous, preparedness for something that we don't even know is going to happen, and having a community action plan together. From a Chamber standpoint, we're a very strong believer, pusher of this. The other thing that we wanted to do is thank you and the check has already been presented to Sherman Greer and to Roger Lehman. It was for \$10,000 and it was from the State of Indiana with their Emergency Management. The other thing that we did during this two day meeting that we had is we pressed FEMA. We're being touted across the country by James Lee Witt, who is Executive Director of FEMA, as, again, a very visionary community. They didn't see fit to provide us any funding because they think we're light-years ahead of everyone else and they have provided seed funding to about six other groups. We said that's fine realizing that politically we're not going to get any money, but we also said it would be great if we're that visionary and we're that far out ahead if James Lee Witt would come here and recognize both the public and private sectors for that vision and for that leadership and that is something right now that is in the offing. We hope that some time this fall we can do that and we hope that all of you can be up there at the podium with us because this is no small thing. I'll just back it up with two points and then I'm out of here because I have a date with my kids and I know you have other business. The first point is when I was in Iowa I experienced two disasters. One was man-made and the other one, quite frankly, was a natural disaster. One had to do with flooding, the '93 floods in Iowa, the Mississippi and all that and we didn't have a plan and as a result we almost lost our water supply as a community. It was the Chamber's job to total up the disaster from the flooding and when I left it was up to \$15 million and most of it was from small businesses. Quite frankly, they did not have the capital; they did not have any money to back them up to start their businesses again, so it is very tragic. The repercussions were very extreme through-out the rest of the community. When you don't have people that have jobs the rest of the economy can come down, too. The second one was the United Air disaster and 100 people lived because all of the different emergency management groups came together in Sioux City, Iowa in advance of this plane crash and, quite frankly, they were able to react in time to save a lot of lives. What we are trying to do is the same thing here. God help us if we ever have a disaster, but if we do are we ready and are we prepared? Sherman and Roger have got a plan laid out for most of the community, but not the entire community and now it is up to the people, I think, to

come together and to lay that plan out and to be able to make it work. Thank you for your leadership in supporting this cause.

Commissioner Jerrel: I just mentioned to Lynn today we need to develop...Sherman needs to come over and we need a plan in this building because every building should have one.

Robert Quick: Exactly. We find that most industries that we've talked with have a plan, but when you ask them about that plan out-side of that as to how would they interact with the rest of the community they are not prepared.

President Mourdock: I would add a quick comment. We were doing a little emergency preparedness out in our office the other day totally unrelated to this. One of our members is very active with the Local Emergency Management Agency and he raised the point about when you have one and people start to react everyone forgets the first thing that really counts towards effectiveness in responding to an emergency. What is it? We had to sit there and ponder and the first thing that he suggested we do is make sure we have plenty of mobile and cellular communications in place because the first thing that people have to deal with and are going to want to do is to call their families and make sure they're okay because if they don't get that done they're not going to be working very whole-heartedly until then.

Commissioner Jerrel: Just a point, in 1982 on June 8th we had a terrible storm. The schools, and I was charge of safety, we did not have a communications system. The parents were frantic. What had happened up to that point the individual buildings called the superintendent to ask what do we do? Do we send them home on the buses or do we keep them in our building? One answer will not serve all buildings because the damage is distributed in different ways and there were live wires everywhere. We learned a major lesson and from that time we prepared and activated radios and developed a different communication system and then every building has a model based upon their building not something the downtown office did and that's what we need for county government. A model for each facility that we're responsible for and I have a model plan, but we do need some input from our people. That should be in place so that we know what steps when you can't call anybody and say what do I do, you know what to do. Parents had to have that assurance and then we had the Iben Browning and in my closet and in the schools they had the what would you need and at our house we had dog food, for the dog who was very important, and a jar of peanut butter. There are some things that you do when you're preparing for an emergency. Anyway, I agree with you and I commend you for your foresight.

Robert Quick: Finally, we have one industry here in town or one business that has put up a matching grant worth a total of about \$50,000. No one at this point knows who it is, but the rest of the Business Alliance has until the end of the year to match that dollar for dollar and that will provide us our \$100,000 to make this thing go. We're looking at hiring an Executive Director and actually making this into a multi-year plan. It's not going to be an easy thing to do, but it will be a long-term process.

President Mourdock: Okay. Pat, do you have anything?

Commissioner Tuley: No, just thanks to both of you.

Commissioner Jerrel: Yeah, thank you. (Personal discussion off the record.)

President Mourdock: Lynn, just as a follow-up to all that, if you would follow-up with what Bettye Lou said and ask Sherman to come before us here in the very near future to talk about how he is going to use the \$10,000 on this HAZUS grant because maybe it's the geologist in me, but I have some thoughts here as far as input data into that I think I would certainly like to know what he is doing and how he is going to use those dollars.

Lynn Ellis: He was supposed to be here tonight, but I'll ask him to come back.

President Mourdock: In the packet, if you didn't see, is a very nice letter from Governor O'Bannon citing us for our first status there.

#### **Permission to advertise time accrual system bids**

President Mourdock: Next we have the County Auditor on our action items with a request for advertising the time accrual system bids. Suzanne, do you want to comment?

Suzanne Crouch: Just permission to advertise for the bids and we're looking at two options. One, utilizing the current system that we have and two, planning for that change to client server if it happens in the future.

President Mourdock: Questions of Suzanne? Is there a motion to proceed with this?

Commissioner Jerrel: I would like to move that we proceed with the bid and that there be permission to advertise.

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### **Old Courthouse - Award bid for installation of air conditioning**

President Mourdock: Faye Gibson, with the Old Courthouse.

Lynn Ellis: I would request that the item be withdrawn for this evening and we will bring it back at a later date.

President Mourdock: Faye Gibson's item?

Lynn Ellis: Yes.

President Mourdock: Oh, okay. Alright, I didn't know that. We also have in the packet the ASAP Transportation, Limited to provide services for the elderly and handicapped.

Faye Gibson: I'll be back next week, but I would say to remember the Old Courthouse because that would make a great place (inaudible).

President Mourdock: A great place for what?

Faye Gibson: For protection during times of disaster.

President Mourdock: Oh, I see, okay.

Faye Gibson: You can put that in your plan.

President Mourdock: Alright, the plug is there.

**ASAP Transportation - Offer to provide H & E Services for 30 days**

President Mourdock: We have in our packets an offer from ASAP Transportation, Limited, to provide transportation services for the elderly and handicapped during the month of September of '97 until a bid can be awarded for the new contract. ASAP agrees to provide the services under the same terms and conditions as SLR was providing services in order to prevent service from being disrupted.

Lynn Ellis: This is a little bit odd. The agreement with SLR terminated at the end of August and as you are aware I was trying to work out plans with METS to take over the transportation services. As a result of decisions on their part to not assume that responsibility then we became in a position where we no longer have services or at least during the month of September. Bids will be opened later this month and hopefully awarded at your last meeting in September. During this interim period we have no one to provide those services. The options are to just indicate to those persons to make phone calls to different providers and make arrangements themselves or to have ASAP to act as the county's interim provider.

President Mourdock: Did anyone else contact us regarding interim service?

Lynn Ellis: No.

President Mourdock: Okay.

Lynn Ellis: It would be under the same terms meaning that they would provide this service at a \$1.00 fee for the rider and the same monthly fee that we are paying currently to SLR. The problem is making those riders aware of that service. There have been a few that have called the office and they are continuing to call, but what I would do tomorrow if the Commission decides to approve this is to advise SLR that they should refer those riders to ASAP or directly to the Commission Office and then we'll refer them on to ASAP.

Commissioner Jerrel: Say that again, what you want us to do? I mean, I am going to make a motion to approve your request.

Lynn Ellis: Joe had a comment.

Joe Harrison, Jr.: I would think that this would fall under the nature of an emergency type of situation to provide this in the interim and I would encourage you all to add that language in any motion that is made. Again, this would be to provide a stopgap emergency situation for this month period.

Commissioner Jerrel: Okay, I'll rephrase the motion to include that we accept ASAP's service offer for one month because this is an emergency whereby no service is available at this time.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual in the audience wishing to address the Commission beyond our normal department heads or any other scheduled items? Okay.

**John Stoll - County Engineer**

President Mourdock: Department heads. The first one up is John Stoll.

John Stoll: That memo that I just passed out is in regard to Ward and Anthony. In the memo we recommend putting an overlay on Ward Road to put a steeper crown in the road and in addition we are recommending that open ditches be constructed on Ward Road...on the east side of Ward Road from Knob Hill down to Anthony and then that ditch would turn the corner and then run down the north side of Anthony from Ward to the dead-end. It would only result in open ditching one side of Anthony Drive. It would involve some piping and driveway approach work as well as the open ditches, but by putting the ditch in that alignment we could take the water that is currently on the east side of the road and run it down along the north side of Anthony without running through backyards and without having it run down the pavement, the Anthony Drive pavement.

President Mourdock: Okay, so in doing that the house with the wall...?

John Stoll: We would pipe and bridge across that area where the wall is. We would just bypass that.

President Mourdock: But running right across that residence we would have an open ditch in front of his house?

John Stoll: Right, except in the areas where you have to put in a pipe to get through the area where the wall is located.

President Mourdock: And the driveway?

John Stoll: And his driveway, but open ditch everywhere else.

President Mourdock: Is that the only residence on Ward Road then that would have the open ditch?

John Stoll: The only additional one. Everything else is already ditched from the work the County Highway crews did last year.

President Mourdock: Okay, and then when you turned east. How many homes would have an open ditch in front of them?

John Stoll: There is a grand total of 12 residences that would be affected. That includes the ones that are out there that currently have a ditch. I believe it is, I think, ten houses would have a new ditch in front of them.

Commissioner Jerrel: Okay, I am numbering here. Figuring around. None of the money that we have anywhere in Cum Bridge, there is nothing that deals with anything that resembles a bridge in any of this?

John Stoll: Right, since it's not a culvert that goes underneath the road it really wouldn't meet the criteria for bridge funds.

Commissioner Jerrel: Yeah. How accurate do you think this \$73,840 is?

John Stoll: I hope it is fairly accurate.

Commissioner Jerrel: Okay. Alright, I am trying to figure out where all this stuff is coming from. I mean, I want to share. Let's talk about it just a minute. We've got \$635,000 in Infrastructure/Drainage, \$635,000 Economic Development. We're going to need what for Cross Pointe?

John Stoll: The contract with Rudolph is \$621,000. The initial change order will be approximately \$20,000 and the railroad work should be roughly \$210,000.

Commissioner Jerrel: This is what you call counting your pennies. Okay, so that's \$851,000, so we could take this out of the Infrastructure/Drainage and we would still have the roll over money from CCD this year and some balance from...not much, but a little balance left from that. We're getting close to not fooling with some other money because Burkhardt will need everything else if we are going to do Burkhardt.

John Stoll: One thing that might be an option, too, would be to go ahead and do the overlay this year and then do the ditching early next year. The one concern we've got about the ditching is by the time we get a contract out it is going to be awful late in the year for seed or sod to be established and rather than having bare dirt exposed all winter long we could have that ready to go early in '98.

Commissioner Jerrel: Don't you think we need to tell these people that live along Ward Road on the east side what we are going to do? We can't be doing this a lot of places, so if we do this we've got to keep our money...

John Stoll: This will address the problem up to a 50 year storm, but the problem is that the storms that have caused most of their problems exceed 50 year storms. I don't know what they've experienced in the past, but these excessive rains that we've

had over the past couple years would exceed a 50 year storm and that is what this would be designed for which would meet the county's drainage ordinance which that in turn exceeds the previous requirements that were probably in effect back when this subdivision was designed, so we are exceeding everything that had been out there, but for the type of rainfalls that we've been getting that will still be beyond the design of this ditch.

President Mourdock: This ditch plus the effect of the crown?

John Stoll: Yes, that and the culverts...driveway pipes.

President Mourdock: Even if you separate that water from west side to east side still on the east side you are only effective at 50 year events?

John Stoll: They could have problems. Right.

Commissioner Jerrel: Is there--

Commissioner Tuley: That's a lot of money to spend and not really solve much problem.

Commissioner Jerrel: Before we act on it I think we need to let everybody know what is going to happen. You don't want to tear up everybody's yard in the wintertime. Lord, that would be the biggest mess in the world.

John Stoll: If you remember Schmitt Lane when you first came on the Commission that was what they did and it was nothing but a problem.

Commissioner Jerrel: No, we don't want to. Let's do the ditching--

Commissioner Tuley: One of those in a four year term is enough!

John Stoll: Oh, yeah.

Commissioner Jerrel: Let's do the ditching in the spring. I mean, I imagine you could do some of it like if you get any decent--

John Stoll: Yeah, it's a possibility if we got all the notification to all the residents and things like that--

Commissioner Jerrel: In March--

John Stoll: --we might be able to go ahead and get something done this year, but the time frames we're looking at for getting a set of plans together plus going through the bidding procedures we're probably not going to have any decent weather left, so if you want to take it one step further we can go ahead and put the contract out, but just have a completion date for next year. That way as soon as good weather broke the contract would be ready to go on it.

President Mourdock: Break it into two parts if you would, John.

If we just do the crown in the road this year does that take us from a ten year to a 25 year event in effectiveness? I mean, is there some breakdown that you could make like that?

John Stoll: Nothing that I could think of. Not knowing exactly what flow does pass over the road from west side to east side. I've just heard approximate depths. I know what I've seen. Every time I've seen it, it has been probably an inch and a half or less that has been crossing the road. I've heard depths as high as ankle deep that crossed the road. Not knowing what conditions caused it to cross the road at those depths, I don't know really how you would estimate that.

President Mourdock: If we do anything that you've suggested and the property...the off county right-of-way improvements are not made that you are requesting, have we gained anything? Said differently...well, let me leave it right there. Are we going to gain anything by doing this if the off county right-of-way issues are not addressed?

John Stoll: Yes, you would gain some. Exact numbers I don't know off the top of my head. I don't know even if Valerie looked at anything like that. What we would gain would be we would keep the water on the west side to a certain extent so we would be taking that flow out of the picture and everything that comes down the east side of Ward and hits the wall and heads east to Bell's backyard we would be taking that out as well. That would probably be the single biggest thing that would help out as far as keeping the water out of his backyard, but if he doesn't do anything with his pipe he is still going to have problems, period. Why he has done nothing with his pipe to this point I really don't understand either.

President Mourdock: That's kind of my point and I go back to the discussion of about a month ago when we set a schedule of your delivery of this. When we met with the people up on Walnut and Radio Road we made it clear that we're willing to act if they're willing to change the off county right-of-way issues. Speaking as a party of one here, I still feel that way. If you know there are improvements out there that you have recommended that they have not been willing to make on their own property, then as Pat said, this is a lot of money to put out there for a 50 year event. I'll even play with the hydrology for a minute and say, okay, let's say we've changed the runoff pattern enough that it's a 25 year event. That's still a bunch of money that we're putting out there not knowing if it is going to work.

John Stoll: Right. It will help to a certain extent and that extent would be the design storm. Anything above and beyond that it wouldn't do much. It would help some.

President Mourdock: How are the design storms figured based on ground saturation? Do they assume the ground is totally saturated when they arrive?

John Stoll: Not when you use the rationale formula. It just has a runoff coefficient that is based on the impermeability of the surface.

President Mourdock: Which a couple of years ago would pretty well...I mean that coefficient goes out the window because we pretty well reach total saturation anyway.

John Stoll: Right. The runoff was getting close to 90 or 100% probably as saturated as things were when some of those storms came around.

Commissioner Tuley: Has Mr. Bell had any contact with you in the last couple of weeks while we are doing this?

John Stoll: I haven't heard from him at all.

Commissioner Tuley: He had called me and I had told him when we discussed this two weeks ago that I would be more than willing to provide him with copies of the minutes so that he could see where we were headed and anything that you would give me I would be glad to provide it to him. I've not heard from him since.

John Stoll: If he would like, once we size some ditches and we know exactly what the profile of that ditch is and what the elevation of that ditch would be in front of his house, then he could work backwards from that for knowing what kind of ditch...if he wants to put an open ditch what kind of size and what kind of cross section he would be looking at to match into ours. We could give him that as well.

Commissioner Jerrel: Does he understand that this is his property and the other page is county right-of-way?

President Mourdock: Surely he understands that.

Commissioner Tuley: He's got to understand that, yeah. Now whether he is willing to do anything, that's another question and I have no idea what the answer is.

Commissioner Jerrel: How about him and the gentleman next door to him? Do they share that?

President Mourdock: I think it's all on Bell's property. I'm not sure.

Commissioner Jerrel: I thought it ran down the middle of it?

John Stoll: I was going to say it is close to the property line, but I don't know if it actually splits the line or if it sits all on one or the other, if it's on Savage's or not.

President Mourdock: Let me ask another question. If we do all these things in paragraphs one, two, three, four, five and six, but the Evansville Water and Sewer Department doesn't do what's in paragraph eight have we wasted all of our time? That seems to me to be the lowest link in the chain here and if they don't fix that does it matter?

John Stoll: It would matter for Garrett...I mean, Rucker's property.

President Mourdock: But not for everyone else?

John Stoll: Right.

Commissioner Tuley: Then we've just moved the one who is doing the screaming the loudest.

John Stoll: When I spoke with Charlie Thomas he said that he would look into that because he was talking about the same issues that we always discuss. Whose responsibility is it? I told him it's not on a county right-of-way, so it's obviously not ours. The only thing it provides access to is their pump station, so if anybody is responsible for it, it would be them.

President Mourdock: Okay, there is a meeting of our working group...is it next week, Lynn? All the different infrastructure groups Monday. I will not be in town. You will be there I trust?

John Stoll: Yes.

President Mourdock: Is that on your schedule? Would you make sure that item comes up as a priority?

John Stoll: Sure.

President Mourdock: Again, regardless of whether any of the rest of this happens they have to do that one. That's out of our hands and if we have to get in the negotiating position with them on something else down the road let's do that.

John Stoll: Okay.

President Mourdock: One other question then on the crowning of the road. If we were to proceed with this, is that something we could do with our own forces or is that something that would have to be contracted out given the specifications of the grade?

John Stoll: We were assuming it would be contracted out.

President Mourdock: Milton, do you...?

John Stoll: Milton said he thought they could do that.

Commissioner Tuley: This is the only reason I am hedging on that. You still have got a lot to do that is on the list and then we add this which wasn't part of this list. That's my only concern. Not that you guys don't have the ability to do it, but I am just worried about the timing of it.

Milton Hayden: (Inaudible comments not made from mike.)

John Stoll: Well, that should take a big jump up once the contractual work gets done here soon. The four projects that we'll award through the paving contract will jump that up real quick because those are some substantial runs of road that are going to be paved.

Commissioner Tuley: That's not what this shows.

President Mourdock: Okay, coming back to John's letter then is

there anything we need to do this evening by way of a motion or do we want to make this informational and communicate this with the several residents out there? What are your wishes on this?

Commissioner Tuley: I think the letter with a cover letter ought to be sent to the ones most notable. The ones that we've had the most discussions with along with continuing to pursue the last part here because like you say, if we're going to spend this kind of money and this part doesn't happen or Mr. Bell doesn't agree to cooperate on his part we still gain a little bit, but we still haven't gained a whole lot and we've spent a lot of money.

Commissioner Jerrel: Could we ask, I mean, could our motion speak to that, Pat? I mean, you were getting ready to say it, but what if we make a motion that these recommendations have been taken under advisement and we instructed John to send a message to each of the affected parties that we have been dealing with and make sure that they see their role before the county enters into...be-cause we have never done this before.

John Stoll: So make sure that Bell is willing to either put in a larger pipe or put a satisfactory open ditch--

Commissioner Jerrel: They're willing to enter into--

John Stoll: --before we commit to this?

Commissioner Tuley: Right, before we sign any contracts.

President Mourdock: Is he, and I understand the question of the one pipe is right on his property line, is he the only property owner that would have to do something under this scenario?

John Stoll: Yes, because we would bypass the wall at McDonald's house through purchasing and installing pipe in county right-of-way.

President Mourdock: Okay, so he's the only property that is off right-of-way?

Commissioner Jerrel: Except we need to find out if this does follow the...the other gentleman.

John Stoll: Right, Savage.

Commissioner Jerrel: Yes, to see because he should be a party to it if it follows the property line. That motion was pretty choppy, but I think the general flavor of it--

President Mourdock: Okay, let me just add to that one thing. We have heard on a number of occasions from the people out there. We've had a very crowded room telling us of the situation. More frequently we've had two or three directly affected people. I guess what I would like to see is if we're going to consider doing this, as you said, take this under advisement given certain criteria, that the criteria be that everyone who is going to have an open ditch put in front of their property be

notified with a map showing exactly where that ditch is going to go and also explaining in the letter that goes with that map that this is our plan, we're willing to make this investment on the crown, we're willing to make this investment on the ditching, however, it is contingent upon off right-of-way issues being resolved first.

Commissioner Jerrel: Because Mr. Rucker down at the end isn't going to be benefitted--

John Stoll: No, not unless the pipe is removed by the Sewer Department.

Commissioner Jerrel: --unless the pipe goes in. I mean, there are other people here that are affected, so I think that's fair.

John Stoll: Generally there are only a few people who are affected, period.

President Mourdock: As a show of good faith, and I may be terribly naive here and probably am in fact, but as a show of good faith with the Water Department and our new infrastructure working group everyone seems to be very excited about the possibility of having that work the way it needs to, so I would hope on this issue that they would move fairly quickly to do what we need to have them do. Maybe I am naive, but we'll find out. Don't snicker, John! Okay, does somebody want to try and put all that in a motion again?

Commissioner Jerrel: Oh, my. Let's see. You want to try, Pat?

Commissioner Tuley: I can try.

Commissioner Jerrel: Okay.

President Mourdock: Go for it.

Commissioner Tuley: I would move then at this time that the County Engineer be directed to draft a letter that would include maps to show what has been outlined in this letter and send it to all the affected property owners with the understanding that before the county will enter into any agreements for paving or ditching or anything that the situations listed or talked about are addressed as off county right-of-way be corrected first and after that has been done at that time then the county would entertain entering contracts to correct the part that is in our right-of-way as outlined in this plan.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Commissioner Jerrel: You did a nice job.

John Stoll: By saying affected properties do you mean all 12 that are out there?

Commissioner Tuley: Yes.

John Stoll: Okay.

President Mourdock: If they are going to have an open ditch in front of their house--

Commissioner Tuley: They need to know that.

President Mourdock: --they need to know it.

John Stoll: We'll hear from the other eight here real soon then.

President Mourdock: Well, that's democracy.

John Stoll: Yeah.

President Mourdock: I trust you're right, John.

John Stoll: Next I would like to recommend that we award the paving contract, Contract Number VC97-08-02, to J.H. Rudolph in the amount of \$424,050.42. This would cover the paving of Old Petersburg, Old State, Ruffian and Green River. This will not include Browning, even though Browning was included in the bid package, mainly because right now there is not sufficient funding in the contractual line item to cover the cost of paving Browning. By deleting Browning Road it does not change the low bidder. Rudolph was low whether we did four roads or five roads, so that wasn't an issue.

Commissioner Tuley: I trust the decision to leave Browning out was made on the five roads that were named the better of the worst conditions?

John Stoll: Right. The other issue regarding Browning was whether or not you wanted us to pursue getting a transfer and appropriation to cover Browning as well.

President Mourdock: What's the completion date in this proposed contract?

John Stoll: I don't remember right off the top of my head. We put in separate contractual times for each contract...each project, so there were a certain number of work days for each one, but there was an overall completion date and right off the top of my head I do not remember that.

President Mourdock: The work days, I presume, are cumulative?

John Stoll: No, it was per project.

President Mourdock: Right, but they can add them on. Once they start they have so many work days?

John Stoll: Right.

Commissioner Jerrel: Where does it say that?

John Stoll: It was in the specs.

Commissioner Jerrel: Oh, okay. I would like to move approval of the contract. I need the number of it again.

John Stoll: VC97-08-02.

Commissioner Jerrel: I move approval of the contract for VC97-08-02 to J.H. Rudolph & Company, Inc. in the amount of \$424,050.42.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: If you would like us to do Browning it would require an additional \$70,948.89.

Commissioner Jerrel: It's \$70,948...

John Stoll: Eighty-nine.

Commissioner Jerrel: Do we have the money?

President Mourdock: Yeah, that's the question and I don't think we do at this point.

John Stoll: Right, we would have to transfer or appropriate.

Commissioner Tuley: Where could we transfer from?

John Stoll: Right off the top of my head I don't know. Do you remember what unappropriated Road and Street was?

Commissioner Jerrel: It was three sixty-six something and we transferred--

John Stoll: It took another \$125 for the truck.

Commissioner Jerrel: One hundred and four out, \$366--

President Mourdock: If I may suggest, let's take that one under advisement until we know given the other monetary question that came up especially with the other things. I don't want to act in haste here.

Commissioner Tuley: I think that's prudent.

President Mourdock: Okay.

John Stoll: Next I would like to recommend to award Contract Number VC96-11-02, State Road 62, Cross Pointe Boulevard improvements to J.H. Rudolph in the amount of \$621,574.40. This contract will have a change order to cover the design changes that have occurred since the project was put out for bid. According to Bernardin Lochmueller the estimate of changes will result in approximately a \$20,000 change to that. Mainly the changes were responsible...were the result of INDOT's design changes to the traffic signals and things like that. That amount will increase once the work starts.

President Mourdock: Okay, this does not include the railroad, the CSX?

John Stoll: No, Norfolk is out of there. No it does not. We received the railroad agreements today and I've been looking them over. Joe has been looking them over and there are some changes and questions we have on those, but we do have the agreements and we think that we can get that worked out. The railroad work will add another \$210,000 to this.

President Mourdock: Do we...well, I'll save my question for a minute. Let's deal with this issue.

Commissioner Jerrel: Okay, I would like to move approval. What's the number on it again?

John Stoll: VC96-11-02.

Commissioner Jerrel: VC96-11-02, to J.H. Rudolph & Company in the amount of \$621,574.40 to be taken from the Infrastructure/Riverboat line item. Which means you can proceed.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The agreements that we received from the railroad called out an estimate of \$213,000 for the signal work, flashing warning devices at the crossing, but I called Norfolk Southern today and they assured me that was their preliminary estimate and the actual estimate is \$148,000. They just put the higher number in there so they wouldn't have to come back for supplemental agreements and they told me that they would only bill for the work done and that work...their engineer's estimate on that work is \$148,800. When I bring the agreements in here, whether it's next Monday or the following Monday, that's why the numbers won't match up to the \$210,000 that I told you that the railroad crossing work would cost.

President Mourdock: Let me understand this. A railroad gave you a higher number than it will actually end up being?

John Stoll: They started out last November with what they officially call their ballpark estimate and it is listed on the bottom of the form as ballpark estimate and it was the \$213,000. Once they proceeded through design they came up with their \$148,800 estimate which was the February 1997 estimate.

President Mourdock: I've never heard of that. Must have been an accident on their part.

Joe Harrison, Jr.: The one thing, and there are some changes that we'll have to make to the agreement, but, again, the agreement does talk about estimated costs as opposed to the cost will be, they're using phrases like estimated cost. Those are some things that we can deal with.

John Stoll: They're estimating.

Joe Harrison, Jr.: There are some other issues in the agreement that we are going to have to deal with that hopefully will save us some money.

John Stoll: Yeah, the estimates that they provided the surface will cost \$55,700 and the warning devices will be \$148,800 and we had a design fee of \$4,500. That's where the estimate that I provided to you last week came from, but it does not match what is on the agreement.

President Mourdock: So you'll bring that in next week?

John Stoll: If Joe and I can get everything resolved. I've contacted INDOT with some questions about what their usual format for these railroad agreements are and the person I needed to talk to was Larry Shaw. He was out and I left a message for him to call me back, so hopefully we can get those resolved over the next week or so.

Commissioner Jerrel: Let's be real clear on the other timetable that we're interested in. The CMAQ Funds that are going to do the intersection at Morgan and Burkhardt, let's start nailing them down as to when that work is going to be done. When are those contracts going to be let? When is that going to happen? Because if we get Cross Pointe, you know, we want to be ready when we shut off traffic one place that it can flow somewhere else.

John Stoll: One of the problems with the railroad work is Mr. Rick Ray, from Norfolk Southern, told me today that when we get the agreement signed and send them a notice to proceed it's three to four months before their crews will show up and start doing the work. We're looking at next spring before that is probably opened up, but we're not looking at bidding Morgan and Burkhardt until next spring anyway. Hopefully, things will coincide properly.

Commissioner Jerrel: Okay, but we're have no problem with the CMAQ money being available?

John Stoll: That's what INDOT has told me.

Commissioner Jerrel: I'm going to go up there again. I need to know who to go see.

John Stoll: Steve Dilk is who I have been working with on that and back from when the project was initially started he could tell me what they had programmed in that funding and then Rose at EUTS said that she thought there was additional funding that would be available as well to help address the cost of a railroad crossing at Burkhardt as well. That would all be addressed as the design progresses.

President Mourdock: Since Bettye Lou is going to be making a trip up there, I guess the only way I am going to feel more comfortable, and this isn't totally comfortable, is when we have it in writing from them. If we can get from you, John, who the names are that we need to formally make that request of to have them put it in writing. We'll even write the letter if they

sign it. We're pretty magnanimous that way. Going back to the design work, too, you used the adverb "hopefully" about having the timing such that when the construction was--

John Stoll: Mainly because given how long it has taken the railroad to do the Cross Pointe and Morgan agreements, reviews and approvals and all that I hope they don't delay us this long for an existing crossing. That is where the "hopefully" comes from because they could slow us down substantially on that Morgan and Burkhardt intersection as well. They've done quite a nice job on this one.

President Mourdock: What...you don't have to answer this question off the top of your head, but are there other railroad tracks of that railroad that cross our county roads that are those same tracks where we frequently get complaints?

John Stoll: No. Those are primarily the ones that were owned by Indiana Hi-Rail who in turn sold them to a company called Rail America in Michigan. I've sent a letter in June requesting they address a couple of the bad ones and I sent them another letter last week requesting they address the Mill and St. Joe crossings and the Baseline and one other one. I'm drawing a blank on the fourth one, but anyway that's where most of the complaints come from.

Commissioner Jerrel: Do they cross the city down here behind Meisler?

John Stoll: I think that is all the same line.

Commissioner Jerrel: Not CSX?

John Stoll: No, that's--

President Mourdock: Norfolk.

John Stoll: Norfolk Southern is this one that we're dealing with at Cross Pointe and Burkhardt.

President Mourdock: Well, my point is I don't want us to be totally vulnerable to their whims and wishes if, in fact, they need to work with us on other issues. I'm sure there are some out there.

John Stoll: The city may have some. I've not talked to Herb Butler about that.

Commissioner Jerrel: I don't think we do, but if you could just let me know where they do go. Where do their tracks go that are on our ground in this county or city.

President Mourdock: Other issues, John?

John Stoll: Yes. I've got street plans for Slate Creek Subdivision. It's a subdivision off of St. Wendel Road. It will have a 20 foot privately maintained gravel road. Like I said, it will be a gravel road with open ditches. Prior to either a letter of credit being released or the subdivision being recorded we will make the developer record his commitment that says the property owners adjacent to the road will be

responsible for its maintenance and with those provisions it is recommended that the plans be approved.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next I would like to go before Council to request \$652 in the Road and Street Fund to be appropriated to the Red Bank Road railroad crossing to cover the balance of our costs, local match, on the protection devices that were installed there. It was a federal aid project. Ten percent of that project was ours and this would cover the balance of that.

Commissioner Tuley: Six hundred and fifty-two dollars?

John Stoll: Yes.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The final item I've got is a change order on the Burkhardt job that I discussed with you last week or the week before. This is to allow the contractor to proceed in advance of us getting the remainder of the right-of-way at the southeast corner. This will involve the contractor cutting a hole and diverting water into the side of the box culvert that was installed last fall or last winter. I don't remember which, but anyway, they'll divert the flow into the side of the box culvert and then that will allow the contractor to proceed with filling the ditch from that point northward until we get the right of entry on the properties on the southeast corner of Burkhardt and Lloyd. The amount was \$16,762 and it's recommended that the change order be approved.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Question. Did we start condemnation proceedings?

Joe Harrison, Jr.: Yes. It was filed...I don't know, was it a week or...?

John Stoll: I was going to say, wasn't it a week ago Friday?

Joe Harrison, Jr.: I think so.

President Mourdock: Anything else?

John Stoll: That's all.

President Mourdock: Any questions, Pat?

Commissioner Tuley: John, I've just got a letter I want to give you.

John Stoll: I saw that on your desk.

Commissioner Tuley: Oh, you saw?

John Stoll: Volkman and Seven Hills?

Commissioner Tuley: Yeah, just take a look at it.

John Stoll: I got a copy of it and EUTS had done a study on a four way stop and it's not justified at that intersection. What we are going to do is put some crossroad warning signs up to try and identify the intersection a little better for the east/west traffic there on Volkman and on Seven Hills and see if that might help address the situation, but the four way stop--

Commissioner Tuley: Did you write a letter to them?

John Stoll: Yes, I will and I'll copy you on it.

Commissioner Tuley: Okay.

John Stoll: It wasn't justified. There is just not enough traffic out there and there is no accident history.

Commissioner Tuley: I didn't think there was.

John Stoll: It wasn't an extensive problem.

Lynn Ellis: John, has Dave Savage given you an estimate yet for the intersection of St. Joe and Allens Lane?

John Stoll: I sent him a memo on that I believe it was a week ago. At first he had said I would have to go through Sam Lahanis on that because he had some hourly rates established through his agreement with the Board of Public Works. Sam later told me no, it just needed to go to Savage and Savage would provide the estimate, but I haven't received it as of yet. I'll be in touch with him and let you know.

President Mourdock: Okay, thanks, John.

**Milton Hayden - County Garage**

President Mourdock: County Garage, Milton. In our packets is the report from the Highway Department. A progress report from August 22 through August 28 and also the update on the paving list. Milton, did I hear you questioning...we have this, our weekly pie chart, and it is dated August 29th, but did I understand you that this is not accurate? This is showing--

Milton Hayden: No, that one is not accurate. Joe usually sends that in to the Engineer and they usually get that out, but Joe was off a couple of days and we couldn't get it in.

President Mourdock: Okay, so this is showing that we're 49% complete and you're saying we are more than half at this point?

Milton Hayden: Yes, I am. I know for sure that we are.

President Mourdock: Alright. Is the same true on the ditching?

Milton Hayden: Yes.

President Mourdock: We're showing here just 51½% so we are something further along?

Milton Hayden: We are a little bit further than that.

President Mourdock: Alright. Okay, well, we'll get the update then next week I guess. Will he be back in this Friday?

Milton Hayden: You'll have it next week.

President Mourdock: Okay.

Milton Hayden: Anybody have any other questions?

President Mourdock: Yeah, that's what I was just going to ask. You took my line there, Milton! Any other questions?

Milton Hayden: Well, I'm sorry!

President Mourdock: Anything else? Okay, thank you, Milton.

Milton Hayden: Thank you, sir.

Lynn Ellis: (Inaudible comments, mike not on.)

Milton Hayden: No, that's next week.

Lynn Ellis: (Inaudible comments, mike not on.)

Milton Hayden: That will be out next Tuesday.

Lynn Ellis: Milton is working on the list for next Monday's meeting because we agreed to do at least a two year forecast for proposed projects and so he is putting together not one that will obviously be approved by the Commissioners before it goes to them on Monday because the meeting is at 3:00 or 3:30, but it is one for them to start working off of.

President Mourdock: Have you had much correspondence with any of those folks, Milton, beyond the normal since we've tried to get people?

Milton Hayden: Yes, with the Waterworks.

President Mourdock: Good.

Milton Hayden: We're working a little bit closer which I admire, you know. Wayne has always been that way though. He has always called and if he has a problem, you know, he just calls me and I go out with him and we both look at the situation.

President Mourdock: Okay. Alright, very good.

Milton Hayden: Thank you.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney. Joe, have you got anything tonight?

Joe Harrison, Jr.: The Evansville Cellular lawsuit that was filed with regard to the cellular telephone towers against the county and the Building Commissioners Office has been dismissed by Evansville Cellular. They've agreed not to construct the tower out on, I believe it's Harmony Way which is nice. They've agreed to stop further construction of that tower. There was another tower that was already up on Old State Road that related to the lawsuit and there was a stop work order with regard to that particular tower, but since that tower was up there is nothing to stop since the tower is up, so there is really nothing to do with regard to that particular matter. The Harmony Way stop work orders will continue so no one will be able to proceed further with that particular tower. That's the end of that lawsuit. Now we still have a complaint pending with the Indiana Regulatory Commission that the county filed regarding jurisdiction over cellular telephone towers. Who controls? That action is still pending. I spoke with their general counsel today and maybe someday we'll have a decision from them. It may take legislation through the General Assembly, but sometime down the road we may either hear something from the Indiana Utility Regulatory Commission regarding these matters or the General Assembly. As John noted earlier, we have filed the condemnation action regarding the Euler properties that the county needs in connection with the Burkhardt Road widening project and I'll keep you posted on that.

President Mourdock: Okay.

Joe Harrison, Jr.: That's it.

President Mourdock: Alright.

**Steve Craig - Burdette Park**

President Mourdock: Burdette Park, Steve Craig. We have in our packets the normal weekly report as far as things going. I guess I have a question, Steve, that is kind of old business here. Several weeks ago we talked about the camping situation. The permanent camping.

Steve Craig: Yes.

President Mourdock: I was through the park yesterday and I still have concerns as far as the way the campsites are being maintained, let's call it, neat and orderly. At one point in our discussion the night we voted on going ahead and keeping those five slots available, we talked about having some different standards in place as far as materials stored or whatever. Have you given any thought to that, put any of it in writing?

Steve Craig: Yes.

President Mourdock: Okay, where are we?

Steve Craig: They were given the new list of prices and the list of what has to be done and the way they should be maintained last Monday which gave them a week as of yesterday to act on it. The one guy whose trailer looks really bad I went up and talked to him this afternoon. He said it looks worse now than it did because he is in the process of moving out.

President Mourdock: Okay.

Steve Craig: He said that he had took a load of stuff over to his home in Illinois and that they would be out. He said if he could find something quicker than November 1st then he would be out before then. He said that they are in the process of moving their stuff out of there and they are going to move their trailer out.

Commissioner Tuley: I'm sorry, who was that?

Steve Craig: That was the one on the end, Ron Sayne.

Commissioner Tuley: Really?

Steve Craig: Yeah, the railroader that lived there for three years.

Commissioner Tuley: The railroader. Now that brings a question going back and reviewing that. Are we down to four now then? Was it...I forgot now and I even may have been the one that made the motion.

Commissioner Jerrel: I think we only had four permanent, didn't we?

Commissioner Tuley: Five.

President Mourdock: No, we had five.

Steve Craig: Originally it was four, but before the issue had ended there was one other person that declared themselves a permanent person, but I think when we are done we're only going to have one from what I've been told.

Commissioner Jerrel: Okay. Well, that was kind of the goal.

President Mourdock: Well, yeah. Maybe that's one too many! I think Pat's question is still valid. Did we grandfather it or did we basically say that one row we set aside?

Commissioner Tuley: Well, we got into several discussions to be honest and Joe didn't like the word grandfather. For some reason at one point we did talk about phasing them out as they left. Charlene is shaking her head no, so I take it then the jest of it was there would be one row.

Charlene Timmons: Five spots.

President Mourdock: That was my recollection, too.

Commissioner Jerrel: Well, but if these people leave and nobody

else appeared can not the Commissioners change their motion?

Commissioner Tuley: Sure we can.

Commissioner Jerrel: So we make the motion.

Joe Harrison, Jr.: You can always change your policy.

Commissioner Jerrel: Well, we didn't want to hurt anybody, but if they leave then we don't want to get--

Commissioner Tuley: Encourage them again.

Commissioner Jerrel: Right. We don't want to start over again.

Steve Craig: I think that Dr. Sowa and them will probably be the only people, from what I understand, that would probably stay there and they are supposedly looking to do something other than living there the rest of their life.

President Mourdock: Would you do two things? Number one, maintain with all diligence the policy about keeping those sites clean and the thing that is particularly troubling to me when I drove through there in light of the discussion we had that night and all those people were present is the amount of material that is stored outside the units and half way under it and yet not quite under it and at least one of them there are several cars parked there. I think we had part of our discussion that there be one vehicle coming in and out of those lots in addition to--

Steve Craig: I think the rules of campground states two.

Commissioner Tuley: That's not a problem unless one of those happens to be a pickup truck with a camper on the back.

Steve Craig: Right.

President Mourdock: Which was the point I was going to because one of them that is exactly what it is.

Commissioner Tuley: Yeah, that's a problem.

President Mourdock: There was a camper sitting there by itself still.

Steve Craig: He had taken the camper off of it to load his truck up and haul his stuff back to Illinois and that's why it--

President Mourdock: Oh, that's the fellow that was leaving?

Steve Craig: Yeah.

President Mourdock: Okay, then that problem will be solved.

Steve Craig: I told him that I thought it was a safety hazard to have it sitting there with barrows under it and stuff and that he couldn't do it. He said that was the only way he could get his stuff back to his home.

President Mourdock: The second point, and maybe I have already said it, but keep us advised when the last of those "permanent"

people leave because I think we do want to look at that policy if that is the situation.

Steve Craig: Yeah.

President Mourdock: Okay, do you have anything else to add to your report then that's here?

Steve Craig: Just that we had a good summer. It kind of went out with a bang, but other than that it was, I think, a successful summer.

Commissioner Jerrel: What would be a reasonable expectation for the Commissioners to get a report on the revenue at your cost centers? You know, theoretically Labor Day could be our closing point and Memorial Day the opening point and what the revenue has been for your cost centers during that period of time.

Steve Craig: This is off my head from just talking to Joyce and that, but I think going into July we were something like \$40,000 down because of the wet June and that, but at the end of July we were \$12,000 down, I think.

Commissioner Jerrel: Maybe she could just do what she has reported to the Auditor. Give us what money has been--

Commissioner Tuley: Just a report, Steve.

Commissioner Jerrel: Yeah.

Steve Craig: You just want me to--

Commissioner Tuley: You don't have to do it tonight. Don't try to quote it off your head tonight. Just put the numbers together and put it in a report and send it to us.

Commissioner Jerrel: Yeah, you don't have to come or anything. Just send it to us.

Steve Craig: That was just from conversation as we went along where we were at trying to keep track. I'll bring that. I don't know if we can get it by next Monday, but I'll have it within a week or two.

Commissioner Tuley: I think that is what she was asking.

Commissioner Jerrel: Yeah, just something so we can see.

Steve Craig: Okay. Is that it?

President Mourdock: That's it.

Steve Craig: Have a good evening.

President Mourdock: Thank you for sticking around, Steve.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings. Lynn, do you have anything for us?

Lynn Ellis: Yeah, I have a couple of things. I had forwarded a copy of a letter from Keith Wallace, the Hearing Officer for the City of Evansville, regarding some property that the county sort of owns and sort of doesn't. They asked us...I had to attend a meeting where they were discussing this property and they asked us to have the garage torn down because it is a hazard. Joe had sent it back saying that it's not the county's and we don't want liability for it, but I need direction on your recommendation on what I do when I am asked to go into these meetings and say what the county intends to do with these properties when there is, you know, a structure on them that is unsafe.

Joe Harrison, Jr.: Call me. Call me.

President Mourdock: Is the question in this case, and it sounds like it is truly one of, is it the county's property?

Joe Harrison, Jr.: No.

Commissioner Tuley: That's what the question is.

Joe Harrison, Jr.: No.

Commissioner Tuley: That's what the answer is. It's not.

President Mourdock: But that's the question?

Joe Harrison, Jr.: So just call me, okay? I've got a call into the attorney for the Redevelopment Commission. I'm going to talk to him tomorrow and explain to him hopefully. This is one of these properties that is in limbo-land. There are about 100 of them that aren't ours yet. They might be someday, but somehow or another they were put in our name, but they shouldn't have been put in our name last year because we don't have title to them. The judges have ruled that, so if we have to get a judge to talk to the city we can do that. They will at some point probably come into the county's domain, but at this point they are not, so if you get these type of things in the future call me.

Commissioner Jerrel: I have a question. Are we sure that all of the demolition that we have done because that has gone up significantly this year. Are all of those demolition bills on properties in our names or are they in the name of the city? They bill us.

Joe Harrison, Jr.: Well, none of them would be in the name of the city.

Commissioner Jerrel: Or would they be in the name of individuals?

Joe Harrison, Jr.: Well, that's a good question. The first time I learned of any of this was today.

Commissioner Jerrel: Oh, okay.

Joe Harrison, Jr.: Okay?

Commissioner Jerrel: Well, I've been tracking the money because we've had--

Joe Harrison, Jr.: We may not be spending as much money in the future, let's put it that way.

Commissioner Jerrel: Okay, because we've been getting bills on demolition from--

President Mourdock: How have we been handling the demolition?

Joe Harrison, Jr.: I don't know.

Commissioner Jerrel: They do it.

President Mourdock: Who is "they"?

Commissioner Jerrel: The city does it.

Commissioner Tuley: Code Enforcement.

Joe Harrison, Jr.: And bills us.

Lynn Ellis: Code Enforcement bids it out--

Commissioner Jerrel: They bill us.

Lynn Ellis: --and then they bill the county for that because the properties are in the county's name, supposedly.

Joe Harrison, Jr.: A lot of these shouldn't have been in our name, so that's the problem.

President Mourdock: So the property...I don't know how to say this without making it sound like a ludicrous question. The properties may not be in our name, but the...which group? City Building?

Lynn Ellis: Code Enforcement.

President Mourdock: Code Enforcement goes out and says there are unsafe structures so they've contracted, is that what you said, Lynn?

Lynn Ellis: Uh-huh.

President Mourdock: The demo and then they turn around and bill us?

Lynn Ellis: Right. Some of these are cloudy titles and that kind of thing.

President Mourdock: Okay, having a better understanding of the facts, would we not be prudent then, Joe, to send a letter to Code Enforcement telling them at this point we're not going to do any more reimbursements of those until all title questions are resolved?

Joe Harrison, Jr.: Well, I've got a call into their attorney, as I said, and we're going to talk about it.

President Mourdock: Okay.

Joe Harrison, Jr.: When these types of things come up they've got to come to hearing before a Code Enforcement Officer who has

to order that a structure be razed. Before it even gets to that point we will be notified of such a hearing and at that point if I've got to march over to this building right here in this office in this room and say we don't own it, then that's what we'll tell them. I'm going to talk to their attorney tomorrow.

President Mourdock: Lynn, any other comments?

Lynn Ellis: I've been contracted by Ray K. with Evansville Auto Auction regarding the city's auction and I need to know the desire of the Commission because in previous years, it is my understanding the last five years, the county has contracted with them to do the sale of the surplus vehicles.

Commissioner Jerrel: Where is the list of those surplus vehicles? I've been trying to see that since we kind of asked for people to turn vehicles in.

President Mourdock: Before we get to that question, though--

Lynn Ellis: I don't have it.

President Mourdock: --that's a good question.

Lynn Ellis: I don't know where it is.

President Mourdock: What was the question that you were about to raise then, Lynn? Was it about how we are going to handle that bid?

Lynn Ellis: Well, it has not been a bid. It never has been a bid and that's my question. The city doesn't bid it. The school board doesn't bid it. They contract with Evansville Auto Auction and the county has in the last two years has joined them and done it at the same time. Last year the county joined the city in the surplus sale of property, not vehicles. They didn't...I don't want to say that. They...I'm not sure how it was handled.

President Mourdock: I thought the first year I was on the Commission I thought that issue came up and I thought we did bid it. Do you recall, Pat?

Commissioner Tuley: I thought we did, too. There was Evansville Auto and one or two others.

President Mourdock: Who is Wolfe's? Is that separate.

Joe Harrison, Jr.: Same thing.

Commissioner Tuley: Same thing.

President Mourdock: Oh, the same.

Commissioner Jerrel: I was just going to say, who else is there that holds a regular weekly auction besides the one on Fares Avenue.

Lynn Ellis: We don't want it--

Commissioner Jerrel: There isn't anybody else.

Lynn Ellis: There was a great discussion in front of the Board of Public Works regarding this two or three years ago. They didn't want it at their normal auction because of there being confusion and they're closed off to the general public. They only sale to--

Commissioner Jerrel: Dealers.

Lynn Ellis: --dealers. The city and the county didn't want to do that, so it has to be open to the general public and so it's a separate sale. The county's vehicles, which I don't have a list of the vehicles and I don't know how many there are--

Commissioner Jerrel: Do you have any idea how you could get that list, Lynn?

Suzanne Crouch: (Inaudible, mike not on.)

Commissioner Jerrel: Yeah, but I mean how do we know which ones have been surplus? It has to have a serial number.

President Mourdock: If it's on the fixed asset list and it has been disposed of would that be noted on the list?

Suzanne Crouch: (Inaudible, mike not on.)

Commissioner Jerrel: Yeah, but I mean you don't know who has sent their car to the garage.

Suzanne Crouch: Well, we did last year when we updated our fixed asset list. We are in the process of updating it and we have to report to you all by October.

President Mourdock: Your office doesn't hold all the titles though, correct?

Suzanne Crouch: Yes.

President Mourdock: You do have all the titles?

Lynn Ellis: Evansville Auto Auction has cars out there. Numerous cars that they've been holding--

Commissioner Jerrel: Of ours?

Lynn Ellis: --for a year now. Yes.

Commissioner Jerrel: But we don't know who they are? Suzanne doesn't know who they are because she is holding the titles, but you haven't had Office A call you and say there are two Chevrolets and one Ford.

Commissioner Tuley: Should of at the last year's update.

Suzanne Crouch: We did have it updated.

Commissioner Jerrel: When.

Suzanne Crouch: In February when we presented the fixed asset.

We had to go out and physically inventory the cars and track the titles and find out what departments they are from. We have that information. Now, we are in the process of updating that.

President Mourdock: Okay, so somebody at Wolfe's has a bunch of cars out there that they've had for a year, correct? Why haven't they sold them?

Lynn Ellis: Because we haven't had a sale.

Commissioner Jerrel: Why not.

Lynn Ellis: Because we have to have...we have to conduct a sale. It has to be advertised in the paper and notice has to be given to the public in order to have that. They typically have one a year and it's typically in October.

President Mourdock: Are we contracted that it has to be done through Wolfe's for this coming year?

Lynn Ellis: No. The last few years there has just been a recommendation from this position to contract with them to perform that service. I don't...when I was in Purchasing several years ago I looked into it. I didn't think it was legal to do that, but I guess I was defer it to Joe to say whether we can do that or not.

President Mourdock: To do what? A contract sale? To do what?

Lynn Ellis: To have an auction.

Commissioner Jerrel: Isn't that a service? If there is one big player in town why would you want to bid that?

Lynn Ellis: I'm just recalling from memory, but I believe that there is a statute in the Indiana Statute of Codes that say that it has to be publicly bid to have that, but, again, I am just remembering.

Commissioner Jerrel: To have a sale of surplus?

Lynn Ellis: To hire an auctioneer.

President Mourdock: Okay, again, having more understanding of the facts than I had ten minutes ago why don't you find out number one what vehicles are out there that they've had for a year and a half and I guess that means to coordinate with Suzanne somewhat on the titles.

Suzanne Crouch: Teri Lukeman.

President Mourdock: Teri Lukeman, okay, to see where we are with the titles. Secondly, find out if there is an option as far as having them auctioned off ourselves or with Wolfe's or with some other third party.

Commissioner Tuley: Let me give you just a little more background here though. I think part of the reason we did this was they have the storage capability. They would all be centrally located as opposed to pulling them all out to the garage and trying to store them at the garage. That's what I am

trying to recall and remember, but I think that's part of the reason why we went this way and they are people who can reach out and touch a lot more people than we could and we weren't doing a very good job of selling off the surplus vehicles, quite honestly.

Lynn Ellis: Exactly.

Commissioner Tuley: We were stuck with this junk.

Lynn Ellis: There were certainly good sell points for doing that and the city decided the same thing. I know that because I sat in all of their meetings, but there were very good sell points for doing it with Wolfe's. They do have storage space that Pat was discussing and the auctioneer companies will not store them for us.

President Mourdock: But my concern here, and I think it is the same one Bettye Lou has, is just putting those vehicles in there and letting them store them that's okay, but at some point we expect the cash out of the vehicles.

Commissioner Tuley: There was a sale last October is what you said.

Lynn Ellis: Yes.

Commissioner Tuley: They typically plan, I assume, they have one this October.

Lynn Ellis: Right.

President Mourdock: One a year.

Lynn Ellis: It's coming up on the 9th. The city sale is coming up on the 9th and I have to know how the county intends to handle it.

Commissioner Jerrel: I don't think this is a big major discussion issue. You wouldn't want to advertise for auctioneers to do this.

President Mourdock: I'm not suggesting--

Commissioner Jerrel: No, no, I know you aren't. I'm just saying Joe needs to look the statute up that governs this and if it is okay then we need to say it's okay and do it.

President Mourdock: That's fine. Anything else, Lynn? Okay.

<b>Consent items</b>
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President Mourdock: Yeah, consent items you have in your packet.

Commissioner Tuley: I'll move approval of the consent items.

Commissioner Jerrel: I will...there were a couple of questions that were raised by some Councilmen concerning a large number of employees going to AIC. I think they're dealing with that themselves now. We can go ahead and approve them.

Commissioner Tuley: Yeah, I asked Lynn the same question. I didn't see that, but that was my question. If this wasn't a state called meeting and it came out of the Commissioners' budget why do we have so many going, but apparently it is being paid for out of Incentive Fund.

Commissioner Jerrel: Well, but that didn't make any difference to the Councilmen, because that money could be used to pay for something else.

Commissioner Tuley: Oh, yeah, yeah.

Commissioner Jerrel: I mean that was their point.

Commissioner Tuley: That's a large office, but five going to a conference is quite a few. Are they still approved?

Commissioner Jerrel: Uh?

Commissioner Tuley: I'm sorry, I may have missed your point there. Are you saying that even though that incentive money could have been used for other things, so there is still a question?

Commissioner Jerrel: They're going to handle it I guess?

Commissioner Tuley: How are they going to handle it?

Commissioner Jerrel: Well, if the money isn't there and they come back in for a request it will be denied.

Commissioner Tuley: Okay, alright, but as far as the approval of the travel they--

Commissioner Jerrel: Oh, no, they're not involved in that.

Commissioner Tuley: Okay, alright.

Commissioner Jerrel: I didn't make myself clear. Did you make a motion to approve?

President Mourdock: I didn't hear one.

Commissioner Tuley: I'm sorry, I did. I made a motion to approve the consent items.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**TAPE CHANGE**

**Scheduled meetings**

President Mourdock: Okay, we have attached to our packet or included scheduled meetings as always. Just as a reminder, I will not be present next week.

Commissioner Jerrel: Pat and I will just work and work and work.

Commissioner Tuley: At 6:30 we'll be done!

President Mourdock: Okay, and I'll take the hint! Yeah, but you won't get started until 6:00 because it's Solid Waste District.

Commissioner Jerrel: Oh, yeah.

**Old business**

President Mourdock: Old business. Any old business before us this evening?

Commissioner Tuley: I have none.

President Mourdock: Bettye Lou, you're looking thoughtful. Is there old business?

Commissioner Jerrel: Oh, I had some issue that I needed to raise I have completely forgotten.

President Mourdock: Let me go to new business and we can come back to it.

**New business**

President Mourdock: Any new business? I have one item just to clarify for personnel matters as far as letting the officeholders and department heads and individual employees know as far as how the handling...at the time of termination how the handling of sick days, vacation days, personal days and such is done. I think we need to send them some letter or something to clarify that.

Commissioner Jerrel: I think that's a very good idea. Could I ask how would you see, Pat and Richard, the best way to distribute these? The paychecks go out Friday. Would you want, say, our office to count out and take them down to the Auditor and have the Auditor distribute them with the paychecks?

Commissioner Tuley: Suzanne, did you guys not have in your proposal in terms of this centralized record keeping on personnel time somewhere I remember a discussion that there would be a signature for the employee upon receipt of their handbook or something?

Suzanne Crouch: Do you have that in the back of your book?

Commissioner Tuley: Is it in the handbook?

Commissioner Jerrel: It's in the back.

Lynn Ellis: It's the last page of the handbook.

Commissioner Tuley: Then I think where you are headed is the right direction. We can have our staff count out as many as they need per department and then that officeholder or department head could be responsible for handing them out in their department and getting the signature.

Commissioner Jerrel: Then they send us back a statement that they have all signed.

Commissioner Tuley: Yeah, back to the Auditor's Office. Is that where it is going?

Lynn Ellis: Suzanne would actually need the actual signed sheets and what I was proposing to Suzanne earlier today was that we print out just that one sheet in full size as opposed to destroying every book like we have in the past by ripping the page out. It causes the cover to fall off.

Commissioner Jerrel: Right.

Lynn Ellis: So if we just print that out and copy it for each employee to execute. The problem would be for those employees that don't execute, you know, the form to say that they have received it and how to deal with that.

Commissioner Tuley: I think that would be up to that officeholder or department to get that signature and if they refused to sign it then just put on there refused and witnessed by such-and-such and turn it in that way.

Commissioner Jerrel: Yeah, I think you're right. That's the way it ought to be done.

Commissioner Tuley: Don't deal with them. If they don't want to sign for it, fine.

Suzanne Crouch: Does this include the courts?

Commissioner Jerrel: I don't know why it wouldn't.

President Mourdock: Sure.

Commissioner Tuley: It should.

Suzanne Crouch: And the Sheriff?

Commissioner Jerrel: Absolutely.

President Mourdock: Absolutely. It is the personnel policy for all county personnel.

Suzanne Crouch: Will you provide a memo just to go along?

President Mourdock: Sure.

Suzanne Crouch: This Friday, payday?

President Mourdock: That would be appropriate.

Commissioner Jerrel: Yes. Do you think you guys can get them counted?

Lynn Ellis: We have all the copies and all it is is a matter...I've got it on the computer, so all it is is a matter of printing it out and then copying it.

Commissioner Jerrel: I meant can you count them? Do you think

you can get them counted out? Okay, and the memo?

Lynn Ellis: Suzanne's office has typically just distributed them and I may be concerned about something that I don't need to be concerned about, but if a new employee is hired on then they don't have an option. They have to sign this sheet as they are given all of their employment information. I don't know of an elected official that might give a problem, but if there were then you wouldn't have an elected official verifying that an employee...a particular employee refused to sign for that form. I guess you can deal with that if it comes up.

President Mourdock: Yeah, I'm sure that will happen.

Bill Jeffers: The ones that come back unsigned send them out registered mail.

Commissioner Jerrel: Thank you. Keep the paycheck.

Suzanne Crouch: Is that a motion?

President Mourdock: There are two major points there--

Commissioner Tuley: You better have some money to hire yourself a Sheriff's Deputy to protect you!

President Mourdock: Okay, two significant points there. One being that we get that done with a memo saying that they are going to all county employees and, Lynn, if you would draft that, please. The other is as I started to say before that we make sure that all department heads, all elected officials and all employees are notified periodically where they are benefit-wise at the termination of their employment.

Suzanne Crouch: If you would in the memo just reflect a date you would like to have them back. I think that would be helpful.

President Mourdock: Okay.

Suzanne Crouch: You might also make mention that new employees will in the future just come to the Auditor's Office.

President Mourdock: Sure, very good. One other new business item just as an update on our local Welfare to Work Initiative. I spoke with Gary Heck briefly and there is some money additionally that may be available from the state through the transportation side of our program once again. I will say that with a certain amount of pride here "once again". Twice tonight we're mentioning the fact that the county is ahead of everyone else. Because no other programs are out there in the state I think it is a pretty good shot that we'll get some money to offset what we are trying to do transportation-wise. Depending on how that money is used next year it may mean that we can somehow adjust and come out better. Did you come up with your other old business item?

Commissioner Jerrel: No. I think it may have been the handbooks.

President Mourdock: Okay.

Commissioner Tuley: Were you wanting to revisit that travel approval or are you okay with that?

Commissioner Jerrel: I'm okay with it. I just told them that they have to deal with.

Commissioner Tuley: Okay.

President Mourdock: Any other new business or old business? I'd look for a motion of adjournment before we go to a Special Drainage Board Meeting.

Commissioner Jerrel: I remembered, but I can wait and do it Monday and do it after the fact. I didn't fill out the travel for my visit to INDOT. I'll do that next week.

Commissioner Tuley: Motion to adjourn, so moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:18 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Lynn Ellis  
John Stoll  
Milton Hayden  
John Stoll  
Steve Craig  
Dale Olson  
Robert Quick  
Faye Gibson  
Bill Jeffers  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
September 8, 1997**

The Vanderburgh County Board of Commissioners met in session this 8th day of September in the Commissioners' Hearing Room of the Civic Center Complex at 5:30 p.m. with Vice President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

Commissioner Jerrel: I'd like to call the Vanderburgh County Commissioners' September 8th meeting to order. The first item on the agenda, I would introduce our guests and our employees. Lynn Ellis is our Superintendent of Buildings. Next to her, behind the boxes, is Joe Harrison, our Attorney, and Commissioner Pat Tuley. On my left is Charlene Timmons, who is the Recording Secretary, and the Auditor, Suzanne Crouch, and I am Bettye Lou Jerrel. If you would now join me in the Pledge of Allegiance.

**Approval of minutes**

Commissioner Jerrel: Under action items, the first item is the minutes of the September 2nd meeting. Is there a motion?

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: I'll second and so order.

**Joe Profaizer - Open bids for VC97-06, Courts Case Management System**

Commissioner Jerrel: The second item is...is Joe...okay, there he is. Joe Profaizer and the opening of the bids VC97-06, Courts Case Management System.

Joe Profaizer: I don't know if I need to speak at this moment. I think the normal procedure is for the attorney to open the bids and announce the names--

Commissioner Tuley: Take them under advisement?

Joe Profaizer: Yes. I'll be here to answer any questions.

Commissioner Jerrel: Okay, thank you. At this point, I would entertain a motion to open the bids.

Commissioner Tuley: I'll move that the attorney be directed to open the bids.

Commissioner Jerrel: I'll second and so order.

**Mike Shoulders - Veazey Parrott & Shoulders**

Commissioner Jerrel: The next item on the agenda is Mr. Shoulders. Mr. Shoulders is here.

Mike Shoulders: Good evening, Commissioners. I'm Mike Shoulders, President of Veazey Parrott & Shoulders. I wanted to

report a few firm dates tonight for you. Believe it or not we are about to finish the drawings and specs and we will be turning these over to the printers on Wednesday of this week, September 10th, for printing. We do appreciate the Commissioners granting us a three week extension on completing these and we feel that the final product will be much better coordinated and we hope better bids this way. These next dates are firm. The Building Authority has made contact for legal ads with the three newspapers, so these are fixed dates. The first advertisement for bids will be Monday, September 15, that's one week from this evening. The project will be advertised legal ads in Louisville, Indianapolis and Evansville. We looked into St. Louis. It was \$6,000 and the Building Authority...for an ad, so we decided not to advertise there or they did. I thought it was a good decision. The second advertisement will be on Monday, September 22nd. The legal requirements are seven days apart. That will be the last advertisement which will also be in Indianapolis, Louisville and Evansville newspapers. Our final bids are to be due the afternoon of October 14th at the Building Authority Offices. We will be scheduling what we call a pre bid meeting for prospective bidders and we think we will probably have this in the Gold Room. The schedules for the Gold Room are now being checked so that we can coordinate with activities that are ongoing over there. We will entertain what we call a pre bid meeting in the Gold Room and entertain questions from prospective bidders and give them a tour of the facilities sometime at least one week and preferably a week and a half before the bids are due so they have time to respond. That is pretty much it. These are fixed dates and, again, we're very pleased to be wrapping up the design and engineering phase of the program on Wednesday and then we will now begin to seek competitive bids.

Commissioner Jerrel: That's good news, Mike. Thank you very much.

Mike Shoulders: Thank you.

Commissioner Jerrel: Do you have any questions?

Mike Shoulders: Any other questions?

Commissioner Jerrel: Thank you very much.

Commissioner Tuley: Thanks, Mike.

**First reading - Ordinance amending Chapter 151**

Commissioner Jerrel: The next item on the agenda is the first reading of the Ordinance 151, the Subdivision Ordinance.

Commissioner Tuley: At this time I would like to move approval on first reading an ordinance amending Chapter 151, Subdivision Ordinance, of the county of Vanderburgh, State of Indiana.

Commissioner Jerrel: This will be entered into the record--

Commissioner Tuley: On first reading we don't need--

Commissioner Jerrel: Yeah, so it will be part of the minutes.

I'll second and so order.

Joe Harrison, Jr.: Why don't you also just for the heck of it do a roll call on this?

Commissioner Jerrel: Alright.

Joe Harrison, Jr.: You'll have to do a roll call next week as well.

Commissioner Jerrel: Okay. Commissioner Tuley?

Commissioner Tuley: Yes.

Commissioner Jerrel: Commissioner Jerrel? Yes. So ordered.

**Lynn Ellis - Wolfe's Auto Auction to conduct surplus vehicle sale**

Commissioner Jerrel: The next item on the agenda is Lynn Ellis, our Superintendent of Buildings.

Lynn Ellis: I would like to request that the Commissioners approve Wolfe's Auto Auction, Incorporated to conduct the county's surplus sale for vehicles on October 9th...what time is that?

Unidentified: Eight-thirty.

Lynn Ellis: Eight-thirty, okay. There is a schedule attached to your agenda request setting forth the fee that will be paid to Wolfe's and this is in accordance with what has been paid in the past or the same fashion that it has been paid. Also attached is a list of the six vehicles that are currently at Wolfe's. My understanding is that three of them were from Burdette, one from County Highway, one from Engineering and one from Weights and Measures. There may be a discrepancy in that, but that's what I was advised is that three were from Burdette. There is a letter directed to Ray K. at Wolfe's Auto regarding the approval and if the Commissioners approve that tonight, then that letter is in your signature file. Attached to that letter is a copy of the statute that needs to be distributed at that sale for those persons purchasing old Sheriff vehicles because there is a requirement for them to repaint the vehicle. There is also a memo attached to the various elected officials and department heads concerning deadlines for getting surplus property and vehicles to the appropriate location.

Commissioner Jerrel: Will we need to identify additional vehicles if there are additional ones? I think there probably will be.

Lynn Ellis: Yes. I've contacted all the departments that own vehicles and there aren't any more that I am aware of that will be surplus, but that usually changes between the last few weeks before the sale. Also in your packet that I just distributed before the meeting is a listing of the departments, the number of surplus vehicles and the number of new, so those are the vehicles that I have a record of needing to be surplus for this year.

Commissioner Jerrel: It might be a point, too, that the Auditor's Office is currently in the process of updating the fixed asset. Okay, is there a motion?

Commissioner Tuley: I'll move at this time that we approve the, for lack of a better word, I guess this would be a contract or at least an agreement between the Board of Commissioners and Wolfe's Auto Auction for the sale of surplus vehicles.

Commissioner Jerrel: I'll second and so order. Is that the only item in the action?

Lynn Ellis: There is one for the surplus property as well. I can bring that up now or--

Commissioner Jerrel: Why don't you just go ahead and do it now, so we can just--

Lynn Ellis: Okay, there is an auction agreement with Fulton Avenue Auction to do the county surplus property. Those items include everything except vehicles. The sale would be done on October 11th at 10:00 a.m. and the sale will be conducted at the County Highway Garage on North St. Joseph Avenue. The rates are included in the auction agreement. The county will pay advertising for that. I would request that you give permission to advertise both the Wolfe's Auto Auction doing the vehicle sale and Fulton Avenue Auction doing the surplus property sale.

Commissioner Jerrel: Is there a motion?

Commissioner Tuley: Just a question first. This second one is consistent or similar to what we've done in the past as well? Just like the one with Wolfe's has been? I'll move approval of the agreement for the auction agreement between the Vanderburgh County Commissioners and Fulton Avenue Auction.

Commissioner Jerrel: I'll second and so order.

Commissioner Tuley: I'll move for approval of the advertising of the two agreements and the dates of the sale as requested by the Superintendent of County Buildings.

Commissioner Jerrel: I'll second and so order that motion also.

Charlene Timmons: Can I ask a question pertaining to the advertising?

Commissioner Jerrel: Uh-huh.

Charlene Timmons: Is that something that you'll ask me to handle or is that something that you'll be taking care of?

Lynn Ellis: We can work that out. I don't know if you've done it in the past--

Charlene Timmons: I haven't, but I just wanted to make sure.

Lynn Ellis: I can do that.

Charlene Timmons: Okay, thank you.

Commissioner Jerrel: Okay, is there anything else? Any other action item?

Lynn Ellis: No.

**Any group or individual wishing to address the Commission**

Commissioner Jerrel: Is there anyone here who wishes to address the Commission?

Bruce Ungethiem: Good evening, Commissioners. My name is Bruce Ungethiem and I am representing the citizens of Scott Township. The issue this evening is the misuse of 160 acres of county land which is currently leased to Azteca Milling Company for waste treatment purposes. The background on this land is that it was purchased by the county with tax money for use for Azteca. The county assigned it to the Vanderburgh County Redevelopment Authority. The Vanderburgh County Redevelopment Authority then leased it to the Vanderburgh County Redevelopment Commission who then subleased it to Azteca Milling Company for land waste usage. In that lease under Section 9, General Covenants, Item B, it states that the lessee shall contract with the sublessee to use and maintain the leased premises in accordance with the laws, regulations and ordinances of the United States of America, the State of Indiana and the County and all proper governmental authorities. I think everybody is aware of the struggles that we've been having with Azteca in the past. I just want to let it be known that in the past year Azteca has had six documented violations of that state environmental law and as of November 2nd has been put on notice by the Indiana Department of Environmental Management. At this point in time, Azteca has failed to rectify the problem which is causing these violations. For that reason they are in violation of their sublease to the Vanderburgh County Redevelopment Commission. In addition, Azteca has been in violation of the state nuisance law, which is IC-1971, 34-1-52-1, for the past 16 months. Let me read that:

"Whatever is injurious to health or indecent or offensive to the senses or an obstruction to the free use of property so as essentially to interfere with the comfort and enjoyment of life or property is a nuisance and is subject to that action."

What we would like to do is request that the County Commissioners help us in giving Azteca a reason to correct this situation. The IDEM laws are somewhat vague and the ability to put pressure on Azteca to correct the situation is limited. What we are asking is per the lease, per the contract in the lease, is for the Commissioners to issue written notice to the lessee to correct the defaults mentioned and inform them that per the lease they have 60 days to do so per Section 15 under defaults. Failure to do so, and this is in the lease, the county will be forced to take further legal action including the possibility of termination of the lease. Now there is a number of different things that can happen up to and including the termination of the lease. Let me make sure that you understand it is not our intent to shut Azteca down. It is our intent, however, to have air that we can breathe in our house and water that we can drink in our wells. At this point in time, they are

jeopardizing both of those. All we're wanting them to do is to live up to their commitment to be a good neighbor in Vanderburgh County and at this point in time they have not done that.

Commissioner Jerrel: Just for information for the members here, I did attend the meeting and Bruce did a very nice job of presenting information as did a lot of people. It was an excellent meeting. Vivian Tucker chaired it. There were four individuals from IDEM present and there were two officers of Azteca present and also MRV. It was a free and open flowing question and answer period and at that meeting I understood that there was a two week period when an ad hoc committee was going to get together and begin evaluating what they could do. I think first of all that there are couple of assumptions here that are not necessarily correct. Number one, the county purchased the land with tax money. That is a TIF and it's going to be purchased with money from County Option Income Tax as well as the taxes from the property and equipment. The COIT is the money that will be captured from the employees that have jobs out there, so it's not exactly, you know, it's a combination of taxes.

Bruce Ungethiem: Well, it's a combination of income tax and property tax.

Commissioner Jerrel: Right. I would like for our attorney to...I mean, I appreciate that you've well researched this, but we can't take an action like this without our attorney.

Bruce Ungethiem: I understand and I am not asking for a decision at this point in time, but I would like for you to consider it and then let us know what your action is going to be. There are a number of different actions. My primary goal here is to put additional pressure on Azteca to get them to resolve the problem. We've been living with this problem for 16 months. They keep telling us we're going to fix it, we're going to fix it, we're going to fix it and yet we still have the problem.

Commissioner Jerrel: Right. It was a good meeting. I think that there will be some progress, but I understand Bruce's concerns. Commissioner Mourdock had written a very strong letter earlier to them, so if it is alright I would ask that we take this under advisement.

Commissioner Tuley: I think we do need to. A couple of things, I think the state is reviewing for any violations of environmental laws.

Commissioner Jerrel: That's true.

Commissioner Tuley: That's one point and I think we need to find out what their determination is before we sit here and say they are in violation of anything.

Commissioner Jerrel: Well, they have been cited on and I have...I don't have them with me.

Commissioner Tuley: So they have been cited?

Commissioner Jerrel: They've been cited for--

Bruce Ungethiem: September 2nd.

Commissioner Tuley: Okay, so that is correct then?

Bruce Ungethiem: Yes.

Commissioner Tuley: They were given how much time to correct their--

Bruce Ungethiem: I believe it's 60 days.

Commissioner Jerrel: Sixty days.

Commissioner Tuley: Okay, then the other point, I think, if a letter was to come from any county Board with the idea of terminating a lease it would not come from this Board it would come from the Redevelopment Commission with whom they have the lease to start with.

Commissioner Jerrel: We can play a roll in that.

Commissioner Tuley: We can play a roll in that, that's right. The only thing I am saying, I fully understand the position you guys are taking and I understand if I lived out there I wouldn't want to smell it any more either. Enough is enough.

Bruce Ungethiem: Yeah.

Commissioner Tuley: But I think we do need to take it under advisement.

Commissioner Jerrel: Okay, Bruce, thank you very much.

Bruce Ungethiem: Thank you.

Commissioner Jerrel: Is there anyone else that wishes to speak to the Board? Yes.

Marsha Abell: I wasn't going to discuss this tonight, I was just here for the bid opening, but if you've got a few minutes it looks like you've got an easy program tonight.

Commissioner Jerrel: Sure.

Marsha Abell: Did you get a copy of this letter that I have from the Division of Family and Services regarding the--

Commissioner Jerrel: Audit?

Marsha Abell: --computer program?

Commissioner Jerrel: Oh.

Marsha Abell: The ISETS program?

Commissioner Jerrel: Yes.

Marsha Abell: I just wanted to go over a couple of things with you and let you know some things that have happened. I went to Indianapolis the week before last and discussed this with the

Governor's Commission that was set up to review this ISETS program. There are some things in this letter that was sent to you regarding withholding of money that the county may be facing October 1st in the event that Indiana doesn't comply with all the counties or at least the percentage of counties being on the statewide computer system. Currently there are only 17 counties on it and Vanderburgh County is the largest one by at least three times over. We have tremendous problems with this system. In the letter they sort of act like that they're small problems. Let me just give you one little instance. Last Monday night we had to work late because we had the largest income day that we had ever had. We called up to tell them that we were going to be working late. At ten minutes until seven they told us to log off. We did log off. We were allowed to log back on and Tuesday morning when we came to work the system was totally down. They couldn't get it back up and didn't know how. They called SCT and SCT tried to tell them how to get it back up and by 4:00 Tuesday afternoon we were back up and my staff worked all of Tuesday night to get their work done that they should of done Tuesday plus eight hundred and sixty something checks that we put in Monday night were gone. We had to reinput those which was a big waste of time. This deadline of October 1st, although this letter seems to indicate to you all that this is going to be a major thing if we're not all on it, I've put in a call to Congressman Hostettler's Office and he has agreed to meet with me and I am going to go see him about getting this extension. It's ridiculous to put anybody else on a system that is not working. What they are trying to do at this time is to force three more counties to go on it by October 1st. They say they can have them on it and running by October 1st and there is no way. We've been on it two years and they don't have us running, so there is no way that in two weeks they are going to get another two counties running. What we feel that needs to be done is...let me back up and tell you that we've spent...the State of Indiana has spent \$40 million on this project so far to have 17 counties on it and it is not working. Michigan has spent over \$100 million and has rewritten the program twice. We're not the only state that is having problems. All the states are having problems and all the states are going to their congressmen to see if Congress won't put this date off at least another year and give us time to make sure that a system that we're putting on is one that works instead of one we're running into real fast just to meet some deadline. While this letter sounds a little bit threatening, I think it was meant to sound that way. I think it was meant to force County Commissioners to talk to the County Clerks in their counties that aren't on it and try to force them onto the system. In the meetings that I've had in Indianapolis the last few weeks, no one is going to do that because it's not ready. The other thing is that they indicate in the letter that in 1988 U.S. Congress passed a law which required a statewide computer system to be developed in each state by October 1 of '95 and they extended that '97. That is exactly what they passed in '88, but it doesn't say that the statewide computer system has to be one system located in Indianapolis and all of us feed into it and that is what they're trying to push down our throats now and what we're saying is let's just get compatible systems where you don't control it because if Indianapolis controls it, for instance, one thing that they did, and I have copies of all this that I took with me to Indianapolis, someone went in my system on January 1st and

put address unknown on people's child support checks and, of course, when the checks went out they came back to my office. Most of those people don't have phones. We couldn't get hold of them. We had to wait until they called and said where is my check and we said what's your address because they just arbitrarily changed it. They can get in my edit screens. There are like four different offices that can get into our edit screens and the State Board of Accounts is not happy with the financials. They don't balance. They can't reconcile the bank statements. There are a lot of problems and when I saw that you had gotten this letter I wanted to let you know that we are not just sitting over here across the hall idly taking this. I am trying to get this...with other people, not by myself, of course, to get this date postponed so that they don't cut off the two hundred and some odd million dollars worth of federal money that is coming in.

Commissioner Jerrel: Thank you. Have you opened them?

Joe Harrison, Jr.: Almost.

**John Stoll - County Engineer**

Commissioner Jerrel: Okay, let's proceed with the County Engineer.

John Stoll: The first item is a sidewalk waiver request for a portion of Clear Creek Subdivision. This would be just on one side of the street where they need to put a retaining wall. This is for a section that comes off Mount Pleasant Road. The other side of the street will have sidewalks and because the retaining wall will take up some additional space in the right-of-way it is recommended that the sidewalk waiver be approved. The balance of this subdivision would have sidewalks on both sides of the street.

Commissioner Tuley: John, this is going to be the only area and it's because of the retaining wall that you're asking?

John Stoll: Right. Everywhere else there will be sidewalks on both sides.

Commissioner Tuley: Okay.

Commissioner Jerrel: Is there a motion?

Commissioner Tuley: Yeah, I will move approval of the sidewalk waiver at the request of the county engineer because that is going to be high density and the rest of it will have to have sidewalks.

Commissioner Jerrel: I'll second and so order.

John Stoll: Next I've got a change order for the Lynch Road project. This is an increase of \$947.10 of which 20 percent would be ours which is about \$190. This is to grind down some concrete on the bridge that was a little too high. If it's not ground off there it would result in a bump as you're driving across the bridge, so this would eliminate that bump. It is recommended that the change order be approved.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: I'll second. That's E & B Paving?

John Stoll: Yes.

Commissioner Jerrel: So ordered. Do you get this or does that go back to Charlene?

John Stoll: Charlene.

Commissioner Jerrel: Okay.

John Stoll: The next two items are mylars for two upcoming projects. The first one is for the Burkhardt Road project, Phase 2, from Virginia Street to Maxwell Avenue. Based on discussions with the consultant, we'll bring a Notice to Bidders for the project to the meeting on September 22nd with a bid opening of October 13. It's recommend that the mylar for Burkhardt be signed off on.

Commissioner Tuley: The road plans themselves?

Commissioner Jerrel: Uh-huh. Are you going to come back and request a motion for approval to bid?

John Stoll: Pardon?

Commissioner Jerrel: Are you going to come back at a later date and ask for--

John Stoll: For the Notice to Bidders?

Commissioner Jerrel: Uh-huh.

John Stoll: Yes.

Commissioner Jerrel: Okay.

Commissioner Tuley: I'll move approval of the road plans as outlined.

Commissioner Jerrel: I'll second and so order.

John Stoll: The other cover sheet beneath that is for the Maasberg Road Bridge. That is the bridge for which we had the Ditch Reconstruction Hearing at the last Drainage Board meeting and it is recommended that this cover sheet be signed as well.

Commissioner Tuley: Bridge Number 1300 known as what?

John Stoll: Maasberg.

Commissioner Jerrel: Maasberg.

Commissioner Tuley: Okay. John, I was messing around there picking up papers. You recommend approval?

John Stoll: Yes.

Commissioner Tuley: I'll move for approval of bridge plans for Vanderburgh County Bridge Number 1300, commonly known as Maasberg Bridge.

Commissioner Jerrel: I'll second and so order.

John Stoll: The next item is also related to the Burkhardt Road project. This is a supplemental agreement to cover the right-of-way services for phase two of this project. This would cover the remaining three parcels of right-of-way we need to acquire in order to be able to build the project as it is currently designed. Right now we have no agreement for phase two right-of-way and the reason this is supplemental to phase one is that there was some remaining funds not used on phase one of the project, so those funds plus the balance of the \$11,200 on this supplemental would make up the total cost of the right-of-way services for this portion of the project.

Commissioner Tuley: The increase is \$11,200?

John Stoll: Yes.

Commissioner Tuley: Okay, I'll move approval of the Burkhardt Road, Phase 2, fee supplemental request for land acquisition services.

Commissioner Jerrel: I'll second and so order.

John Stoll: The next item I've got is the Notice to Bidders for the Old State Road sanitary sewer. This is one of the Barrett Law projects. The plans are done and the court has awarded the project to be completed, so we've finally got it ready to go. It's recommended that the Notice to Bidders be signed.

Commissioner Tuley: I'll move approval of the Notice to Bidders for VC97-09-02, Old State Road sanitary sewer.

Commissioner Jerrel: I'll second and congratulations!

John Stoll: The final item I've got is the street plans for Section 5 of the North Greens Subdivision. This would complete this subdivision. This would tie the streets into Old State Road. It would be an extension of Evergreen Road east of Old State. The plans have been reviewed and it is recommended that they be approved. It will be asphalt streets with curb and gutter.

Commissioner Tuley: I'll move approval of the roadway plans for North Greens, Phase 5.

Commissioner Jerrel: I'll second and so order.

John Stoll: That's all I have unless you've got some questions?

Commissioner Tuley: I've got a question, John. I got a call today. The letter, maps and what have you that you are preparing for the residents of Ward Road and Anthony Drive and what have you, what is the status?

John Stoll: There is some additional design work that has to be done in order to get that finished, so I forget what we put in that letter. Wasn't three to four weeks what I put in that memo last week as far as completion of those documents?

Commissioner Tuley: Okay.

Commissioner Jerrel: So we're looking at...? What would you say would be reasonable?

Commissioner Tuley: The end of this...I don't have a calendar.

John Stoll: The end of this month.

Commissioner Jerrel: Today is the 8th.

John Stoll: So it would be what...? The 29th?

Commissioner Jerrel: The 22nd. We don't meet the 29th.

John Stoll: Oh.

Commissioner Jerrel: The 22nd?

Commissioner Tuley: That's two more weeks from tonight.

John Stoll: We should be able to have that.

Commissioner Jerrel: Okay.

Commissioner Tuley: Okay. I'm sorry, that's all.

Commissioner Jerrel: Okay, thank you very much.

John Stoll: Thanks.

**County Garage**

Commissioner Jerrel: County Garage. We have a report? Okay, thank you.

**Joe Harrison, Jr. - County Attorney**

Commissioner Jerrel: County Attorney.

Joe Harrison, Jr.: The bids were opened on 97-06, Courts Case Management System bid. There were six responses submitted. The first is from Crawford Consulting, Inc. of North Canton, Ohio. The bid was \$1,743,842 plus the performance bond of \$11,500 for a total of \$1,755,342. The second was from BIS Computer Solutions, Inc. of La Crescenta, California. The amount is \$872,800. They did not submit a performance bond. They said was to be negotiated. The total then was \$872,800. The third response came from Vanguard Management & Information Systems, Inc. from Orlando, Florida. They declined to submit a bid, but they did respond. \*The fourth from Job D Software, Inc. of Englewood, Colorado. At first I thought it was California, but it is Colorado. They only submitted a bid for the probation software component of the system and that bid was \$17,500 plus a variety of expenses that can be looked at.

Marsha Abell: (Inaudible comments not made from microphone.)

\*This bid will not be considered due to failure to submit bid bond.

Correction was stated at the Commissioners meeting 9/15/97.

Joe Harrison, Jr.: Yes, for the Adult Probation Department package. The fifth bid was from Advanced Microelectronics, Inc. of Evansville. The bid says hardware only. The bid amount is \$1,269,774.80. The performance bond, \$6,977.48 for a total of \$1,396,752,28. The last one was from CSI Computer Systems, Inc. of Carmel, Indiana. They indicated they were bidding on the equipment and software services. The amount that they bid was \$706,400. Performance bond of \$17,660 for a total of \$724,060. Those were the six responses. I would ask that you all take those under advisement and award the bid at a later date after they have been reviewed for their responsiveness.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second and so ordered. The next item on the agenda...do you have anything else?

Joe Harrison, Jr.: No, that's it.

Commissioner Jerrel: Okay.

**Lynn Ellis - Superintendent of County Buildings**

Commissioner Jerrel: Lynn, do you have anything that you would like to present.

Lynn Ellis: The only thing I wanted to make sure that I'm not...the intent was to approve the surplus of those vehicles that were attached as part of your agenda item, but I wasn't sure that was really spelled out clearly and that probably should be done separately.

Commissioner Jerrel: I agree with you. I think maybe the motion needs to be made because when I asked the question will there be other vehicles, they'll have to be brought before us, so we do need a motion to declare those six vehicles that were identified as surplus.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second and so ordered. Were you all at the Commissioners meeting? I mean, are you here for the Commissioners meeting?

Unidentified: Yes.

Commissioner Jerrel: Okay, you don't want to speak?

Commissioner Tuley: You're just here to observe. Okay, we were getting a little confused.

Unidentified: If I could ask, this is for a government class so can we get our agendas signed?

Commissioner Jerrel: You sure can. Okay, do you want to go ahead, Lynn? Is there anything else that you would like to present.

Commissioner Tuley: We just wanted to make sure if you were here for some other reason or you were looking for another meeting we would get you in the right place.

Joe Harrison, Jr.: What school are you from?

Unidentified: North High School.

Lynn Ellis: I do have something. Joyce reminded me today that the speakers and sound system that are at the auditorium need to be returned to Burdette. They were in the skating rink and they were loaned to the auditorium and they need to be returned before it disappears somehow.

Commissioner Jerrel: They're not using them for anything? Okay.

Lynn Ellis: No, but if you all would grant permission tonight for that system to go back immediately then I know that they submitted a list of items that they were interested in previously to you and you could all--

Commissioner Jerrel: Work on that later.

Lynn Ellis: --address that later, but at this point since they are not using the system and so that nothing happens to it while all this moving is going on--

Commissioner Jerrel: Are they going to come in and get it or is Bennie going to take it back?

Lynn Ellis: Bennie will probably take it back. I'll ask him to take it.

Commissioner Tuley: I'll move that it be sent back to Burdette as requested and that's the rightful department that owns it.

Commissioner Jerrel: I'll second and so order. Is that it?

**Burdette Park**

Commissioner Jerrel: Okay, I don't believe anybody from Burdette is here are they?

Commissioner Tuley: I didn't see anybody.

**Soil and Water Conservation District**

Commissioner Jerrel: I have one more item and it is after the fact, but there was a news conference that was held on Thursday recognizing the...it's a special award offered by Goodyear Tire & Rubber Company and every year Solid Waste District...I mean, not Solid Waste, Soil and Water Districts throughout the United States complete a self evaluation and they get various rankings for that. This year our Soil and Water Conservation District, based upon their self survey, has been granted the number one award in the United States. We have Mike Wathen here and he was unable to attend the news conference that we had on Thursday and Don Hunter who is chairman of that Board will be going on an all expense trip for two. He is taking his wife to Phoenix...or Scottsdale, Arizona, excuse me, December 11th through the 14th to receive that honor. We are very proud of you Mike and I wanted to bring that to the attention of everyone here and to the media, so I have a packet for the two media people that are here and I am going to take Pat's away from him.

**Consent items**

Commissioner Jerrel: Okay, consent items.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: I'll second and so order.

**Old business**

Commissioner Jerrel: Is there any old business to come before this Board?

Commissioner Tuley: I do not have any old business.

Commissioner Jerrel: Okay, I do not either.

**New business**

Commissioner Jerrel: Is there any new business to come before this Board?

Commissioner Tuley: Don't have any of that either.

Lynn Ellis: I'm sorry, one thing. Burdette...that reminded me when Mike or Soil and Water was nominated. Burdette was nominated for an award for the Beautiful Clean Cities or Beautiful Cities or whatever, I'm drawing a blank now on the name of the group, for their entranceway with all the flower arrangements out there and the garden that they have. They were nominated.

Commissioner Jerrel: They should send that in their report.

Lynn Ellis: Uh-huh.

Commissioner Jerrel: Okay, if there is no further business, I'll entertain a motion to adjourn.

Commissioner Tuley: So moved.

Commissioner Jerrel: So ordered. Thank you all very much.

The meeting was adjourned at 6:15 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Lynn Ellis  
Charlene Timmons  
Mike Shoulders  
Bruce Ungethiem  
Joe Profazer  
Marsha Abell  
John Stoll  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

---

Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
September 15, 1997**

The Vanderburgh County Board of Commissioners met in session this 15th day of September in the Commissioners' Hearing Room of the Civic Center Complex at 5:44 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Welcome to the September 15, 1997 meeting of the Vanderburgh County Commissioners. By way of introduction, at the far right of the table is Ms. Lynn Ellis, our Superintendent of County Buildings; Joe Harrison, Jr., County Attorney; County Commissioner, Pat Tuley, to my right; Bettye Lou Jerrel, County Commissioner, to my left; Suzanne Crouch, who is the County Auditor and the County Auditor is the official Recording Secretary of the County Commission; and to Suzanne's left is Charlene Timmons who takes all of our minutes. There are agendas for this meeting on the table at the far side of the room. If you would like one, please pick one up. If you will be speaking to the Commission tonight, because we take all of our notes verbatim from tape, we would ask you to come to the microphone and state your name and address for the record. With that, would you join us, please, in the Pledge of Allegiance?

**Approval of minutes**

President Mourdock: Action items for this evening. First, we have the approval of minutes for the meeting that I was not in attendance at which was last Monday, September 8, so I would leave it to the two of you to move and approve those minutes.

Lynn Ellis: I would like to make...a correction needs to be made to the minutes before you all approve them. Joe is looking it up. Hold on one...

Joe Harrison, Jr.: Is it Job D Software, Inc.?

Lynn Ellis: Right.

Joe Harrison, Jr.: Of Englewood, Colorado. It was one of the bids on the Courts Management and Hardware bid. The software and hardware bid, 97-06. Apparently they did not submit a bid bond. I think I may of mentioned performance bond, but they did not submit a bid bond with their proposal. Is that what you're saying, Lynn?

Lynn Ellis: Yes.

President Mourdock: So the statement is saying that there is a bid bond and it should be a performance bond? Is that correct?

Joe Harrison, Jr.: I don't think there was either one.

Lynn Ellis: Right. The minutes need to reflect that there was no bid bond, therefore their bid will not be considered and it will not appear on the bid summary when that is submitted by SCT for your approval. Typically, the bid is not read into the record, but it was read into the record so the minutes need to

at least reflect the fact that their bid will not be considered. It will be rejected.

Commissioner Jerrel: I would like to move that on page 11 in the bottom paragraph that the sentence that began:

"The fourth bid from Job D Software Inc., of Englewood, Colorado..."

...was not considered because they had not completed the proper bid bond.

Commissioner Tuley: I'll second your motion.

President Mourdock: I have a motion and second and I will say so ordered. For the rest of the minutes, is there a motion to approve as presented?

Commissioner Tuley: I'll move approval with the correction as noted.

Commissioner Jerrel: Second.

President Mourdock: Alright, so ordered.

#### **Certification of Executive Session**

President Mourdock: We had just prior to this meeting an Executive Session of the County Commission which began at 4:05 and was concluded at 5:35. At that meeting the issue of a collective bargaining negotiation took place and also discussions regarding county personnel matters took place. I would ask for a motion to approve those minutes.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

#### **Bid opening - VC97-08-04 Phoenix Commerce Center**

President Mourdock: County Engineer, John Stoll, is here and on our agenda this evening we have the opening of bids for VC97-08-94 for the Phoenix Commerce Center. Bettye Lou, with that I will abstain from further discussion on Phoenix.

Commissioner Jerrel: Have those bids been received?

Lynn Ellis: Yes.

Commissioner Jerrel: I would like to move that the bids be opened for VC97-08-94.

Charlene Timmons: Can I make a correction to that?

Commissioner Jerrel: Yes.

Charlene Timmons: The agenda request says VC97-08-04.

Commissioner Jerrel: Instead of 94?

Charlene Timmons: Yes.

President Mourdock: She's good!

Commissioner Tuley: I second your motion.

Commissioner Jerrel: I can't make a motion and second it.

Commissioner Tuley: So ordered.

Commissioner Jerrel: You accept the motion?

Commissioner Tuley: I'll accept it.

Commissioner Jerrel: I'll second and so order.

Commissioner Tuley: Okay.

**Bid opening - VC97-08-03 Culvert replacement on Slate Road**

President Mourdock: The next item on our agenda then is to open bids for VC97-08-03 which is a culvert replacement on Slate Road. John, do you have any comments regarding that one? Let the record show he shakes his head to the negative.

Commissioner Jerrel: I'd like to move approval to open the bids on VC97-08-03, culvert replacement on Slate Road.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Bid opening - APA027-97 Transportation for elderly and handicapped**

President Mourdock: We have another bid package for opening, APA027-97, which is the bid for transportation for the elderly and handicapped. Lynn Ellis, do you have some comments there?

Lynn Ellis: No, just request that the bids be opened.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: The motion was seconded and I will say so ordered and those bids also, as the others, we will take under advisement, I presume.

**Final reading - Ordinance amending Chapter 151**

President Mourdock: Barbara Cunningham with Area Plan is here tonight regarding the final reading of the Subdivision Ordinance amending Chapter 151. Barbara.

Barbara Cunningham: Yes, I am here before you. This was

approved at the Area Plan Commission at our last meeting and it is an ordinance amending Chapter 151 of the County of Vanderburgh County. In essence, what the ordinance does is what we in reality do, is that we work with letters of credit when a subdivision is approved and then we allow a letter of credit to be submitted. It has been the policy of the Plan Commission that there be letters of credit and it has worked very well since 1984. When the ordinance was written and with the state law it did speak to bonds. When it was written at that time what it addressed was what they called at that time a developer's bond. At that time a developer's bond, I think, there were only two developers in Evansville that would of qualified and one of them is since dead, you know, to get a developer's bond. It was never meant to be insurance bonds or straight bonds or anything like that, so we would like to have it limited only to letters of credit because they work well. We don't have to go to the insurance companies. We can draw on them if needed. We've only had to do that once in the 12 years, 14 years or something that they've been in. It has passed Plan Commission and we would like to have your...one other thing that we put in here, too, we would like to have your approval. The other thing that we put in here, too, is it's always been understood that John Stoll looks at our subdivision and the Building Commissioner looks and EUTS looks and, you know, we have technical committees that review and they recommend to the Plan Commission their recommendations. What we kind of put it in here under F where we say as well as those standards for basic improvements set forth by those agencies. So we are acknowledging that those agencies have a right to look at the letters of credit and to approve those and particularly if those agencies are the ones that are going to have to enforce the infrastructure afterwards. I would ask for your approval. Oh, and Mr. Harrison asked that one correction be made and I think it was just a mistake, Joe, where it says filed by the parties shall be the State of Indiana and State of Indiana should be removed because it should be County of Vanderburgh.

Joe Harrison, Jr.: That's in paragraph E on the second page.

Barbara Cunningham: I think that was just a mistake, so I don't think that needs to go back to Plan.

Joe Harrison, Jr.: No. Shall be filed by any party. Filed by any party shall be the County of Vanderburgh as opposed to State of Indiana.

President Mourdock: Is there any requirement, Joe, by statute that we designate here how the letter of credit is determined? The language under E1 simply says in an amount determined by the Area Plan Commission. I realize Area Plan Commission, or I am going to assume, do you have a formula?

Barbara Cunningham: Well, it isn't only determined by us. We have a formula. We have a procedure that has been adopted and you've adopted the format that we do and that's what we're talking about is the form that we do. Those forms are signed off by John Stoll, by Jim Williams of Water and Sewer, by Jeffers, if it needs to be by the Health Department, or by whomever needs to be signing off on it.

President Mourdock: Okay, my question is since that is in the rules that APC has I presume that takes away any requirement that it be specific in the ordinance itself?

Joe Harrison, Jr.: Yeah, and that's the way it has been up to this point anyway. That's fine.

Barbara Cunningham: We have just adopted those forms again. We've rewritten them and adopted them recently in the last few months.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move approval of the ordinance amending Chapter 151, the Subdivision Ordinance of the County of Vanderburgh.

Commissioner Tuley: Second.

President Mourdock: Since this is an ordinance it will require a roll call vote. Joe, it is not necessary to read this into the record I trust?

Joe Harrison, Jr.: No.

President Mourdock: Charlene thanks you. For the roll call vote, then, Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I vote yes on the Chapter 151 Subdivision Ordinance amendment.

Barbara Cunningham: Thank you.

### **Vanderburgh County Flood Mitigation**

President Mourdock: Next we have a package from the Department of Metropolitan Development. I don't see Mike Robling in the audience, I don't believe.

Commissioner Jerrel: I'd like to move approval of this process. This is to assure that we receive our county flood mitigation and it really could of just been in the signature file, but I would like to move approval that we sign it.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

### **Any group or individual wishing to address the Commission**

President Mourdock: Item H on our agenda, any group or individual wishing to address the Commission? Are all the students in the room from the same class, I must presume? Which

class?

(Several inaudible comments from audience.)

Commissioner Tuley: Mr. Beadles.

President Mourdock: Oh, Dennis Beadles from North? Okay, alright. Welcome. You picked, probably Dennis would say, an unfortunate night to be here. We have a fairly brief meeting, but I would guess by your standards it's probably a pretty good meeting!

**John Stoll - County Engineer**

President Mourdock: Okay, department head reports. County Engineer, John Stoll.

John Stoll: The first item I've got is a traffic engineering proposal for Dave Savage Engineering for the design of a traffic signal for the intersection of St. Joseph Avenue and Allens Lane. This would be in accordance with the agreement that Mr. Savage has with the Traffic Department and his estimate for design would be \$4,500 and for construction and engineering it would be \$1,200. The third item there in the middle of the page says CE (if FAU) which means that if federal aid money is required his construction engineering fee would jump up \$3,180, but since we are proposing to do this with all local funds that wouldn't apply, so it would just be the \$1,200.

President Mourdock: The total is \$5,700, John?

John Stoll: Correct. That's his estimate. Like he says in the bottom paragraph, he would just bill us on the actual hours, but his estimate was the \$5,700 total. His estimate for the signal installation would be \$44,094.90. If we want to pursue this, what I thought we could do would be to get an appropriation together to cover the design fees for this year and cover those yet in '97 and then in '98 get the construction paid for through the Road and Street Contractual Fund.

President Mourdock: Questions of John?

Commissioner Jerrel: What is the total amount now?

John Stoll: For the design? The design would be \$4,500 and his construction inspection would be \$1,200.

President Mourdock: So the total at this point that you're asking approval for is the \$5,700?

John Stoll: Yes.

Commissioner Jerrel: Oh, just those two. Okay, I would to move approval of the preliminary engineering and construction engineering in the amount of \$5,700.

Commissioner Tuley: Second.

President Mourdock: So ordered. Again, for the record, that is with D.L. Savage Engineering, Inc.

Commissioner Jerrel: St. Joe and Allens Lane.

John Stoll: I'll get with Dave and have him put together an agreement for that and in conjunction with that I would like to request to go before County Council to request an appropriation for \$5,700 into the Road and Street Contractual Fund.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next item that I've got is a request for street acceptance for Browning Road Estates West, Section 3. It is for 500 feet of Harvest Gate Court and 600 feet of Star Gate Court. Both streets were constructed according to the plans and it is recommended that they be accepted.

President Mourdock: Again, those streets were Harvard Gate Road for a 500 foot length and Star Gate Court for a 600 foot length.

Commissioner Tuley: I'll move acceptance.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

John Stoll: The final item that I've got is in regard to the Burkhardt project. This morning I got this fax from SIGECO regarding the relocation of six utility poles out at the intersection of Virginia Street and Burkhardt. The need for the relocation is due to the fact that the traffic signal we're putting in out there will not provide...the height of the signal poles will not provide adequate clearance of the electric lines, so SIGECO needs to do their relocation. All this relocation is within county right-of-way and in this letter SIGECO is requesting reimbursement for this relocation which is not something that is typically done since they don't have their own easement, typically, they're not entitled to any reimbursement. They're basing their request on the fact that they're saying we could of had shorter signal poles in at this intersection which would not of necessitated their relocation. It is true that the other signal poles may not of required relocation of SIGECO lines, but in one discussion that Stewart May, United Consulting, had with one of the SIGECO people he was informed that relocation would be required regardless of whether it was 30 foot or 36 foot signal poles, so they were saying at that point it didn't matter.

Commissioner Jerrel: On all six of them?

John Stoll: Correct. The way that the letter was written it said that once I had secured the Commissioners' approval he would...SIGECO would schedule the work for construction and that I needed to provide written notice and a purchase order number and since we typically don't provide reimbursement for relocations that are entirely within county right-of-way that is why I am bringing it to you this evening. I've talked with the County Attorney and he knows of no reason why we should be

paying for reimbursement because it is within our right-of-way and they are supposed to move whenever our road projects necessitate them moving. I see no reason for the county to approve this reimbursement request.

Commissioner Jerrel: I'll just move approval of you writing a letter citing the County Attorney's recommendation to SIGECO.

Commissioner Tuley: The only problem I've got with that is I would like the letter to come from the attorney.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: That's fine.

Commissioner Jerrel: Very good. I'll correct my motion. The letter should come from the attorney.

Joe Harrison, Jr.: I've got a copy of the fax.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: As long as you guys give me that approval.

Commissioner Tuley: I'll second.

Joe Harrison, Jr.: That authority.

Commissioner Tuley: I just seconded.

Joe Harrison, Jr.: Okay.

President Mourdock: There being a motion and a second, I will say so ordered. I don't know, I'm tempted to say something coy like...well, I won't. We ought to get a royalty on all the power that goes through those poles.

John Stoll: We're going to be battling the same issue, too, out on Lynch because there is one pole that needs to be relocated that was relocated back in '93 and since it was relocated in '93 as a part of the first phase of the Lynch project they have verbally requested reimbursement on that, but there again it's in the right-of-way and the way it has always been in the past is we don't reimburse for that so this issue may come up again. It's getting to the point where these issues could end up causing some delays on getting the Burkhardt/Virginia intersection opened and signalized prior to the Christmas holiday traffic and it is also going to get to the point where the Lynch relocation issue could delay that project and finishing out that intersection work at Lynch and Oak Hill. It's something that SIGECO needs solve and start moving on. Other than that, that's all I have this evening.

President Mourdock: Pat, do you have anything for John?

Commissioner Tuley: John, remember we were going to ask...we went out Anthony Drive or whatever again and the question came up and then John came up with a legal question. Instead of bringing that water down and running it down Anthony Drive and tearing up 14 or 12 property owners is there a possibility to

continue it down Ward Road, across over St. George Road? There is a 36 inch drainpipe that has been recently installed. The question that came up from John is there anything that prohibits us, that's two different watersheds, from taking water from one watershed and directing it into the other? If there is nothing on the books that says we can't do that, then we would kind of like to pursue down the line what affect that would have if any and what the cost would be to do that as the other alternate unless there is something in the law that strictly prohibits us from doing that which, obviously, neither one of us know and I don't think you probably know off the top of your head.

Commissioner Jerrel: Is that the line that Whirlpool installed?

John Stoll: Yes.

Commissioner Tuley: Yeah. That's another legal question, too. It's their line.

Joe Harrison, Jr.: I'll have to talk to you. Is this water that would be running down the road?

John Stoll: It's water that should be heading...Ward Road is the break point. Half of it was supposed to go west and half of it was supposed to go east and if we pursue this option all of it will go west, so we're changing the watershed from sending the water out towards Oak Hill Road to we'll be sending it down St. George in front of Whirlpool and on out that way.

Joe Harrison, Jr.: Where is it...this is a silly question, but if you did nothing where does it run?

Commissioner Tuley: Which basement!

Joe Harrison, Jr.: I know. Well, let's...okay, it's running everywhere.

John Stoll: Some of it is crossing the road and heading east, but it is not supposed to be heading that direction.

Commissioner Jerrel: It's seeking its own lowest level and moving.

Commissioner Tuley: That's what it is doing.

Commissioner Jerrel: Which is across some property.

Joe Harrison, Jr.: Yeah, well, the key is that you can't create a situation which is detrimental to others downstream.

John Stoll: Pushing the problem off downstream to somebody else.

Joe Harrison, Jr.: Yeah.

President Mourdock: But the proposal here as I hear it--

Joe Harrison, Jr.: Is not doing that.

President Mourdock: --it may be that we have sufficient capacity in that drainage way that we're not going to be doing

harm to anyone else.

Commissioner Tuley: That's the question.

Joe Harrison, Jr.: That's the key.

John Stoll: That's a possibility.

President Mourdock: So you haven't run the hydrology yet to know exactly how much water we are generating and how many CFS you're putting down there?

John Stoll: No, right now what we have been doing since we've never switched from one watershed to another, Valerie is working on a plan that takes the ditch along the east side of Ward and the north side of Anthony and sends the water on out to Oak Hill. We've not looked at the costs and total dollar impacts...not dollar impacts, but water impacts on downstream because it is just not something that we've typically done.

President Mourdock: Is it your feeling, John, if we do not have an issue of law here that this may be the best engineering solution. Forget dollars for a second, is this the best engineering solution?

John Stoll: It's possible. The problem is for starters the Whirlpool ditch is not on county right-of-way and we don't have an easement out there, so we'll be taking more water and sticking on somebody's own private property at that point. So there are other issues that need to be checked into.

President Mourdock: But before you do that you want to know that we have a leg stand on legally?

John Stoll: Right.

Commissioner Tuley: That was basically the question.

President Mourdock: Joe, I guess what I am hearing and I think we will quickly reach consensus, could you do an investigation to let us know if the changing of that flow from one watershed into another would cause us any legal problem?

Joe Harrison, Jr.: I'll talk to you.

Commissioner Tuley: That was the \$64,000 question. If we can get that addressed, then we can worry about the other stuff.

President Mourdock: Okay.

John Stoll: In the meantime, like we discussed last Friday, we are just going to continue drawing up some plans and getting stuff ready to go for the ditching option of the east side of Ward and north side of Anthony. We'll at least have that to fall back on in the event that this turns out to be something that we can't do.

Commissioner Tuley: That was explained to Mr. Bell that we would proceed with the plans as John just outlined until we have this other answer.

President Mourdock: Okay. Bettye Lou, do you have anything?

Commissioner Jerrel: No.

President Mourdock: Pat, do you have anything else?

Commissioner Tuley: That was all.

President Mourdock: I have one issue. I think you and I spoke to this. In fact, I'm sure we did briefly the other day. County road standards. We talked about possibly seeing if we could formalize a set of county road standards for both, for instance, commercial subdivisions, residential subdivisions and how many inches thick the pavement should be, how much base there should be and that kind of thing. Would it be something that we could get good use out of Jerry Schmits to have him...and I understand your problem is one of finding the manpower right now to do that.

John Stoll: Right.

President Mourdock: I think I heard you say, correct me if I am wrong, that you feel probably the city right now has a pretty good set of road standards that might serve as the basis for us to build with?

John Stoll: They've got some details and things like that, but they don't really have an official set of standards that is a whole lot different than what we've got. They've got bits and pieces that could be used and we've got bits and pieces that could be used. A good majority of it probably needs a total overhaul.

President Mourdock: Okay, well, this to me is another one of those infrastructure issues that when we have someone who comes in, especially with commercial developments, it would be nice to say to them here is a packet of information, this is what the county is going to require and this is how it's going to be done. It's going to save them money in the long run. It's going to make this county more attractive, too. Having said that, John, how can we best get to that end.

John Stoll: I haven't had a chance to talk to Herb Butler as of yet as far as whether or not they would be willing to participate in the cost of a consultant like Jerry to look into that, but I will.

Commissioner Jerrel: What do you have now?

John Stoll: Right now the county standards consist of one mylar sheet that shows typical cross sections for three different traffic volumes and that is about the extent of it. It does have some joint patterns for concrete pavements and some standards for curb sections, but it's very, very bare minimum for anything.

Commissioner Jerrel: It leaves it up to the discretion of the individual or the developer...the plat planning or whatever you all are talking about. When you look at the plans of a subdivision or an industrial park even, they have to decide how

much traffic they are going to have before they decide which of those--

John Stoll: The county's minimums are what people like to fall back on and even if we went with the county's maximum standards they're not adequate for high volume commercial or industrial traffic like the Phoenix Commerce Center that we are opening bids on tonight. There was nothing to say that they had to provide...let's see, they've got one inch of surface and five inches of base, so they've got 15 inches of pavement. The county's minimum would be eight. Even though they are providing that some developers may or may not want to do it. The same thing with everything that has gone on out at Cross Pointe and Crossroads. Those are commercial streets that if you just went by the standards sheet as it stands there is no ...we don't have any teeth that could make somebody put in a better road section for these higher volume roads.

Commissioner Tuley: It needs to be addressed.

President Mourdock: By the same token, I guess, the situation we had with...Westwood Hills?

Commissioner Tuley: Yes.

President Mourdock: Where the developer did the road and apparently they were to standards, but then the road is falling apart and we can't take them under maintenance. We might of nipped that one in the bud if we would of had good standards to begin with.

John Stoll: If the developer would of built those right those would have been accepted.

President Mourdock: Okay.

John Stoll: That would have been a six inch concrete pavement, so they would have been accepted. It's just that they put in, I'm now finding out, as little as three and a half inches of concrete.

President Mourdock: Okay.

John Stoll: But without the letter of credit requirements back then that is why they were able to just ignore any of the county inspector's request to put it in right.

President Mourdock: If you would, John, maybe get with Herb this coming week and I'll leave this totally to your discretion. If you want Jerry Schmits involved with that discussion, since he is doing the consulting engineering, give him a call. If not, again, that's your call. I'd like to hear some plan and a schedule as to what we need to do and how we can get there and when we expect to be there because it is an infrastructure issue that I think we need to deal with.

John Stoll: Okay.

President Mourdock: Any other things for the County Engineer?

Commissioner Tuley: That's all I've got for John.

**County Garage**

President Mourdock: Okay, County Garage. Milton Hayden was in our Executive Session and gave us a packet of information previously as far as work that has been performed for the period of Friday, September 5th, through Thursday, September 11th. I meant to mention to him...well, maybe we can save this for another week. El Niño being what it is, maybe we ought to start thinking about winter and all that it means.

Commissioner Jerrel: They predict that because of our pathway we're going to have a mild one.

President Mourdock: I've heard that.

Commissioner Tuley: I hope.

Commissioner Jerrel: It will be like it was seven years ago.

President Mourdock: I hope that is the case. On the other hand, I used El Niño to think it is going to be a cold one to grow a beard.

Alright, County Attorney, Joe.

Joe Harrison, Jr.: Hang on a second here.

Commissioner Tuley: Do you want us to come back to you?

Joe Harrison, Jr.: Yeah, why don't you.

Commissioner Tuley: We can bypass him and come back to him because he has a lot.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn, are you otherwise engrossed with Joe there? Do you want to go ahead and give your Superintendent of County Building's report?

Lynn Ellis: He's having trouble with one of these bids. They've given about 65 different alternatives. It's going to be fun to evaluate. I have a request to advertise for bids for asbestos abatement at the auditorium. Bids would be received October 13, 1997 here in the Commission Office. Bids would be advertised September 18th and 25th. This part of the project is still under the Commissioners' control.

President Mourdock: That part of the project needs to be done before other significant work can get done within the building, obviously.

Commissioner Tuley: I would move approval as outlined.

Commissioner Jerrel: Is Charlene going to advertise.

Lynn Ellis: I have it here, I'll take care of it.

Commissioner Tuley: She has everything.

Commissioner Jerrel: Okay, I would like to second that.

President Mourdock: Okay, there being a motion and a second, I will say so ordered.

Lynn Ellis: Would you like me to mention this issue with Environmental Management or not? Bring it up later?

President Mourdock: To wrap it up real succinctly, we had a proposal to possibly investigate trying to get some brownfield projects going. However, we appear to not meet the criteria as set out for the monies that would be granted, so it appears we are not going to pursue it. It was going to be a good investment (inaudible).

Lynn Ellis: I would just like permission to write Fred a letter...or Rick?

Commissioner Tuley: Rick.

President Mourdock: Rick Reising.

Lynn Ellis: A letter to say thank you, but no thank you.

Commissioner Tuley: No, thanks. So moved. I don't know if that needs a motion or not.

Commissioner Jerrel: Is that a motion?

Commissioner Tuley: Yeah, I just made a motion.

Commissioner Jerrel: Okay, second.

President Mourdock: So ordered. Write the letter, Lynn.

Lynn Ellis: Okay.

President Mourdock: Anything else?

Lynn Ellis: You'll bring up the Welfare to Work?

President Mourdock: Yeah, I'll get that under new business.

### **Burdette Park**

President Mourdock: Okay, Burdette Park. We have in our packet two things. One is the September 12th listing of activities that have been performed September 5th through September 11. Also we have a brief memo that I'll read here which came from Joyce:

"We would like to share with the Commissioners some good news. This came to us as a complete but delightful surprise. Recently we were notified by Operation City Beautiful and the Evansville Courier that Burdette Park has been nominated in the Beautiful Business Program for the front entrance of the park. There will be an article in the Courier sometime in

September with the name mentioned as being one of those nominated. There is also going to be a reception on September 25th which we were asked to attend to receive a certificate."

We're still waiting to see when the winners will be announced, but they did a nice job at the entrance and it's nice to see them get credit for it.

Commissioner Jerrel: Want to go to old business while he is still working?

President Mourdock: Yeah.

Commissioner Tuley: We can do consent if you want to.

President Mourdock: Pardon?

Commissioner Tuley: We've got consent as well.

#### Consent items

President Mourdock: Yeah. Why don't we do the consent items?

Commissioner Jerrel: I'd like to move approval of the consent items.

Commissioner Tuley: I will second.

Lynn Ellis: (Inaudible, mike not on.)

Commissioner Tuley: There was a late addition on the consent items, an employment change.

Commissioner Jerrel: That includes the late--

Commissioner Tuley: That's the one I'm talking about there.

Commissioner Jerrel: Yeah, right.

President Mourdock: So did you second that?

Commissioner Tuley: I will second, yes.

President Mourdock: A motion and a second for the consent items as filed with one late addition--

Commissioner Jerrel: From Area Plan.

President Mourdock: Yeah, with an Area Plan Commission employee. I will say so ordered.

#### Scheduled meetings

President Mourdock: We have in our packets scheduled a table...a calendar of our scheduled meetings for you to examine. I note that this Wednesday is Burdette Park Advisory Board meeting, I believe, at 5:00 and I am going to attempt to be at that one.

**Old business**

President Mourdock: Okay, old business?

Commissioner Jerrel: I would like to bring up something that the minutes were not real clear on. When we discussed the request by the YMCA for two of our vehicles that had been declared surplus there was never an actual motion approving that, so I would like to move approval of the donation of the two vehicles to the YMCA and they'll be in our packet tonight. The titles are in there so we can sign the back of them and they can be forwarded to the YMCA.

Commissioner Tuley: Okay, I'll accept your motion.

President Mourdock: So ordered.

Commissioner Tuley: I should have said second. I thought we was back down to...I lost it for a few minutes.

President Mourdock: Other old business for this evening? Pat, do you have anything.

Commissioner Tuley: I have...no.

President Mourdock: Okay, I have one that I guess could go under old or new business, but under the State Senate Enrolled Act 477, which was passed a year ago which was the Welfare to Work Law, they added an amendment to that during the past session and they basically said to recall or to institute, if you will, the Local Planning Committees. By statute we need to have that committee meet prior to October 1st. We have in the past pretty well made all the appointments to that or reappointed the people, but I would ask that the letter that I have before me be approved tonight to send out to schedule a meeting for September 24th at the First Cumberland Presbyterian Church for the Welfare to Work Planning Council.

Commissioner Jerrel: I'd like to move approval of that letter being sent.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Excuse me.

President Mourdock: Sure, go ahead.

Commissioner Jerrel: One other item that we briefly had, I would like to ask that the President send a memo to the departments that have not sent back the signed sheets of the Personnel Policy.

President Mourdock: Okay.

Commissioner Tuley: I'll second your motion.

President Mourdock: I will say so ordered. Lynn, perhaps you could just put a draft of that...we had the Auditor put together a report for us as to who had received the new Personnel Policy

and also who had all of their employees sign the proper acknowledgment forms, so we just need to make sure the ones that have not yet sent those back to us and get that taken care of. That's what the context of the letter needs to be.

**New business**

President Mourdock: New business?

Commissioner Tuley: The issue of personnel matters needs to be addressed.

Commissioner Jerrel: Do you remember the dates? Is it medical or just extended?

Commissioner Tuley: It's an extension of--

Joe Harrison, Jr.: Leave of absence.

Commissioner Jerrel: I would like to move a leave of absence for Dee Dee Riat from August 26th through October 27th.

President Mourdock: Just to clarify, the 27th is the Monday, so I guess the actual leave would be through the 24th.

Commissioner Jerrel: Alright, through October 24th.

Commissioner Tuley: I'll second that.

President Mourdock: I will say so ordered. I believe the County Attorney will prepare a letter to that regard?

Joe Harrison, Jr.: Yes.

President Mourdock: In that regard. Any other new business?

**Joe Harrison, Jr. - County Attorney**

President Mourdock: In that case, we'll go back up the agenda to the County Attorney's report.

Joe Harrison, Jr.: There were three bids to be considered. I'll read those bids that came in on the three particular projects. The first is the Phoenix Commerce Center project. It's VC97-08-04. There were four bids submitted and they are as follows:

1. Deig Bros Lumber & Construction Co. Inc. of Evansville  
\$1,889,400.00
2. Koester Companies of Evansville  
\$1,647,990.20
3. Hardaway Construction Corp. of Henderson, Kentucky  
\$1,297,800.00
4. Blankenberger Bros, Inc. of Cynthiana, Indiana  
\$1,454,00.00

Those are the four bids on that project. The second project in which bids were submitted are as follows--

Commissioner Jerrel: Are these--

Joe Harrison, Jr.: I'm sorry.

Commissioner Jerrel: The first group...do you need a motion to take those under advisement?

Joe Harrison, Jr.: Sure.

Commissioner Jerrel: I move that we take the bids that were just received from Deig Bros., Koester, Hardaway and Blankenberger.

Commissioner Tuley: I'll accept your motion.

Commissioner Jerrel: So ordered.

Joe Harrison, Jr.: The next project, again, is the culvert replacement on Slate Road. I think it's VC97-08-03, culvert replacement on Slate Road. Three bids came in. They are as follows:

- 1. CCC of Evansville, Inc. of Evansville, Indiana  
\$46,078.04
- 2. Deig Bros. Lumber & Construction of Evansville, Indiana  
\$47,399.00
- 3. J.H. Rudolph & Co. Inc. of Evansville, Indiana  
\$52,216.00

Commissioner Jerrel: I'll move that those three bids also be taken under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The final matter that was bid this evening is the transportation services for elderly and handicapped citizens. It's bid number APA027-97. There were two bids submitted:

- 1. ASAP Transportation of Evansville, Indiana
  - Monday through Friday \$ 66,656.16
  - Monday through Saturday \$ 75,307.20
- 2. SLR, Inc. of Evansville.
  - Monday through Friday (1A in bid) \$ 96,000.00
  - \$120,000.00
  - \$144,000.00
  - \$180,000.00

All as per client usage

I'm reading what the bid says, so I might as well read what they are putting in here.

- Monday through Friday (1B in bid) \$ 78,000.00
- \$102,000.00
- \$136,000.00
- \$162,000.00

All as per client usage

Monday through Saturday (2A in bid)	\$ 96,000.00
	\$120,000.00
	\$144,000.00
	\$180,000.00

All as per client usage

Monday through Saturday (2B in bid)	\$ 78,000.00
	\$102,000.00
	\$136,000.00
	\$162,000.00

All as per client usage

Monday through Friday (Option 5 in bid)	\$180,000.00
Monday through Saturday (Option 5 in bid)	\$216,000.00

Again, that was SLR, Inc. of Evansville and those are the options that they submitted with their bid. If you would take those under advisement as well it would be appreciated.

Commissioner Jerrel: I'd like to move approval that APA027-97 be taken under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered. Joe, did you have any other items in your County Attorney's report?

Joe Harrison, Jr.: That's it this evening. Thank you.

President Mourdock: Okay. We've gone somewhat out of order here, but one last chance. Any other old business to come before the Commission this evening? Any new business to come before the Commission this evening? I suppose we could tell the students in the class that we always personally sign their work notifying Dennis that you're the last students to remain here so you'll get brownie points.

Commissioner Tuley: You're the only ones to get signed.

President Mourdock: That's right. The rest won't have those signatures.

Commissioner Jerrel: If you'll bring your agendas up we'll notify...we'll put it on there.

President Mourdock: We'll let Dennis know you sat all the way through the meeting. We have zonings tonight at 7:00, so we will be back in session at that point and until then we will temporarily adjourn.

Commissioner Jerrel: Don't we just adjourn?

President Mourdock: I guess we just adjourn, yeah.

Commissioner Jerrel: I'd like to make a motion that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:28 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Barbara Cunningham  
John Stoll  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
September 22, 1997**

The Vanderburgh County Board of Commissioners met in session this 22nd day of September in the Commissioners' Hearing Room of the Civic Center Complex at 5:34 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: I'd like to call the meeting to order for the September 22, 1997 Vanderburgh County Commissioners meeting. If you don't intend to be at the County Commissioners meeting, now is a good time to find out where you really do need to be. At my far right is Lynn Ellis, Superintendent of County Buildings; Joe Harrison, Jr., our County Attorney; Pat Tuley, County Commissioner; Bettye Lou Jerrel, County Commissioner; Suzanne Crouch, our County Auditor; Charlene Timmons, who is our Recording Secretary; and the gentleman whose name I have forgotten and I am sorry.

Suzanne Crouch: Gary Tucker.

President Mourdock: Gary Tucker who is also taking notes and helping Charlene tonight, so my apologies. There are agenda for the meeting as always on the far table and please join us for the Pledge of Allegiance.

**Letter to Alcoholic Beverage Commission regarding St. Joe Mini-Mart**

President Mourdock: Because of the timing of another meeting I want to do something first off the agenda or move it up the agenda. Under new business, Item 9, we have a letter to Mr. Frank Daugul, who is President of the ABC Board. Their meeting will be convening very shortly. We have a letter in our packet and I would just ask...I think you've seen it and had a chance to review the letter and it is basically simply stating our continuing policy on opposing the issuance of alcohol beverage permits to convenience stores. I would ask at this time for a motion to approve that letter so we can forward it on to Mr. Daugul before their meeting.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Lynn, do you have the original of that? If not, I can sign this copy. Bettye Lou, do you have it in your copy?

Commissioner Jerrel: I have--

President Mourdock: No, I've got a copy, too.

Commissioner Jerrel: I've got a copy. I don't have the original.

President Mourdock: Can I borrow your black pen?

Commissioner Tuley: Sure.

**Approval of minutes**

President Mourdock: Okay, going back to our normal listing of items then, Item A is the approval of minutes from the last meeting of the Vanderburgh County Commission from September 15, 1997.

Commissioner Jerrel: I would like to move approval of the minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Just prior to this meeting beginning at 4:10 and dismissing at 5:30 there was an Executive Session of the Vanderburgh County Commission. At that meeting county personnel records...or county personnel matters were discussed, so I would ask for a motion to approve the minutes, the summary of that meeting.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Bid opening - VC97-07, Courts network cabling**

President Mourdock: Okay, action items, Joe Profaizer I saw in the hallway. Joe.

Joe Profaizer: My name is Joe Profaizer and I am with Computer Services. I am here this evening for the County Attorney to open the bids for VC97-07, the Vanderburgh County Courts networking. That's it. I'll be glad to entertain any questions.

President Mourdock: Okay, and the County Attorney has received those bids?

Joe Harrison, Jr.: Just one.

President Mourdock: Just one bid? Okay. I would look for a motion, then, to open the bid.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Again, for the record that is VC97-07.

**Bid opening - VC97-09, Time accrual system**

President Mourdock: We also have bids on behalf of the County Auditor's Office this evening for the time accrual system. Suzanne, any comments?

Suzanne Crouch: Mr. Harrison, do we have bids for that?

Joe Harrison, Jr.: It appears that there is one bid that came in from...well, go ahead.

Suzanne Crouch: I have a request after you have opened bids.

President Mourdock: Okay. Is there a motion to direct the County Attorney to open the bid?

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Suzanne Crouch: If it would be alright with the Commissioners, since there is only one bid, we would like to review it immediately with the possibility of perhaps awarding it tonight or if not in October.

President Mourdock: Okay, I guess by way of suggestion we can during his normal County Attorney's report maybe Joe can give a comment if it is at that point to accept recommendation from him or do you want to review it? I don't care. Which way do you want to go?

Suzanne Crouch: Well, I would like to review it with several people from the office and then, obviously, Joe needs to review it also.

President Mourdock: Okay, so Joe will make a quick review and see if it's in order and then pass it on to you and perhaps by the end of the evening you'll have a recommendation?

Suzanne Crouch: Hopefully.

President Mourdock: Okay, I don't think we need a motion for that.

Commissioner Tuley: No.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: The next item, Mike Shoulders, Veazey Parrott & Shoulders. Oh, yeah, here's Mike.

Mike Shoulders: Good evening, Commissioners. I am Mike Shoulders with Veazey Parrott & Shoulders here to report on the progress for the Auditorium and Convention Center project. We are going now into our final bidding period. We have run the last of the required legal ads in today's new media in the Evansville papers and the Louisville and Indianapolis papers. This would be the last required legal advertisement. The bids will then be due on October 14th of '97 at the Building Authority for review. In addition to the bidding process we are

also going through the requirements for review of final plans by other agencies. Today we had the Site Review, the first installment of the Site Review process with the city. We have been, of course, in touch with city officials throughout the design process. It's not a new presentation to them, but it is now a complete and finished set of documents. They are prepared to give us a final review and clearance. We know that we will need a variance. We have made a variance request from the zoning ordinance based on height, setback and lot coverage which the original building was out of compliance with its own zoning ordinance anyway. It's nothing new, but when you do a project you either comply or go for the variance and we, rather than going for a zoning change which would be a longer process, felt it was in the best interest to go with a variance to the zoning. The project goes to the Safety Board this Thursday and, of course, throughout the process we have been in touch with Herb Butler and with local officials in that capacity. We expect that review will go well. Of course, the Safety Board is looking for curb cuts, lanes, dock locations and they have seen our concept drawings before and we have been advised before by city officials in that regard. The final plans are now going to the State Department of Fire Prevention and Building Services and also the State Department of Health for their final review of the plans and specifications as well. We have had a good turnout to date in terms of the issuance of drawings and specifications. We have that we know of registered now six general contractors who have taken out bids. There is still time for a few more, but six is a goodly number on this project and we are hopeful that we'll get all six final bids. Are there any other questions on the progress at this time?

President Mourdock: Pat?

Commissioner Tuley: No.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: Just one question, Mike. I know you were here the week I was gone two weeks ago--

Mike Shoulders: Two weeks ago, right.

President Mourdock: I noticed in the comments that you made about the advertising and sending them out to the newspapers it didn't say specifically that you had advertised through the normal industry sources, the Dodge Reports. I presume you did though.

Mike Shoulders: Right, yes. We've sent it to F.W. Dodge, to Construction Market Data and others so that it will be in the construction clearinghouse media information. They all have complete documents.

President Mourdock: Okay, and the variances you were talking about, have you talked with the people in the building with BZA or whomever as well?

Mike Shoulders: Yes, we have met and discussed the process all

along and I think they understand the goals of this project and understand the importance to the city and county and that we hope we get a favorable review by those officials.

President Mourdock: Was the street closing during construction part of that?

Mike Shoulders: That will be discussed Thursday at the Safety Board meeting with the city this Thursday.

President Mourdock: The pre-bid meeting is when?

Mike Shoulders: That has not been scheduled finally as yet, I don't believe, the time on it.

President Mourdock: For the bidders?

Mike Shoulders: For the bidders. That will be issued to them, the people who have taken out the sets of drawings.

President Mourdock: Oh, okay. I thought that was in the package and the pre-bid meeting was scheduled.

Mike Shoulders: I think there was a preliminary date set, but it was not final until we confirmed the availability of the room. We want to meet in the Gold Room and be sure that there is no conflicting...I think we've got the dates boiled down now to several, two or three finals, that we need to determine.

President Mourdock: Would you be sure to have someone from your office call me either at this office or at Koester so I know when the time and date is for that?

Mike Shoulders: I sure will. For the pre-bid?

President Mourdock: Yeah.

Mike Shoulders: Sure will.

Commissioner Jerrel: I thought that was this Wednesday?

Mike Shoulders: No, that's uh...I don't think it is. I'll let you all know tomorrow morning the status on that.

President Mourdock: If you would, yeah.

Mike Shoulders: You may be right on that, but Mike Buente was working through the building, through the Gold Room, to make sure they had the right time and place, so I'll let you know confirmation on it in the morning.

President Mourdock: Okay. Last chance, anything else?

Commissioner Tuley: No.

President Mourdock: Okay, thanks, Mike.

Mike Shoulders: Okay, thank you very much.

**Award bid - APA027-97, Transportation services for elderly and handicapped**

President Mourdock: Lynn Ellis with an item regarding H and E transportation, handicapped and elderly transportation services for ASAP.

Lynn Ellis: We received two bids for the transportation services for elderly and handicapped. That was in response to bid APA027-97. The two bids received were from ASAP and from SLR. ASAP Transportation, Ltd. is the low bidder. They meet the bid specifications. The problem in this would be partly a legal question is that the funding in place at this point in time is not sufficient to cover the cost of these services. The county is presently paying \$52,000.08 per year for those services and the low bid came in at \$66,656.16. This would be for the minimum transportation services provided in the bid which are Monday through Friday 8:00 a.m. to 5:00 p.m. That is the cheapest alternative. However, there is not sufficient monies to pay for that. At this point we would either have to request additional appropriations or rebid.

President Mourdock: Okay.

Lynn Ellis: There is not sufficient appropriation for next year that was approved in the budget process either.

Joe Harrison, Jr.: I don't think you would have to rebid. I think what you would have to do is appropriate sufficient funds before you award the contract.

Commissioner Jerrel: Well, let's just indicate that this needs to go before Council and it cannot be heard until November. I mean, the 15th of October is the last date to submit it and it is opened and discussed in the Personnel and Finance Meeting at the end of October, but there is no action until November's meeting.

Commissioner Tuley: Is there any reason to believe by rebidding...I mean, that's a substantial increase there.

Commissioner Jerrel: Yeah. I don't know that we would get any--

Lynn Ellis: It has been indicated all along that the cost would go up. If you'll remember when I was talking to METS about taking over the services--

Commissioner Tuley: Right.

Lynn Ellis: --they indicated it would be \$150,000 per year and they already have the services.

Commissioner Tuley: I think we ought to move approval subject to additional appropriation. I'm sorry.

Commissioner Jerrel: Yeah, I think that's probably...Pat's comment is the correct one. We need to--

Commissioner Tuley: We just need to move approval subject to additional appropriation.

Commissioner Jerrel: --move approval subject to the additional appropriation and then we do have to go back and ask for additional money for next year because that contract isn't adequate either.

Joe Harrison, Jr.: It will be a year contract.

Commissioner Jerrel: Right.

Lynn Ellis: Well, the way that I structured the bid was that it would be effective through December 31 of this year so that it would fall in line with our fiscal year and then in December we would be back with an extension for you to approve for an additional year's service from January through December so that we are in line with the fiscal process. This contract would actually be in place from time of award, which would be in November when the Council, if they do, in fact, approve the additional appropriation it would take place then so it would be in effect November and December and then in December you all would approve an extension of that contract for calendar year '98, fiscal year '98.

Commissioner Jerrel: We wouldn't be under such pressure because there would be the full year. I'll move approval of the ASAP Transportation contract with the caveat that it is dependent upon Council's approval of the additional appropriation.

Joe Harrison, Jr.: We've already got an agreement with them now. Is that correct? The county does?

Commissioner Jerrel: Right, uh-huh.

Joe Harrison, Jr.: I would prefer that you all approve it once the money is in place since you already have an agreement right now with them, but I would prefer that you approve this particular agreement not until you have the sufficient funding because you already have an agreement with them.

Commissioner Jerrel: Is the motion I made okay or should I reword it?

Joe Harrison, Jr.: No, I would just wait.

President Mourdock: I think what Joe is suggesting is we take it under advisement until the Council approves it.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: Hopefully, next month and maybe we can speak with them and they will continue--

Lynn Ellis: They have agreed to continue the services under the present terms because I indicated that there was a funding problem and that it would be an issue.

Commissioner Jerrel: Alright, I'll rescind my original motion and move that we take this under advisement until such time as the Council approves the additional funding.

Commissioner Tuley: Okay, and you say there is already a request

before Council, but it will not be heard--

Commissioner Jerrel: No.

Commissioner Tuley: Do you want to make that part of your motion?

Commissioner Jerrel: Yes, that we do have Council Call for the additional appropriation.

Commissioner Tuley: I'll second.

President Mourdock: Okay, so ordered. Would you like to--

Beverly Preske: I just have a few comments.

President Mourdock: Sure, you need to come to the mike. State your name and address, please, for us.

Beverly Preske: Beverly Preske, 6700 Upper Mount Vernon Road, Vanderburgh County. I had a chance to go over the RFP and also to read ASAP's proposal for funding, application for funding, and there was just two things that I had questions on. One of them being, and I think when I spoke to you back in the spring, I am still concerned about the residents that live in the senior buildings and live in town in apartments that have ties to the county. They are county residents and in the contract the way that it is worded and I think it's item...I'm not sure. Three or five, I don't have a copy of it. Any how, it only provides for transportation for those people who reside outside the city limits. I don't know how much it would increase the ridership to offer the rides to those individuals, but a lot of them like to go out like to Silver Bell for lunch or maybe out to the fair and they can't get out there, that sort of thing, and not have to go on Wednesday, Senior Citizen's Day. I think we ought to reconsider not providing transportation to city residents to county activities and to places in the county. I mean, there is a dentist up the street from me. I mean, he is clearly out in the county and clearly beyond METS' transportation and someone that by nature of economics and inability to care for themselves may be living in Independence Square and they have no way to get out to the dentist so they have to change and go to a different dentist. Just off the top of my head, that's an example of something that can happen.

Commissioner Jerrel: I think your points are excellent. I think we need to be as flexible as we can, but we're really as you can see, we have some problems now. We want to enter into a contract and we are already in a fiscal bind.

Beverly Preske: Jack has his first ride tomorrow with ASAP. He has been very ill so he hasn't been anywhere since the middle of July. The other thing is just a question and this might be more directed towards Mr. Harrison because I know that in talking with Lynn that he looked at the contract and all that, the RFP before it went out, and it implies in there...or I read it to imply under Item 7, six or seven...? Which was it, Lynn? Six. The laws of the State of Indiana have laws that will prohibit certain people from driving vehicles. I think that is an error and I think that probably needs to be better worded in there

because to my knowledge there are no laws that prohibit certain people from driving vehicles. We have adaptations, accommodations for the physically disabled to drive and there are mentally disabled adults that drive also.

Commissioner Jerrel: I think there is one question on the driver's license that does ask that because there are restrictions. One.

Beverly Preske: Probably if you're totally blind.

Commissioner Jerrel: No, no.

Beverly Preske: I mean, I'm not trying to be funny, but I mean what other reason would there be why a person couldn't drive a vehicle?

President Mourdock: This was in the bid package that went out on this issue?

Beverly Preske: It's under item number six, I believe.

President Mourdock: Was it relative there only to those providing this service?

Beverly Preske: I'm sorry?

President Mourdock: Was it relative only to those who would be providing the service? Obviously--

Beverly Preske: No, it's to the riders. It's limiting the riders. In other words, let's say a person that could drive a vehicle...obviously, my son couldn't, but Ryan might be able to drive a vehicle if he had proper training and adaptations. By choice, and probably to the betterment of all of us, he chooses to not drive, but, you know, he could drive. There is no law that says that Ryan could not drive on the books and if there is then our state legislature needs to address an ADA violation on the books. So that's my comment.

President Mourdock: Yeah, that's my point. It sounds like it's more of a state issue than a county issue in that sense.

Beverly Preske: Well, I don't think that...I'm just saying to you that the state does not have a law that says that because of physical or mental disability you cannot drive to my knowledge. That was the only comments that I had. I'm looking forward to tomorrow. We'll see ASAP--

Commissioner Jerrel: I hope it works out.

Beverly Preske: I think it will. Thank you.

President Mourdock: Okay, you're welcome and thank you for bringing the issue to our attention in the first place.

**Burdette Park - Approve bids for building roofs at Burdette Park**

President Mourdock: The next item we have is in our package. Burdette Park is bidding for some building or the roofs out

there. Lynn, do you have a comment? I think...well, obviously, that's this year's budget. This was the roof that was brought up at the budget hearing, correct?

Lynn Ellis: Yes, that is correct. You were provided late a copy of the bids that were received on the roofs. There are six buildings that are in need of roof replacements. These roofs are 18 to 20 years old. They were all roofed at the same time and they have now met their life expectancy and have all failed at the same time, so there is sufficient money between Burdette and the Superintendent of County Buildings CCD Fund to pay for the roofs and I would request permission to award the replacement of these five roofs and some of these are portions of roofs they are not the entire roof. They're the sections that are, in fact, leaking at this time or rotted through completely, so if they are not replaced then we will suffer extensive damages to the interior of the buildings.

President Mourdock: Was there a single bidder that you were recommending?

Lynn Ellis: No, sir. There is Lang who was low on five of the bids and on the front sheet is the total for those five buildings. It was \$20,450.32. Arts was low on one of the buildings. His total was \$1,449.00. So the total is \$21,899.32.

President Mourdock: Solely to those two bidders?

Lynn Ellis: Yes.

President Mourdock: I just want to make sure we get the two bidders on the record who were, in fact, doing this.

Lynn Ellis: We bid them individually so that the bids could be broken down by low bidder and Lang came in low on all but one building.

Commissioner Jerrel: Did they put this together?

Lynn Ellis: Yes, I worked with them to make sure and I actually contacted Lang and a couple of vendors to go out there and check it out. These are the vendors that did agree to bid it. There is complication with the buildings and one thing that I would note and this would have to be worked out and be made part of the bid award and then approved by the Auditor is that by accepting the bid from Lang he has included in his bid that full payment would be due at time of completion. Normally we have a 30 to 60 day time period in between submission of an invoice and the time that you are actually paid. This has been a problem for Burdette in getting vendors to perform services out there and so by approving this then we would be required to make payment at that time.

President Mourdock: The problem you just defined is Burdette's problem not the vendor's problem? I mean, it becomes the vendor's problem, but is there a problem with procedures at Burdette that they are not paying their bills on time?

Lynn Ellis: No, sir, it is just the procedure the county has to

go through to get a bill paid.

President Mourdock: Okay.

Lynn Ellis: Because of the legal requirement for advertising and that kind of thing, so--

President Mourdock: Well, with that understanding is there anything that we can do differently? I mean, what are they saying? They want cash when they leave the job site? That's what it sounds like.

Lynn Ellis: They want a check at that time.

President Mourdock: I don't know that we have a way of doing that.

Commissioner Tuley: It's impossible to do that.

Commissioner Jerrel: Well, somebody would want to look at the work, I think.

Joe Harrison, Jr.: Yeah,--

Lynn Ellis: It would be inspected at that time.

Joe Harrison, Jr.: I think they can get it paid within 30 days.

Commissioner Jerrel: Well, the pay periods...do you want to tell us, Suzanne?

Suzanne Crouch: If there is a contract awarded it doesn't have to be advertised.

Lynn Ellis: Right.

Suzanne Crouch: So I need to check and see if we can pay out of order if there is a contract.

Joe Harrison, Jr.: Again, it's going to take a couple of weeks. You're not going to get paid that day.

Suzanne Crouch: No, not more than likely, but we can expedite it, if we're allowed to do that, pretty quickly.

Lynn Ellis: My recommendation would be that I be given permission to write a contract because the Auditor is correct. The only way that we have to avoid paying through the normal process of advertising is through a contract and then we can pay sometimes within a few days, but usually one to two weeks. So we could go that route and I would have to submit that to Lang for approval and then if that's acceptable to them then bring back a contract for you all to execute, but I wanted your permission to do that before approaching them with that.

President Mourdock: Okay, so let me summarize that. What we're looking for here is a motion to direct you to negotiate a contract with Lang Roofing, so that we would then be able to approve that at a later meeting?

Lynn Ellis: Right.

President Mourdock: With those terms of payment of something other than cash in the pickup truck as they leave, but it will be a couple of days later.

Lynn Ellis: Right, and that should be brought back to you at your October 6th meeting since you won't be meeting next week.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Permission to advertise - Faye Gibson, Old Courthouse**

President Mourdock: Faye Gibson, permission to bid for the Old Courthouse air conditioning.

Faye Gibson: Yes, I'm Faye Gibson, Executive Director with the Old Courthouse and that sums it up. I'm here to ask permission to advertise for bids to start our central air conditioning project for the first floor at the Old Courthouse.

Commissioner Jerrel: Do you anticipate that taking very much time? I mean, you've got the money in place.

Faye Gibson: Much time for the project itself?

Commissioner Jerrel: No, to get this part because you need to encumber that money before the end of the year.

Faye Gibson: Lynn and I have gone over the invitation to bid. The way it is laid out right now we'll advertise this coming Thursday and the following Thursday to bring it back to the Commissioners for bids to be opened October 20.

Commissioner Jerrel: I'd like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Sometimes it's easy, right?

Faye Gibson: Sometimes.

**Joe Harrison, Jr. - Bid recap**

Joe Harrison, Jr.: Do you mind if I go out of order and read these two bids that we received into the record? Suzanne may want to take a look at the one.

President Mourdock: Sure. State which ones you're reading, please.

Joe Harrison, Jr.: Why don't I start with, if you don't mind, the cabling. The first one. I think it's VC97-07. There was a response sent in from Fishel Technologies and they did not

bid, but they wanted it known that they did respond. F-I-s-h-e-l Technologies. The second response came from Industrial Contractors here in Evansville. The total bid cost was \$180,960.00. They did have that particular bid broken down into several components. The fiber optics cabling was \$23,400. The category five cabling, \$64,000. Removal of existing cable, \$10,325. Then it looks like the network electronics and non cabletron equipment was also a part of that for a total of \$81,620 it looks like for that portion of the bid. Again, the total bid cost again is \$180,960. The second matter has to do with the time accrual bid. That's VC97-09. There was one bid submitted and it's from Kronos, K-r-o-n-o-s, of Indianapolis. There were two options in connection with that bid. One was \$117,043.00 and the second option was \$70,683.10. The first one, if we can go back to Industrial Contractors award, if you would let those responsible, Joe Profaizer and others, review that and take that under advisement.

President Mourdock: Is there a motion to take VC97-07 under advisement?

Commissioner Jerrel: Yes, I would like to make that motion and then I have a question.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Joe?

Joe Profaizer: Yes.

Commissioner Jerrel: Is this figured into your total amount that we talked about today?

Joe Profaizer: Excuse me, I was looking over the bid. You're referring to the total amount for the Court's networking?

Commissioner Jerrel: Yes.

Joe Profaizer: Yes, it was under budget.

Commissioner Jerrel: Is this within your estimate of what it would be?

Commissioner Tuley: Under budget.

Joe Profaizer: Under, under budget.

Commissioner Jerrel: Okay. That's all I wanted to know. Thank you.

President Mourdock: Should we waive the flag? Under budget!

Joe Profaizer: Under budget!

Joe Harrison, Jr.: As far as the time accrual if you would also take that under advisement and let the County Auditor review the same and she may have some opinion with respect to that maybe before the meeting is over tonight.

President Mourdock: Alright.

Commissioner Jerrel: I would like to move...well, I don't know what I'm moving.

President Mourdock: Delay consideration.

Commissioner Jerrel: Yeah, delay consideration until such time as the Auditor makes a recommendation.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual this evening wishing to address the Commission on any issue not on the agenda? Ryan.

Ryan Rupp: Ryan Rupp, 6946 Tonia Court. I'm getting back on the H and E thing. I, for one, am sometimes needing transportation in the evenings. Well, they're wanting to charge \$15 a ride in the evening which I explained to them today and they know it as of this point since you just awarded the contract to them. I had asked them I said, can I still get back on the dollar co-pay deal that they're doing now? At first they didn't want to do it, but now they're going to do it and in a way I don't think it's fair...well, on that I do, but like a Saturday or Sunday when people have got to get somewhere like say if they are going to the mall or places like that they need to do something about that instead of charging the \$15. I mean, in a way people cannot afford that. I mean, what are they supposed to do, not go?

Commissioner Jerrel: Well, I think there are choices that we had to make. You heard our discussion about the increased funding to meet this contract--

Ryan Rupp: Yes.

Commissioner Jerrel: --and because we want to offer this service, so those were choices that we had to make and I suppose that's equally true of individuals on weekends.

Ryan Rupp: Yeah, but I mean if you've got to get somewhere, I mean, how are you supposed to go if you don't have a way? Just stay home and just say, oh, I don't have a way? I mean, what are you supposed to do? I mean, I'm not calling a cab because they charge probably 20 bucks.

President Mourdock: Obviously, Ryan, we don't have an easy answer for you. We would all like to tell you, yeah, there is some magic answer that we can make this work and you know that's not the case and we know it's not the case. What we are trying to do is to provide the program we can with the funds that we have and we're even kind of...oh, how shall I say it? Pulling corners here a little bit to get us to the point where we can go back into next year's budget and increase funding for that or increase the appropriation that we have originally asked for, so we're hoping that's going to provide better service than what we

would otherwise have, but it may not solve every issue that is out there unfortunately.

Ryan Rupp: Okay.

President Mourdock: I appreciate you bringing it to our attention again.

Ryan Rupp: Thank you.

President Mourdock: Thank you.

Unidentified: Excuse me, my name is--

President Mourdock: You need to come to the microphone, sir. We keep all of our minutes here on tape and if you're not right at the mike they have a hard time picking up what is said, so please state your name and address.

Roy Ritzert: Roy Ritzert, 3117 Kratzville Road, Evansville, Indiana. I only have a question. I was understanding that the Phoenix Commerce Center Project, Phase 1, contract was going to be awarded tonight. Was that the case or is that the case? Okay, I didn't see it on the agenda--

Commissioner Tuley: It must be on the Engineer's report then.

Commissioner Jerrel: We're real close.

Roy Ritzert: Okay.

**John Stoll - County Engineer**

President Mourdock: Yeah, we're real close. John is at the engineering report right then. John.

John Stoll: The first item, I would like to recommend that Phase 1 of the Phoenix Commerce Center be awarded to Hardaway Construction in the amount of \$1,297,800. They were the low bidder on the project and everything was in order on the bid and it is recommended that the contract be approved.

Commissioner Jerrel: Would you review, I could go back to the minutes, the bidders on that?

John Stoll: It was Koester,--

President Mourdock: Blankenberger.

John Stoll: --Blankenberger and...

President Mourdock: I can get it here in just a second.

Commissioner Tuley: It seems like there was one local and two--

Joe Harrison, Jr.: There were five.

John Stoll: Four.

President Mourdock: Deig, Koester, Hardaway, Blankenberger and

that's all I have. There was just the four.

John Stoll: Yeah, there were only four.

Commissioner Jerrel: This is your recommendation?

John Stoll: Yes.

Commissioner Jerrel: I would like move approval of the awarding of that contract to Hardaway.

Commissioner Tuley: Second.

President Mourdock: One question along those lines. I had received a call from one of the local labor unions wanting to know if, in fact, the stipulation on prevailing wage was in what we had bid--

John Stoll: Yes.

President Mourdock: --and it was my understanding it was. Is that correct?

John Stoll: Yes.

President Mourdock: Okay. There having been a motion and a second then I will say so ordered to the bid document.

John Stoll: There are some other issues we still have to get resolved as far as the connection of this sewer to the Daylight sewer, but this at least allows the work within the site to begin.

President Mourdock: I suddenly paused and caught myself there because I realized this was Phoenix and I thought well, if ever there was a time when I don't have a conflict of interest--

Commissioner Jerrel: It's now.

President Mourdock: --it's signing this one right now, so that's okay. Let someone make that claim.

John Stoll: The next item, I would like to recommend that contract number VC97-08-03, the culvert replacement on Slate Road, be awarded to CCC of Evansville in the amount of \$46,078.04. Here again they were the low bidder on the contract and everything was in order on their bid.

Commissioner Jerrel: I would like to move approval of the awarding of the contract to CCC in the amount of \$47,078.04.

Commissioner Tuley: How much was it?

John Stoll: Forty-six thousand and seventy-eight.

Commissioner Jerrel: Oh, I thought it was forty-seven?

John Stoll: Forty-six.

Commissioner Jerrel: Okay, \$46,078.04.

Commissioner Tuley: Right.

Commissioner Jerrel: Thank you.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The street plans you have in front of you are for Equestrian Hills. This is a subdivision that will be built off of Highway 65. The streets are proposed to be concrete curb and gutter with asphalt streets. We've reviewed the plans and recommend the street plans be approved subject to one change and that would be there is a pipe that is right up on the Highway 65 right-of-way line that is called out on one of the plans to be a corrugated metal pipe and we've requested that it be switched to a concrete pipe. Other than that the plans are recommended to be approved. Subject to that it's recommended that they be approved.

President Mourdock: The developer knows that is coming and they've accepted that?

John Stoll: Yes, I spoke with him last Friday afternoon about that.

President Mourdock: Okay.

Commissioner Tuley: I'll move approval of the request as outlined by the County Engineer.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered and that was for the street plans for Equestrian Hills.

John Stoll: The next item, the developer of that subdivision has requested that a sidewalk waiver be granted for that subdivision.

President Mourdock: Which site division...or subdivision?

John Stoll: Equestrian Hills, the same one we just looked at. Given the fact that it is large lots in a rural area it is consistent with where we have approved sidewalk waivers in the past and it is recommended that the sidewalk waiver be approved.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next I have a Notice to Bidders for Phase 2 of the Burkhardt Road project. This would be contract number VC97-09-01, Burkhardt Road--

Commissioner Jerrel: Say that again, VC...?

John Stoll: VC97-09-01. The contract title will be Burkhardt Road reconstruction from Virginia Street to Maxwell Avenue. This would start the advertisements, legal ads, this Friday and the bid opening would be on October 13th.

President Mourdock: From Virginia to where?

Commissioner Tuley: Maxwell.

Commissioner Jerrel: Good. I was just going to bring that up. We want to make sure that money gets encumbered.

President Mourdock: Yep.

Commissioner Tuley: I'll move approval of the advertisement.

Commissioner Jerrel: Second.

President Mourdock: Any time we are moving forward on Burkhardt Road I will gladly say so ordered. Let me borrow the black pen. I want to make sure I get the right color on that one.

Commissioner Tuley: Sure.

John Stoll: The next item, I would like to recommend that the streets in Section 4 of Covington Heights Subdivision be approved. This would be 446 linear feet of Hartford Place and 484 feet of Bramblewood Lane.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item is also a request for street acceptance. This is in Bateman Minor Subdivision. This is 1,175 of Wolf Creek Drive. This is off of Eichoff Road up near West Terrace. It is recommended that this street be accepted as well.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered. You've been busy this week, John.

Commissioner Tuley: He's still not done. He's got another one rolled up back there.

John Stoll: The final item is the plans for ditching the east side of Ward Road and the north side of Anthony Drive. These are cross sections and profile sheets for that ditch work. They aren't final to the extent that we've got a contract ready to go out for bid, but this would be basically what we would submit to contractors as part of putting this project out for bid.

President Mourdock: So point number one, this is just kind of for advising purposes tonight?

John Stoll: Right. This is what, if we pursue this option, this is what we would put out for bid. There is some additional work that needs to be done to prepare a final contract, but this would be what that project would consist of. There are some areas where it appears we'll need some temporary right-of-way simply because the ditch slopes alongside the north side of Anthony would be probably cutting back outside of the right-of-way in order to try and squeeze the ditch in. We've put the slopes at 2:1, so they are about as steep as we could make it and still there appears to be some areas where we would be encroaching on the person's property outside of the right-of-way.

President Mourdock: This is going to sound like a trick question, but it isn't. When we've had the discussion about this before, at least the most recent discussion we had was if we're going to do something like this then some of the residents were also going to have to make changes to deal with the properties where their property is impeding drainage.

John Stoll: Right.

President Mourdock: Is it your recommendation that is still the case? What we're doing here isn't going to preclude that?

John Stoll: No. In the case of like Bob Bell's property, he would just match into the ditch line that we would be providing here by opening up this ditch, so whether he puts another pipe in his ditch or whether he provided an open ditch this would give the elevation he needs to match into at the outlet end of his ditch or pipe. It wouldn't prevent them, this would just give another way for them to get the water out of their area and off their property.

President Mourdock: Since he is down flow from us really it still makes the most sense that it would be done before we did this, correct? I mean, theoretically if we did ours first and he did nothing we would probably of just made the problem worse.

John Stoll: We wouldn't make it worse, but there is one drawback to us not doing ours first. I'm not sure given what all those residents have put in the ditch out there whether or not he has a way to outlet a larger ditch because downstream from his pipe...well, I should say if he has a way to outlet a larger pipe or open ditch. Downstream from the outlet end of his existing twelve inch pipe it's hard to say where that water really goes because there is such a mess of what each resident has put in. There is no continuous storm sewer where he is tying into.

President Mourdock: But that's...at least it's my impression that's what we talked about before. It isn't just Bell that has to open the ditch. In other words, if he just worked on his property that is not going to solve the issue, but there has to be the cooperation of the neighbors all the way back up, I guess, close to Rucker somehow to really deal with that water that's coming off of Bell. Is that not right?

John Stoll: Do you mean by virtue of the fact that each of these

property owners would be buying their own pipes for their driveways?

President Mourdock: Not necessarily buying their own pipes. I guess that could be part of it, but at least getting the ditching done off our right-of-way.

Commissioner Tuley: Bettye was asking a few minutes ago because she caught...you said we don't have quite the right-of-way or we need temporary right-of-way?

John Stoll: Correct.

Commissioner Jerrel: Where?

John Stoll: Down in the vicinity of Caesars Court on Anthony Drive.

Commissioner Jerrel: Okay, so help me out. When I turn the corner going down Anthony Drive like at Tabor's and Bell's and then there is like three more houses or four and then I'm at the dead-end.

John Stoll: Right.

Commissioner Jerrel: Which way do I go now? Do I go north or south?

John Stoll: It would be those houses as you are heading towards the dead-end heading east. They would be on your left.

Commissioner Jerrel: Oh, okay.

John Stoll: Where the cul-de-sac--

Commissioner Jerrel: Where Garrett, Rucker and--

John Stoll: No.

Commissioner Jerrel: Okay, that's where I'm not clear.

John Stoll: Okay, this is heading east. This is Bell's house, Savage, Tabor and then you're at Caesars Court, which is that short little cul-de-sac there, and these last two properties before you get down to Garrett and Rucker which is down here.

Commissioner Jerrel: Right here.

John Stoll: So it's these properties where the problems would be for the temporary right-of-way .

Commissioner Jerrel: Okay.

President Mourdock: With the temporary right-of-way what would we be doing there?

John Stoll: We would be grading the back slope of the ditch.

President Mourdock: That would be along our right-of-way?

Commissioner Jerrel: Is it behind?

John Stoll: No, it would be--

Commissioner Jerrel: It's in front.

John Stoll: --up here.

Commissioner Tuley: Front and we would just take temporary right-of-way until we get the piping in there?

John Stoll: We would open the ditch up and then the back slope of the ditch as we're grading it back to match their existing front yard it would be where that back slope hits the rest of their front yard would be where we would have to get the temporary right-of-way otherwise we would have to have--

President Mourdock: Along the entire length of Anthony Drive do we have sufficient width to put that ditch in our right-of-way? I didn't think we did.

John Stoll: Yes, other than for these areas here where we would have to get the temporary right-of-way.

President Mourdock: I understand, but as far as the permanent ditch that would be there we have enough width along Anthony Drive in our right-of-way to put in such a ditch?

John Stoll: Right, with 2:1 side slopes and I believe it was a one foot or two foot bottom ditch. I don't remember which.

President Mourdock: That ditch would have to have the capacity...let's roll this back. It goes without saying that ditch has to have the capacity to deal with whatever is coming out of the 12 inch pipe off this property.

John Stoll: Right. We would be picking up this water plus bringing this around the corner.

Commissioner Jerrel: So it has to be all the way. Now how are we going to find out if we can do this?

Commissioner Tuley: Well, first off we are checking the other alternative we gave him permission to look into last week before we make the determination that's what we're going to take. Is that not correct?

John Stoll: Right. I haven't spoken to Joe about that one.

Commissioner Tuley: We'll still be progressing with this just in case the other legally doesn't become an option.

Commissioner Jerrel: Right, okay.

Commissioner Tuley: The only thing that I'm confused on is we keep using the word temporary right-of-way. If it is cutting back into their yard does it not become a permanent right-of-way?

John Stoll: If it is just a matter of grading the slope it's not really part of the ditch or anything that would just be temporary.

Commissioner Tuley: Oh, okay.

Commissioner Jerrel: Because it will have to be cut down some to make it smooth and we have to ask them for permission.

Commissioner Tuley: Yeah.

President Mourdock: Then the question comes up as to who pays for the pipes and everything.

John Stoll: Right. This is our road and the ditch will be coming down like this going back up and wherever this slope meets their far right-of-way lines here if we need to cut that back we would be (inaudible) and you would have to do all this work up on their property. It would just be temporary grading work. Temporary grading, but it would be work that would only require temporary right-of-way because it would only be just grading and nothing permanent.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: Can I ask a couple of things?

President Mourdock: Sure.

Joe Harrison, Jr.: Do you consider the ditch...that will be considered a regulated drain?

John Stoll: No.

Joe Harrison, Jr.: It won't?

John Stoll: It would just be a--

Joe Harrison, Jr.: Not after you pipe it?

Commissioner Tuley: It's just a roadside ditch.

John Stoll: Just be a roadside ditch.

President Mourdock: A right-of-way ditch.

Joe Harrison, Jr.: Okay. Does it cross...will it cross Ward Road at all or is does it run along it? Does it cross St. George or...

John Stoll: It wouldn't cross either street. It would be running on the east side of Ward down to Anthony and then the north side of Anthony down to the dead-end.

Joe Harrison, Jr.: Okay. Then in that case the Engineer's Office can make the determination on the drainage whereas it wouldn't have to go to the Surveyor for their approval or for their review.

President Mourdock: How would this tie in down by...

John Stoll: Garrett and Rucker?

President Mourdock: Yeah. How does it tie in? We had the other

easement problem back there with the Water Utility or SIGECO or somebody. How does that get resolved?

John Stoll: This ditch would run east to that ditch and then it turns and runs to the north. The issue of the 24 inch pipe has not been resolved as of yet. I've been talking with Charlie Thomas and he still hasn't told me what they can and can't do. He's with the Sewer Department.

Commissioner Jerrel: That has to be cleaned out too. There are a number of things that have to be done.

John Stoll: All and all this wouldn't be adding any water. I mean, all that water is already going there. This would just be concentrating it at a single point rather than running down the center of the road like it does right now.

President Mourdock: Okay, again, this is all to us for advisement purposes?

John Stoll: Right.

Commissioner Jerrel: Thank you very much.

President Mourdock: You'll have the other option available?

John Stoll: Yeah, I need to talk to Joe about that and see what laws may pertain to that. The estimated amount of additional flow that would be sent down to St. George that is not currently intended to go that way would be about seven or eight cubic feet per second for a 50 year storm which is about the equivalent of an 18 inch pipe give or take. I mean, there are plenty of different variations you can fit in there as far as how much headwater the pipe would create, but this would be very little headwater on an 18 inch pipe. That would be about the amount of water that we would be adding to give you a rough idea of what we are looking at. As far as all the downstream impacts that is still hard to say. I know we've been told that it's not...that the ditch in Whirlpool's property could handle it, but it is still on further down from that I don't know what the elevations of all the buildings would be down there and whether or not we would be causing any additional problems through the rest of that channel.

President Mourdock: Okay. Alright, any other questions for John tonight?

Commissioner Tuley: Not tonight.

Commissioner Jerrel: Thank you.

John Stoll: Thanks.

President Mourdock: One, John, real quickly on the Burkhardt thing we just accepted and put out to bid. Did we in the previous work, and I'm talking going back even a couple of years for some of the work we've done on Burkhardt and in that area, have we included any minority goal situations there?

John Stoll: We typically haven't on the local contracts, but

they've always been included in our federal aid contracts through INDOT. There is nothing that prevents us from doing it, but I guess for the most part we've had significantly lower dollar values on the contracts that we bid locally than the federal aid jobs, so it has just not been something that we've included, but there is nothing that stops us from doing it either.

President Mourdock: Okay, alright. I was just...and I don't know how we might want to look at that in the future on those or even on that specific one as an addendum or something, but as I think you know we've done that with the auditorium because we feel it's the right thing to do. Not as a quota, not as a set number, but as a goal.

Commissioner Tuley: Right.

John Stoll: We can include it in the Burkhardt. I don't know that the specs are finished as of yet, but if not, like you said, we can put it as an addendum. We could just go with the same provisions that they do on INDOT contracts if you like.

President Mourdock: But are those actual, and it's a powerful word these days, are those actual set aside dollars or are those just goals?

John Stoll: They're goals the way I understand it.

President Mourdock: Okay.

John Stoll: Because on the Lynch project they didn't meet those goals and there are procedures that they have to go through to show that they at least made the attempt.

Commissioner Jerrel: How is Lynch coming?

John Stoll: Better now. For a while it wasn't going very well at all. It was going pretty slow, but now they're--

Commissioner Jerrel: Is 28 weeks still likely?

John Stoll: They keep telling me it should be done in November.

President Mourdock: Yeah.

John Stoll: The pavement should be down by the end of this week if the weather cooperates.

Commissioner Jerrel: While we're on this may I mention something?

President Mourdock: Sure.

Commissioner Jerrel: I went to the I-69 discussion on Sunday and I met with Phil Schemerhorn and I have spoken to him on several occasions and if it would be alright with both of you I would like to recommend that we pick a Monday in November and Dennis Faulkenberg would come down here and present to...he would like an audience of other County Commissioners and we could have the County Commissioners from Posey, Warrick, Gibson and Spencer if

they would like to come and we could devote the meeting to his interpretation of the new federal law.

President Mourdock: ISTEAA?

Commissioner Jerrel: Yes. I think it would be very worthwhile and have Rose and the group there and I thought that would be something you might be interested in because there is a lot of discretionary money available and I'm not...I haven't been led to believe that it will change in the new legislation and that means that if we are ready with certain projects we may be able to get some of them initiated and I would think Warrick would be very interested. So as soon as I get an okay on which Monday would be best for him I would like to have you send a letter and invite all the Commissioners and we'll have a night here to learn about the new federal legislation.

John Stoll: We've got projects that we'll need the money for, that's for sure. The Lynch interchange at 164 and with Fulton Bridge.

President Mourdock: Yeah, we've tried several times in the last...well, since I've been on here to get other County Commissioners and get other counties dealing with us on some other regional issues and we haven't been nearly as successful as I would like to have been, but at least this is an issue where I think all the counties are pretty well putting the oar in the water in the same direction at the same time, so I would hope they would be willing to do this.

Commissioner Jerrel: I think the letter would go out from you and then I'll get on the phone and call them personally and explain to them what the purpose of the evening is.

President Mourdock: Okay.

Commissioner Jerrel: I think maybe we can get some good attendance.

President Mourdock: If it would make it better suited for them I would certainly be willing to do it at some central location and I guess, Joe, is there any reason why the Vanderburgh County Commission cannot have an official meeting outside of Vanderburgh County as long as it is advertised and everything?

Commissioner Jerrel: I think Dennis would like to come here.

President Mourdock: Well, I was just thinking for the ease of other Commissioners.

Joe Harrison, Jr.: I think we've got to have it here in the county.

Commissioner Jerrel: We go to Jasper and everywhere else all the time. I think we would like to show...I think they might want to come here. Some of them might want to go to the riverboat.

Joe Harrison, Jr.: I wouldn't have the meeting there though!

President Mourdock: Not to talk about this issue, I'll bet!

Commissioner Jerrel: No.

Commissioner Tuley: It's a gamble anyway.

President Mourdock: Okay, well, very good. Let's see if we can find a date and then we can certainly act to send such a letter and hopefully make some progress. I think that is a very good idea. Okay, and going back to the other issue, John, why don't you have some language and check on that on the goal situation and see if we can't add that.

John Stoll: Sure. Our consultants have done plenty of federal aid contracts. I would think they could probably just pull the same language out from previous contracts, but I'll get in touch with them tomorrow.

Lynn Ellis: John, we do have language in the auditorium bid that was obtained from Mike Robling and it is clearly a goal, so it's not a set aside or a requirement so if you want to get that language.

John Stoll: Okay, well, I'll try with United first in case there are any differences between what a building contract might have versus a road contract so that way the road contractors will be seeing language they are familiar with. In the event that they don't have anything I'll get in touch with you.

President Mourdock: One other issue just by way of information here, John and I have had several conversations in the last week or so about possibly working with the city to establish some county highway standards particularly for new residential and commercial developments, so hopefully in the next few weeks we'll get some report back from everyone putting their heads together as to how we might do that because I think one of the things--

Commissioner Jerrel: That's a good idea.

President Mourdock: --that infrastructure-wise we have...Phoenix is a classic example. If we had a set of standards to say here is what the roads need to be, here is the width, here is what you need for base, here is what you need to do geotechnically it saves them a lot of time and makes, I think, the area a lot more appealing.

Commissioner Tuley: Sure.

Commissioner Jerrel: It's a good idea.

President Mourdock: We'll look for more reports on that.

John Stoll: I did talk to the city engineer last Friday and he said he was going to check on the possibility of whether or not the city would participate on something like that and he also had quite a few standard drawings already in AutoCad which would help out tremendously, so we might be able to get something worked up here soon.

President Mourdock: Very good. Okay, thanks, John.

**Rick Dickinson - County Garage**

President Mourdock: Rick, County Garage.

Rick Dickinson: I don't have anything for you all unless you all have something for me.

President Mourdock: Okay, just officially here we have in our packet the report and it includes the paving progress and ditching progress as of September 18th, which was last Thursday, I believe. We're now at 59% of our ditching and 58% of our paving.

Commissioner Jerrel: Are we going to make it?

Rick Dickinson: Well, we will now that you put them bids out for them other ones. We're on smaller roads now and we're on the east side of town and a lot closer to Rudolph and we're within a distance where we can get mix.

President Mourdock: That will make a difference.

Commissioner Jerrel: If I give you something orally here instead of writing it down will you remember it? I took a bike ride Thursday night and just before you get to Seminary Road on Old Henderson Road--

Rick Dickinson: Yeah, down in the bottoms.

Commissioner Jerrel: --I was riding with a school bus driver on a bicycle...I mean, I wasn't on the bicycle with him, but there were two--

Rick Dickinson: Toting you on the handlebars!

Commissioner Jerrel: Yeah, about like that.

President Mourdock: It's getting interesting now.

Commissioner Jerrel: Anyway, I told him I would pass that along...Kenny Dietsch, so it--

Rick Dickinson: What was it?

Commissioner Jerrel: Two big chuckholes. Huge. Real deep.

Rick Dickinson: On Seminary?

Commissioner Jerrel: No, it's on Old Henderson.

Rick Dickinson: Okay.

Commissioner Jerrel: After our paving ends it's about from here to John from where Seminary cuts into it.

Rick Dickinson: I'll send somebody down there tomorrow.

Commissioner Jerrel: I drew a little map, but I left it at home.

Rick Dickinson: Okay.

President Mourdock: I've got one as well, Rick. Ditching-wise, Hillsdale Road just west of 41 we've got a bad spot there where it's plugged up enough now that every time we get any rain at all it gets back on the road.

Rick Dickinson: Just west of 41?

President Mourdock: Just west of the railroad tracks, yeah, just west of 41 on Hillsdale.

Rick Dickinson: I've got a work order on that and I call in five locates at a time on them so we don't have to keep calling back relocates and I think that is the next set of five that I'm calling in.

President Mourdock: Okay.

Rick Dickinson: So it won't be next week, but within a week or two or three weeks it will be done.

President Mourdock: I know you're here in Milton's stead tonight, but one question that I have for you to pass on and you don't have to respond to this question at the moment, but the Commission...I've been somewhat confused at times as far as what the pager policy is during the weekends and such as far as who has got the pager. If they've got it can they hand the pager to somebody else and kind of swap duties informally?

Rick Dickinson: Right now we all have individual pagers. I'm not sure why that happened. I don't know why they did that. It used to be when I first got there if I was on call this week, which I am, when it's John or Joe's turn I just hand it to him and it was the passing of the beeper every Monday morning. I don't know how that got changed.

President Mourdock: But if you are not physically passing the beeper, so to speak, are you still kind of trading time as to who is responsible on any given weekend?

Rick Dickinson: Yeah. Every foreman...everybody takes a turn but Milton and then if somebody has something to do on the weekend or something we'll call Milton.

President Mourdock: Okay, but in setting up those times are they set in concrete or do they get swapped out half way through the weekend? That's my point.

Rick Dickinson: Well, like this weekend if I've got something to do I'll call Higgs or somebody and say, you know, I'm going to be out of town for ten hours do you mind taking my beeper? When you do that we just call 911 and tell them to call Higgs' beeper instead of mine. But, yeah, it has never been mandatory where I keep it all week and if I've got something to do that is just too bad I've got to not be able to do that.

President Mourdock: Okay, well, that's something I want to learn more about as far as how it's working. I understand there may be an emergency situation where somebody needs to switch off.

I just want to make sure everybody understands what is going on and at this point I don't.

Rick Dickinson: A lot of times...I mean, most of the time it's not even an emergency. You know, if you are going out to eat with the wife or something somebody will take it for a couple of hours. It's just so when you are in the middle of a meal you don't get beeped. I don't know if there has ever been a problem.

Commissioner Tuley: The key is, if I heard you correctly, the key is if you go off the beeper then you notify Central Dispatch?

Rick Dickinson: We call 911. Yeah, we call them and then we tell them to call Bill Higgs not Rick Dickinson until 9:00 or until we call you back. I don't know if you have a list of when who is on call or I'll be more than glad to send one down.

Commissioner Tuley: There is in the office.

Rick Dickinson: It's real flexible. I mean like Higgs...we had to cover for Higgs last week because he was on vacation.

President Mourdock: Okay.

Commissioner Tuley: How far in advance are those things, the scheduling, made up?

Rick Dickinson: A whole year. Well, I know every fifth week it's mine.

Commissioner Jerrel: I'm going to bring up what you and I talked about today.

Rick Dickinson: Okay.

Commissioner Jerrel: Because in case we go through the consent items, Pat.

Commissioner Tuley: I'm sorry.

Commissioner Jerrel: It's okay. I'm going to bring this up now because if we go through the consent items sometimes we say move approval and then there is something in there. A member of the Bridge Crew was injured in an off job injury. He has been unable to come back and has requested a family medical leave of absence with insurance and expects to return on September 29th. I spoke to him. Milton called him and he had a doctor's appointment on the 19th and we haven't heard what the--

Rick Dickinson: October 3rd he has to go back again.

Commissioner Jerrel: Oh, okay, he has to go back October 3rd--

Rick Dickinson: I just talked to him today.

Commissioner Jerrel: --because they have to have one hundred percent because he works the jackhammer. Just so that everybody... if anybody had any questions that it is in our

consent items.

Rick Dickinson: He's going back to the doctor October 3rd and hopefully he can return the next day.

Commissioner Jerrel: Okay.

President Mourdock: Okay, anything else for Rick?

Commissioner Tuley: No.

President Mourdock: Okay, thanks, Rick.

Rick Dickinson: Thank you.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, have anything new?

Joe Harrison, Jr.: The only thing I sent the letter to SIGECO, but I haven't heard anything on the poles on Burkhardt Road. Oh, I guess John did, okay. That's about it for right now. I may have some more. I want to get with John on the watershed issue and I'll get back with you at our next meeting concerning that issue.

**VC97-09, Time accrual system**

President Mourdock: Suzanne, do you have anything?

Suzanne Crouch: We would like to take our bid under advisement.

Commissioner Jerrel: I would like to move that the time accrual system bid be taken under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn Ellis. Anything else, Lynn? You had the buildings there, anything else?

Lynn Ellis: Yes. We received a Memorandum of Understanding that was signed by Sam Elder and Joe has reviewed it and says that it's okay and I would request that the Commissioners execute it along with Mr. Elder. I have just a Xerox copy so it doesn't have Sam's original signature, but it will have yours for Charlene's records, but that's all that I have.

President Mourdock: It's a MOU for what?

Lynn Ellis: I'm sorry. Memorandum of Understanding between Parks and Recreation, city Parks and Recreation, and Vanderburgh County regarding the Animal Control Shelter.

President Mourdock: Ah, okay.

Joe Harrison, Jr.: What they are going to do is use their parking lot in connection with parking at the Greenbelt Parkway. They want to use it whenever people are going to be in that area and they want to use it, I think, for 50 years. Up to 50 years.

President Mourdock: Okay, is there a motion to approve the MOU?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Lynn Ellis: We have received the request from the Sheriff's Department regarding surplus property and that would need Commission action on that. I believe that was left on your desk. It was received late.

President Mourdock: Yeah, and for the record it's a Panasonic monitor, weight scales, microwave oven, gray desk - a gray metal desk, wooden desk, fan - pedestal type, black swivel chair and a rust swivel chair. I don't know if that means it's a swivel chair that's rusty or that's the color.

Commissioner Jerrel: I would like to move approval of those items being declared surplus.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Are we ready to go with the cars?

Commissioner Tuley: Whose?

Commissioner Jerrel: The sale.

Commissioner Tuley: Oh, yeah.

Lynn Ellis: I am still only aware of six vehicles. The Sheriff's Department has not forwarded any documentation to me regarding their surplus vehicles.

Commissioner Jerrel: Would you put that on your list, Mr. Tuley?

Commissioner Tuley: Yes. This other list?

Commissioner Jerrel: Well, you know.

Commissioner Tuley: Yeah.

### **Burdette Park**

President Mourdock: Okay, next the Burdette Park report. We have the normal work report which is including what they are doing and what they have worked on in the past week. Also, I don't think we have anyone from Burdette here, but just by way of information, again, I attended the Advisory Board meeting last Wednesday and in your packet there is a letter from Robert Doerr with the Perry Township Volunteer Fire Department.

They're making a recommendation and they made this formally to the Council out there, the Advisory Board, that we consider putting in some new fire hydrants and basically relocating some. I about passed out when I was told that the number on this could be somewhere between \$110,000 and \$150,000 is what they're estimating and it seems very high to me. Is John Stoll out of the room? I guess he is. At this point I don't know that we can do much more than take these under advisement. The one issue, though, that I think is important is the one fire hydrant in particular is only about 12 feet from the large building that is next to the pool and the issue was if there is a fire and the fire is burning at all they won't be able to get to the fire hydrant. I don't know how that might affect us insurance-wise.

Commissioner Jerrel: Are these our fire hydrants or does the Fire Department own them?

Lynn Ellis: I was going to mention that. I haven't been able to talk to Charlie Thomas until today and it was over his mobile phone--

Commissioner Jerrel: I don't mean Fire Department, I mean the city.

Lynn Ellis: He is supposed to look into it and see if the fire hydrants actually belong to EA2 and if so then they'll look at relocating them. The figure is a very ballpark estimate because they don't know where the lines are located and, I mean, it may be \$10,000. It may be, you know, \$150,000. We don't know at this point, but he is supposed to look into that for us and then--

President Mourdock: Okay, you'll have a further report for us on that one then?

Lynn Ellis: Yes, sir.

President Mourdock: Okay, the other issue then at Burdette Park was the Advisory Board asked or voted formally to ask us to try to solicit some form of an RFP for the feasibility study of the famous multipurpose building or whatever building that might be. Since I was at the meeting I told them we would certainly entertain that request. The reason I am bringing it up, twofold, number one that building has gotten a lot of discussion in the past and number two, perhaps even more importantly, we all know how hard it is to get good people on those Advisory Boards, so when they make recommendations and they study issues we just cannot, I feel in good faith, we can't just ignore them. I bring that one up only with the thought that one of our goals up there remains for this year to define whether the park be a full year facility or better utilized and I think somehow that all fits into that same category. Maybe we need to give it some thought outside the meeting here, but just as to how we can better do that. I hate to think we might get to the end of the year and have nothing done other than have that piece of paper be a little bit more yellow, so I think it is something we need to consider.

Commissioner Jerrel: What funding source are you going to use for that?

President Mourdock: I'm not making any suggestions, Bettye Lou, because I don't know.

Commissioner Jerrel: I mean, there isn't.

President Mourdock: That's right. That's part of the problem. I understand that.

Lynn Ellis: Well, the Aztar donation is available for that and that was the purpose of the feasibility study.

Commissioner Tuley: For the feasibility study?

President Mourdock: For the study, yeah.

Lynn Ellis: I mean, not the construction, but the feasibility study.

Commissioner Jerrel: Do we have any sort of an amount that we are willing to pay? I mean, you can--

President Mourdock: For the study?

Commissioner Jerrel: Yeah, you can get studies that, you know...I mean, that's a...they may...

Lynn Ellis: Well, the funds available are \$100,000 because that is what Aztar gave. I would hope that you wouldn't spend that much, but that is the--

Commissioner Jerrel: We're not going to spend that much. Let's just put it that way. I'd like to take both of these under advisement--

President Mourdock: Sure.

Commissioner Jerrel: --until we get additional information.

President Mourdock: I think that's all we can do. It's been my experience with feasibility studies and RFP's when you hire a consultant the first thing they ask you is how much money have you got and about 80 percent of that number comes back to you as their cost for the feasibility study.

Commissioner Jerrel: You're right.

President Mourdock: I don't see that we have an easy answer here, but, again, I wanted to hear.

Commissioner Tuley: When you say feasibility, what's their vein of thought?

President Mourdock: What I understood, and Lynn you were there so correct me if you heard differently, but basically their thought was what exactly would the demand be for that type of building and how would it be used. I mean, what is it...if, in fact, there is enough usage to justify the building then what would be happening in that building? Would it be a skating rink? Would it be a basketball floor? Would it be a dance floor?

Commissioner Jerrel: How much would the additional operating cost put on the budget?

President Mourdock: Exactly, and they talked about that specific issue at great length and that's a very good point because that's one that Jerry Schmits specifically mentioned is we need to know how much it is going to cost us every month when it's sitting there.

Lynn Ellis: Right, I believe he mentioned that to Ms. Jerrel today. I have been communicating on a regular basis with Burdette and we've been talking about starting to look at activities that might get youth out there during this interim period as a way first of all to test the market and see if we could really entice youth to go out there. One suggestion was to have teenage bands perform out at the pavilion during, you know, September, October, November as long as the weather is decent and market it through the schools to see if you get, you know, high school students to come out and have the teenage bands perform. Of course, that would entail some additional security depending on the number of youth expected to attend. There was mention of dances. They used to have dances out there every weekend and there would be room in the pavilion with, you know, decent weather or in the Bishea Building.

President Mourdock: Those comments presuppose that this Board, and I am not talking just about the three members of this Board but even whatever happens in the future and whatever has been in the past ten years, it presupposes that the goal has been to have more people go out to the park and have it used more often and I'm not sure that's always been the case or is the case now. I mean, again, it comes back to the L word, you know. The leadership of how this Board wants to use the park.

Commissioner Tuley: Back to the question.

President Mourdock: Pardon?

Commissioner Tuley: Back to the question.

Commissioner Jerrel: Right.

President Mourdock: It is certainly...that park is one of the primary responsibilities, as I see it, of those of us in this job and we need to define what it is going to be and then we can decide where we are going to go.

Commissioner Tuley: That's right.

Commissioner Jerrel: Right, and I think it's...we know one thing we've all agreed on. We've agreed we want it to be clean, well maintained and available for what it is currently being used for and we haven't said too much about the deficit but it is in the neighborhood of \$700,000 and, you know, if it can't be any less than that, then I am perfectly willing to recommend that the Council continue funding that, but, again, I would be hard pressed to want to add to it.

Commissioner Tuley: Raise it up.

Commissioner Jerrel: Yeah, I be hard pressed to want to raise it higher.

Lynn Ellis: Well, it's an attempt because there has been so much discussion and some adverse reaction to the building itself that it was just an attempt to try to test and see if we could generate enough interest that, you know, if you had a building then the dances or the bands could continue year round. Without a building like that then there is a limited time period in the year that those activities could happen.

Commissioner Jerrel: We need to talk to Joe Koewler. He's had three different locations that have kind of...or at least two. This one and the east side which were for that purpose and it lasted a little while and then they move on. Kids tend to be fickle.

President Mourdock: Yeah, and the other side of that, too, that hasn't been mentioned yet is the changing school year and how that impacts it.

Commissioner Jerrel: Yeah.

President Mourdock: On the one hand it may say that we'll see less and less revenue from the pool and the things traditionally we've seen, but if we want to get better utilization of the money we've already invested in the park, then maybe that means we need to find ways to get people out there during--

Commissioner Tuley: Early school year.

President Mourdock: --early school year or late school year. I don't have an answer.

Commissioner Jerrel: Right. Well, I think we need a healthy discussion, but did we get a second on taking those two items under advisement?

Commissioner Tuley: I'm sorry, I almost fell asleep. I'll second.

Commissioner Jerrel: Okay.

President Mourdock: Oh, yes, okay. The relocation of fire hydrants--

Commissioner Jerrel: Yes and the RFP.

President Mourdock: --and the RFP we're taking under advisement. A motion and second, so I will say so ordered.

<b>Consent items</b>
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President Mourdock: The packet contains consent items and just a question. I had on my packet late this afternoon an additional one. Was this in the packet, Lynn? Is that one already in the packet I saw on Saturday?

Lynn Ellis: I don't know anything about that one.

Commissioner Tuley: Tony, I thought, brought that in and said it was a late addition.

President Mourdock: It's dated 9/22, so it must be a late addition.

Lynn Ellis: I think it's today.

President Mourdock: I would ask for the motion to include that.

Commissioner Tuley: I'll move approval of the consent items as listed on the agenda with the inclusion of this latest pink slip that came in late.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

### Scheduled meetings

President Mourdock: Scheduled meetings are attached. Again, for the record, please don't applaud, we will not have a meeting next week.

Commissioner Jerrel: Ah. Do you want it, a meeting next week?

President Mourdock: He missed it. The news item out of the whole meeting and he missed it.

Commissioner Jerrel: There will be no meeting.

President Mourdock: No meeting next Monday night.

### Old business

President Mourdock: Any items of old business this evening? Old business?

Commissioner Tuley: No.

Commissioner Jerrel: No.

### New business

President Mourdock: Any items of new business this evening?

Commissioner Tuley: Nope. Let's sign and move on.

President Mourdock: Anything?

Commissioner Jerrel: No. I can't think of anything. If there is I've forgotten it.

President Mourdock: Motion for adjournment?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:55 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Gary Tucker  
Beverly Preske  
Faye Gibson  
John Stoll  
Rick Dickinson  
Ryan Rupp  
Roy Ritzert  
Mike Shoulders  
Others unidentified  
Members of the media

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
October 6, 1997**

The Vanderburgh County Board of Commissioners met in session this 6th day of October in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening, everyone. Welcome to the October 6, 1997 meeting of the Vanderburgh County Commissioners. We have a few agenda left over on the table it appears. If you'll notice our agenda, it is extremely full tonight because last week we were not in session which is very unusual for us, but we're going to do double duty tonight. Starting at the far left, our Recording Secretary, Charlene Timmons; County Auditor, Suzanne Crouch; County Commissioner, Bettye Lou Jerrel; at my right, County Commissioner, Pat Tuley; County Attorney, Joe Harrison, Jr.; and Superintendent of County Buildings, Lynn Ellis. Join us for the Pledge of Allegiance, please. I do recognize a few unfamiliar faces in the audience tonight, so I will ask you if you wish to address the Commission, because all of our notes are taken verbatim off of cassette tape, it's important that you come to the microphone and state your name and address for the record if you wish to address us.

**Certification of Executive Session**

President Mourdock: First of all in our packets this evening...well, even before we get to our packets, we had an Executive Session this evening that began at 4:10 and was completed at 5:35 p.m. During that session there was no action taken, no votes were taken, no final decisions made and it was in regards to collective bargaining negotiations and also county personnel matters. We have summary minutes of that Executive Session which I would ask for approval.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Approval of minutes**

President Mourdock: Now to Item A, which is the approval of minutes from the last meeting of the County Commission on September 22nd.

Commissioner Jerrel: I'd like to move approval of the September 22nd minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Mike Shoulders, Veazey Parrott & Shoulders is here this evening. I have a hunch this will be a brief update.

Mike Shoulders: Very brief. I know you have long agenda. Commissioners, I'm Mike Shoulders, 528 Main Street. On the Vanderburgh Auditorium and Convention Center only one item that I have to report to you tonight. There were several bidders in this...as you know, we are out for bids on the project. We had several bidders, I think four bidders, that requested the Building Authority to extend the bid date. Their reasoning was that there is just so much going on and so much bidding they were having some difficulty getting pricing from suppliers and material men. The Building Authority took it under advisement and did, in fact, grant an extension on this bid period to go from October 14th to October 23rd. That would be a nine day extension which will require readvertising in the Evansville papers only. The bidders who had taken out plans would be notified of this change by addendum.

President Mourdock: Just procedurally to make sure that we don't fall on ourselves here, why is it only advertised in the Evansville paper?

Mike Shoulders: Well, it's only required...originally, it was only required to be advertised there anyway.

President Mourdock: Oh, okay.

Mike Shoulders: By statute the only requirement would be then, again...I think the total ads that we ran were somewhere around \$6,000, you know, in all the cities, but since it was only legally by statute required to be advertised in this community, again, all the bidders that we've rounded up, and there are two from Pennsylvania and so forth, all of those bidders will be notified directly of this change and then it will be advertised locally.

President Mourdock: We do need a motion then to have that additional advertisement.

Commissioner Jerrel: I'd like to so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Mike Shoulders: Okay.

President Mourdock: One other quick question, Mike, or I guess just a comment. It's my understanding that had we not extended the bid date at least two or maybe more of those bidders might not of come back.

Mike Shoulders: They may have dropped out of the process and I think that was the real concern. We do want to foster a very competitive bid climate and I think this action will help that.

President Mourdock: Yeah, okay. Anything else for Mike? Okay, thank you.

Mike Shoulders: Okay, thank you.

**Open bids - VC97-09-02, Old State Road sanitary sewer project**

President Mourdock: John Stoll, bids for the Old State Road sanitary sewer project.

Commissioner Tuley: He's here.

President Mourdock: With a look of bewilderment--

Commissioner Tuley: Do you just want them opened, John? I'll move at this time that the County Attorney be directed to open the bids.

Commissioner Jerrel: Second.

President Mourdock: So ordered. We will get a report on those during the County Attorney's report.

**Joe Profaizer - Award bid VC97-07, Courts network cabling**

President Mourdock: Joe Profaizer on bid VC97-07, the courts network cabling bid.

Joe Profaizer: My name is Joe Profaizer with Computer Services. As you know, we went out for bid for the courts network cabling project. It is our recommendation to award the bid to Industrial Contractors only for the fiber optic cabling, the Category 5 cabling, the removal of existing cabling and the network racks and software. The reasoning for this is we can get more competitive pricing from a state QPA from Cabletron on some other equipment and also we can save more money by going through the standard procurement procedure on some other networking items. The expenditure to Industrial Contractors would be \$98,505.

Commissioner Jerrel: I would like to move approval of Industrial Contractors in the amount of \$98,505. I'd ask for you to repeat again what is the work limited to?

Joe Profaizer: For Industrial Contractors?

Commissioner Jerrel: Yes.

Joe Profaizer: It's only for the fiber optics cabling, the Category 5 cabling, which is the cabling from the wall jacks or from the desk tops to network hubs in the closet, and also at the same time it is the recommendation from Mr. Utley we want to remove the existing cable.

Commissioner Jerrel: So they'll be installing and removing?

Joe Profaizer: Yes.

Commissioner Jerrel: Okay, I would like to add that to my motion

that it would be the removal of existing cabling and addition of the fiber optic and the Category 5.

Joe Profaizer: There are two network racks and also some software on that.

Commissioner Jerrel: Okay.

President Mourdock: Okay. Joe, did you have a question?

Joe Harrison, Jr.: Before the second, that right to reserve the county's right to go out and obtain that other materials was in the contract?

Joe Profaizer: Yes, in the bid.

Joe Harrison, Jr.: Or was in the proposed bid?

Joe Profaizer: Yes, absolutely.

Joe Harrison, Jr.: So they were well aware that was something that we might be looking at?

Joe Profaizer: Absolutely. Uh-huh.

Commissioner Tuley: Second.

President Mourdock: Okay, a motion and a second. So ordered.

Joe Profaizer: Thank you.

President Mourdock: Thank you, Joe.

**Betty Herman - Permission to advertise**

President Mourdock: County Recorder, Ms. Betty Hermann.

Betty Hermann: Thank you. Betty Hermann, Vanderburgh County Recorder. I'm here requesting permission to advertise our request for bid on behalf of the Vanderburgh County Recorder's Office to purchase an official records indexing, receipting and imaging software system and a related hardware system. Our current system that we have now as of July, 1998 will not be supported. We were notified a few months ago that the backup system was eliminated and it also isn't 2000 compatible.

Commissioner Jerrel: I would like to move approval of the County Recorder seeking bids on an indexing system and all related hardware.

Commissioner Tuley: Second.

President Mourdock: So ordered. The year 2000 won't just be another year, will it?

**Verly Booher - Area Plan Commission procedures**

President Mourdock: Okay. Verly Booher with something with Area

Planning Commission. I presume that is why Barbara is here as well.

Verly Booher: My name is Verly Booher. I'm an appraiser and I have an appraisal firm in town. I would also like to...oh, I'm at 1200 Southeast Riverside Drive. Mr. Matthews also here has indicated he wants to speak on the subject as well as me. Basically, we have several appraisers here tonight. We've talked to just about every office in town. We're pretty uniform in our problem here with this. The Area Plan Commission notified us all a few weeks back that there would not be no more notification of zones over the telephone. We would have to come down in person and get our zones by going through the maps. This is clearly the wrong direction in a time when we ought to be thinking about how we could be going on line on computers not sitting here trying to determine how to get away from Thomas Jefferson on the telephone. One of the great problems that it is going to cause down here is parking is already ridiculously scarce and you're talking about all the appraisers coming down here regularly. You're talking about the real estate people every time they want to do listing. I don't know about the title people and the attorneys and everybody else, but we're talking a lot of people who are currently getting information from every other department: the Auditor, the Assessor and everyone else, over the telephone and now we're all, you know, regardless of their good efforts we're all going to have to come down here physically. There is going to be a transfer charge...we've been trying to calculate out what it is. It has been going from a low of about \$20 per report on a transfer in real estate up to as much as \$50 by having to have someone come down here physically. It's obviously much more efficient to have somebody who is here and doesn't have to drive in each time for every piece of information. We've been told by Ms. Cunningham that there is liability problems and I'm not really sure what those are, but I know this is the only county, and I deal in probably 20 or 30 counties, that seems to feel that there is a liability problem in reporting this information. I can pick up the phone in virtually any other county in this entire area and get this information. We're talking, you know, counties that have sweet little old ladies in courthouses, you know, with card files and no backup of any kind and are able to get this information over the phone. I was also told that there has been such a call for this particular information that is what has caused the problem and I would say that in any normal business when you get a lot of demand for a certain product that's the time that you increase resources to that product not the time when you cut back. It doesn't take too long to figure out how many of these transactions that even a very conservative amount of money per transaction added is going to come up to tens of thousands of dollars to the citizens. We're just going to have parking problems that are a total nightmare and we've been doing it the other way for 25 years. It's worked up until now and we would like to have it fall back the way it was.

President Mourdock: Okay, let me ask a question if I may?

Verly Booher: Sure.

President Mourdock: You used the phrase that you could no longer

call in to "pull down your zone". Does that mean, and pardon my ignorance, but does that mean when you're appraising a piece of property you give them a property lot description and you simply want to know how it is presently owned?

Verly Booher: That's correct.

President Mourdock: Okay.

Commissioner Jerrel: Do you charge your clients for that part of the information?

Verly Booher: It's included in the standard report at this time, but, obviously, any time additional time is added which I can say I am very concerned because in the last five years I used to give one report and it probably had 12 pages. Now because of various government agencies, not, you know, any particular one, I am up to three or four copies and I am turning out, you know, 50 and 60 pages. You know, it's...the price has gone up dramatically to the consumer and these are the kinds of things that causes those increases.

Commissioner Jerrel: So the information that you get from Area Plan or other offices, that is part of what you actually bill on, so if it's information that is legal definitions then you ask...I mean, you say...what if there is a mistake?

Verly Booher: If there is a mistake we're on the line.

Commissioner Jerrel: But do you have an employee come down and get any information?

Verly Booher: Typically I do it myself. I'm sure that different offices do it in different ways. Some of the offices have partial maps that they've created. There are all kinds of different ways of operating. Basically, the bottom line Uniform Standards of Professional Appraising Practice put us 100% on the line for the information. A lot of times it is for verification as opposed to the main source, but at any rate when we do call it's, you know, from anywhere you're going to kill 30 minutes to an hour for that one piece of data.

Commissioner Jerrel: I was just trying to piece this with what happens in the Recorder's Office where the abstractors get their information.

Verly Booher: Well, I'm not really sure on what the abstractors do in terms of needing this information, but I do know that on our report alone that it is in virtually every real estate transaction. If no one else needed that information it would still add an hour of labor to virtually every real estate transaction that takes place in this county. I'm sure there are...well, I know for a fact that real estate agents in their listing where they put it in, they get this information so that every time when it is listed they are going to have to add time.

Commissioner Jerrel: Could I ask Barbara a question?

President Mourdock: Sure, as long as Barbara comes to the

microphone.

Barbara Cunningham: I'm tired.

Commissioner Jerrel: I have a question. Do all of the appraisers call you on the telephone and all the real estate people call you on the telephone for this information?

Barbara Cunningham: It has changed. I was going to wait until we heard from everybody. It has changed over. I would say it has accelerated a lot, wouldn't you, Verly, in the last year or so? We used to see a lot more of the appraisers in the office where they were looking at it. He spoke about the attorneys. The attorneys that I know that do this always come in and look at it as do most of the real estate agents come in and check the books because as he says, they're on the line for that. They don't want to have any mistake happen.

President Mourdock: Which way is it happening more and more? More and more doing the phone?

Barbara Cunningham: Like we're doing now. Fifty where we used to have just an occasion call in and now...most of the appraisers would come in. It's now up to about fifty a day--

President Mourdock: On the phone?

Barbara Cunningham: --from the different ones. On the phone and on the fax. They would send a fax in and it was not legal descriptions, it was done with...it was done mostly with addresses and we don't deal in addresses. We deal in legal descriptions. We do have in place already we have a certificate. What am I...?

Beverly Behme: Certification.

Barbara Cunningham: Certification. We do have a certification which a lot of the real estate firms have used which is in place. I have a copy of what we do with that and that's always available. It takes a little bit of time to do it, you know, a day or so. I thought I brought a copy down here, Bev. Here it is. Zoning certificate. It's a \$15 fee. We've been doing this for about ten or 12 years because it was in...and this is a copy of what you do. Because of court cases we make it specific as to the individual because we lost a court case one time when a zoning certificate was just given out carte blanche, so we make it specific as to the individual. We require a written application which includes the address, the complete legal description of the property in question and the name and address of the party requesting the information. So then when this is done there is an establishment of a written record of the zoning classification and the information that has been given out as determined by Area Plan Commission staff. So we can be certain that the address and location is correct. I mean, we have a written record and it eliminates all the guess work and all the possibility, so we do zoning certifications. We also have our books available. You know, and that's what we're trying to do is get our records up.

President Mourdock: Mr. Stevens, please.

David Matthews: Can I speak as well? My name is David Matthews. I'm a real estate appraiser here. I'm not going to reiterate the same points, but let me kind of touch on some issues. The reason I am here is to try to get money for Barbara and her office. They are understaffed. We're in a growth mode that this city has never seen before. We have every sector of the real estate market is hot right now. Apartments, industrial, commercial, office, you name it. That's why her office is flooded with all these calls. We can do two things. We can take the approach of some backwards counties, well, I'm going to show you in a minute that we're the backward county, and not serve that demand and we can make everybody spend an extra hour to come down here and do this and that's going to backlog this development process. So if you are for development you ought to make it easy for a developer in California to be able to call and find out the zoning on a property or an appraiser locally to do that. We need to move forward and not backward which is the way we're going right now. The certification issue of \$15. We can't pass that along to our clients. We have a lot of national clients that pay us \$250 to do a single family residence and we're going to say, oh, in our county we have to pay \$15 to get this. They're going to say I'm sorry we're not going to pay you anymore when we can get somebody else to do it for \$250. Fifty people per day multiples out to over \$150,000 a year in collection of fees for what we're getting for free now, so I don't quite understand this. We're taxpayers and we're trying to help the economy, but it's going to cost us \$150,000 a year to do this when they could hire an extra half person...I don't guess you can hire a half person, but you could hire a person for half time I suppose, and let that person answer those phones calls in the morning or the afternoon and probably for an expenditure of \$10,000 or \$15,000 solve this problem. The GIS system is probably four or five years away. Maybe two years, but I kind of doubt it. We have to do something in the meantime. This city is on a tremendous growth potential and we can't stop it. Let me give you what other counties do. Posey County, you can call them. Owensboro, you can call them. Henderson, you can call them. Spencer County, they'll give it to you over the phone. Gibson County has no county zoning. Perry County, they'll give it to you over the phone. Dubois County, they'll give it to you over the phone. Warrick County will not. Think about that? Are we like Warrick County? We're nowhere close to being like Warrick County. They have all kind of political problems over there that we don't have. We've got a very professional staff here in Barbara and her group and are very able...probably the most sophisticated group outside of Owensboro which does a nice job. I think we can handle this. I think she needs some more money to do it. I would say the solution is to try to give her some more money to hire a person. Let us do it by fax if you have to. Just say you won't give it unless it's a platted subdivision, so it's not a difficult issue for one of them to go look it up. It takes more time for me to go down there and ask them to come help me than it does for me to fax something to them and they fax it back. We get the same service, the fax service, from the Assessors as well. I understand why Barbara made this ruling. It's because she doesn't have enough staff to do this, but we can't wait for GIS

and we need some more money to make this system work and be more efficient or else we're going to slow down the development in this city.

Commissioner Jerrel: Could you guys not hire somebody and use them to come over here and get this material? One person for all of you?

David Matthews: I'm the only appraiser who has an office downtown. Everybody else is in a suburban area.

Commissioner Jerrel: Okay.

David Matthews: We can walk down in five minutes. That's not the issue. The issue is, is this a city service? Is this a government employee? I mean, as taxpayers we expect to get service. We pay for it and why can't we call and get the information.

Commissioner Jerrel: Help me out though. Are you not a little bit like the abstractors? You make you living through those materials?

David Matthews: This is the smallest part. We don't even charge for zoning.

Commissioner Jerrel: Oh.

David Matthews: That's such a minute item, however, that is something that is required by state law that we have to put this thing in here to abide by USPAP. That's an easy item. The difficult item is getting comparable sales which we don't have those recorded like all other states have them recorded in some states, but we don't in Indiana. That's the difficult part. Zoning assessments easy. We can get that in five minutes. We used to be able to get that in five minutes. Now it may be an hour for some of these people and if you are charging \$50 an hour are you going to be able to add that to your appraisal fee? Probably not, so it is a big problem for a small sector, but the small sector is the real estate industry in this town and we can't afford to stop the industry growth in the real estate area. So it's not going to stop it, but it will slow it down when you multiple it times 50 people a day, 50 hours a day, etc. It's going to cause a major problem. Probably more for the appraisers than any other group. I don't think we've ever been here before to argue about something that government is doing to us.

Commissioner Jerrel: Just for your information, the budget is not our function in the sense that we don't say, Barbara, you may have an employee. There is a process that they have to go through with a Job Study to ask and they have to ask at budget time which just passed.

David Matthews: She knew about this beforehand. I mean, we've been talking about this since before the budget.

Commissioner Jerrel: That was an option. She chose not to ask for an employee because they weren't granting employees, so it

would have been...I mean, that would have been something she would of had to of done and may not have gotten regardless because they were--

David Matthews: I understand that.

Commissioner Jerrel: You're looking at in the neighborhood of \$30,000 with benefits for an employee.

David Matthews: For a half-time person?

Commissioner Jerrel: You wouldn't want a half-time person to look up something as sensitive as that and give you accurate information would you?

David Matthews: Well, I assume they can be trained. It's not difficult to do. We're not talking about brain surgery here. We're talking about going to a map and saying lot three, block four, all that is zoned...here is an alternative. Let us buy copies of the zoning maps and then take our chances. We know they change. If that's a possibility I would accept that as a fall back.

President Mourdock: Okay, let me interrupt and ask why is that not a possibility? You need to come to the microphone, Barbara.

Barbara Cunningham: I need an new employee to run the maps! They would be inaccurate as soon as you all change a zoning classification or as soon as we approve a subdivision. That's why we have the maps as public records in the office because we keep them up-to-date and we make sure that they're accurate. To run that many copies you would need an employee to do that. I mean, you're talking about a lot for a lot of people. Now, when David is talking 50 coming in, it's not 50 generally different individuals that are doing that. A lot of times it's ten from one and six from this one and five from this one. You know, it's not 50 different individuals coming down. I would imagine that they would have to go down and get the Assessors records, too, and--

Commissioner Tuley: The Treasurer's.

Barbara Cunningham: --you know, and the Treasurer's records, too, the tax code and all that kind of stuff. They come in and get that information.

President Mourdock: Okay, another gentleman has a comment here, please.

David Phillips: My name is David Phillips. I'm President of Tri-State Appraisers. I'm here tonight representing roughly about 13 appraisal offices that are in this surrounding area. I realize that we have a problem and I can appreciate Barbara's position from the standpoint of having to field so many calls within a day. I think there is probably a solution to this problem. One that we might not all agree is the easiest in the world, but David had made mention earlier that at different times or one of his staff had been mentioned earlier that they would at the beginning of the day fax down five or six or seven

addresses and I guess legal descriptions with them where they needed zoning. Is that not what you said you were doing? They would eventually fax those back to you at a specific time.

Barbara Cunningham: We wouldn't fax.

Beverly Behme: We call.

David Phillips: They would call them back to you? Okay.

Beverly Behme: We won't put them on paper.

David Phillips: Okay. If a system like this could be arranged I think that it would temporarily satisfy us. David is right. We are a very rapidly growing community here. We're going to have to do something to come up with a more permanent solution to the problem as far as access to this information is concerned. Unfortunately, parking is a problem. Time is of utmost importance as far as we, the appraisers, are concerned. Yes, we do charge for the work that we do and the zoning happens to be a requirement on many of the appraisals that we have to turn out. I have more than once made several trips around this courthouse trying to get into a parking place and I have on many times parked out in the boonies back here trying to get close enough to the courthouse on a rainy day to come down here to pull a field sheet or get a deed or check zoning. There is going to have to be a solution and one made very quickly because the demand...like I said, we've got 13 offices here who asked me to come down tonight and ask for your help in coming up with a solution to this.

Commissioner Jerrel: Your options, you want us to hire an employee?

David Phillips: I didn't say that.

Commissioner Jerrel: Well, no I meant wasn't that one of them?

David Phillips: I'm going to throw that...I think at this point it is something that you, as the Commissioners, need to realize that this problem does exist. A solution needs to be addressed on this.

President Mourdock: Was your first comment, Mr. Phillips, I wasn't quite clear. You said if in the morning people called in or faxed in what they needed--

David Phillips: Right, would it be possible to...rather than hiring a person, buying a fax machine.

Commissioner Tuley: They have a fax.

Barbara Cunningham: We have a fax machine.

President Mourdock: Yeah, that's what I thought. Is that not what the past practice has been?

Barbara Cunningham: That's what they were doing when I sent the letter. Then they would call back to see if we had looked it up

yet. You've been in there and know sometimes how busy we are. We did not have time to even, you know, get near it much less do all the other things we're--

President Mourdock: Okay.

David Phillips: Part of the problem that we had was we had called, I think, on two separate occasions to check and more or less reconfirm zoning on properties that we were looking at or doing appraisal work on and we were told we'll have someone call you back. Now three days later we had not gotten a call back. That was on two separate properties. That's where we were having a problem.

Barbara Cunningham: That's why the books are available.

David Phillips: Right.

President Mourdock: Alright, well, thank you Mr. Phillips. Anyone else wishing to speak on this issue although I think we've got a picture of it? Any other comments.

Commissioner Tuley: I was faced with a similar problem when I was County Treasurer with the realtors calling in, calling in and calling in. It got, particularly during tax season, where we couldn't do it. I mean, we just flat said we couldn't do it and we have inside our...well, I'm talking "our" like I am still the Treasurer, but inside the office there was, and I assume there still is, the books along the wall and that is eventually what it got to. People came in. In fact, I think part of the training for new realtors and I see one sitting here, not a new one necessarily, but was to bring groups of people down just to show them where the books were, how you read them and how you found the information. Now occasionally we would if it was almost an emergency situation we would provide that information. I guess what I am afraid of, yes, you have the responsibility to your client, but you get information and provide it to your client and it is incorrect and you get sued, I'm not going to sit here and believe for one second that you're not going to be looking for somebody in this building to come after next if it got the wrong information.

David Phillips: I don't think from the standpoint as far as the general--

President Mourdock: You need to come to the microphone if you are going to speak, please.

David Phillips: I don't think from the standpoint as far as the general appraiser population that is too much of a problem. Like I said, in most cases all we are doing is confirming information we already have.

Commissioner Tuley: I missed that.

David Phillips: Quite often...the zoning situation in this city has been one that is often a little bizarre in the fact that you'll have property that will run for three or four blocks, and we're all aware of that and we're just basically wanting to

confirm this information in our minds from that standpoint. It's when Barbara calls and says, no that isn't zoned R-2, it's zoned C-4 that little flags start going up and we start having to stop and take a second look.

Commissioner Tuley: What do you do at that point? I mean, do you go back and check your records and see if they are correct?

David Phillips: We go back and check our records and try to find out what has taken place and then it generally does mean a trip down here. But it is basically confirming the information that we're already pretty well aware of. I mean, we know within a certain hundred block on Bryan Road in North Park that the area is zoned R-1. But it's confirming that information and verifying it from our standpoint that we work with it.

President Mourdock: Okay. Alright, thank you.

Commissioner Tuley: I have a question for Barbara.

President Mourdock: Okay.

Commissioner Tuley: Barbara, what are your staffing numbers right now and how long have they been there?

President Mourdock: You need to come to the microphone, Barbara.

Barbara Cunningham: My staffing numbers, yeah.

Commissioner Tuley: Let me ask you a better question then. When is the last time you had another employee added?

Barbara Cunningham: I had another employee added 14 years ago maybe. Since then you've given me a few things to do. I think I got a draftsman 14 years ago.

David Matthews: I'm on your side here! One quick comment, the assessment has changed, the taxes. We now get a CD Rom. That problem was solved.

Commissioner Tuley: Okay.

David Matthews: That works great for our purposes.

Commissioner Tuley: That's right.

David Matthews: It's made public information and that's what we would like to have too.

President Mourdock: Okay, well, this issue at least to this Commissioner this is the first time I am hearing of it and I hope you didn't come in expecting us to make some quick decision this evening. Obviously, it's been a program or problem that has been going on for a while. We are very conscious of the fact that everybody needs good information to deal with. I hope that you are equally conscious of two things. Number one, we are not the budget area of the county as Bettye Lou explained and secondly, even if we were all the budget stuff is very tight. Barbara, I guess we would look to you to kind of take

this under advisement at the moment and come back to us with any suggestions you might have that might start to come this way.

Barbara Cunningham: I have two suggestions. I have the suggestion that I am not able to do it at the thing that it is now or I have to give up doing subdivisions or give up the floodplain, or you know, give up some of those things that I am required by law to do. I'm required...I'm really anxious to get us a new county map done. I've been trying to work on that and I have been trying to work on a new subdivision ordinance and I've been trying to work on getting the books up-to-date. You know, we need to do all that. So I would think that the books are there and we're trying to get them up-to-date and we're available to help them when they come in. I think perhaps the suggestion Ms. Jerrel made that we talked about too, was that if they could get a central figure perhaps in David's office of something like that where everybody could call in or fax to that individual and they could come down and do. We're always available to assist when they come in, but I just don't feel comfortable when I hear secretary telling another secretary what this could be, but with what you've given me I'm not sure if this is right. Then I'm thinking the other one on the other line is probably not taking down I'm not sure this is right and we're in court now with floodplain information. We do get sued on things like this.

David Phillips: Not on zoning.

Barbara Cunningham: Well, this is floodplain information. We're in court on that where the person pointed to the map wrong and said that they were out of the floodplain and the Building Commissioner did catch the information and sent a letter, but they said they already had their permit so now they're suing us. I mean, just crazy stuff like that.

Commissioner Jerrel: I'm going to recommend that Barbara take this week and keep a log for us.

Barbara Cunningham: Well, they're not doing this now. You know, we're not doing the telephone calls now, so that would not do it.

Commissioner Jerrel: Well, you keep a log of who comes in. You'll know the traffic.

Barbara Cunningham: I don't have--

Commissioner Jerrel: It would help us know.

Barbara Cunningham: If you ask me to. I'll have everybody sign in. You don't know how many at times. That would be almost impossible to really keep.

Commissioner Tuley: I'm going to ask this for the record. David, and I had forgotten about, David, the CD Rom. Who is providing that to you?

David Matthews: We pay \$102...?

Unidentified: It's \$150.

David Matthews: It's \$150 to the Treasurer.

Commissioner Tuley: To the Treasurer?

David Matthews: It's money well spent.

Commissioner Tuley: What all is on that?

David Matthews: It has addresses, the legal description, the name, the assessment, but not the taxes.

Unidentified: It does have the taxes.

David Matthews: Oh, it has the taxes, I'm sorry. I'd be glad to pay Barbara \$150 a year.

Commissioner Tuley: I was wondering if we could add that to that information? That zoning? I wonder if that's a possibility.

Barbara Cunningham: It changes though.

Commissioner Tuley: No, that's a question.

David Matthews: Oh, that's neat. I like that.

Commissioner Tuley: It's a question. It's not an answer, it's a question.

David Phillips: Because I am involved in this I might be able to help you a little bit. We're in the process right now--

President Mourdock: For the record, this is Mr. Phillips again.

David Phillips: We're in the process right now of getting the flood maps for actually 24 counties in Indiana, Southern Indiana, converted over to CD Rom. We hope to have the first disks in the mail to us by the end of October. This will cover Vanderburgh, Warrick, Posey County and the other surrounding counties around us. Yes, it is very possible and there are companies out here that can do this from the standpoint as far as the maps. It basically involves taking the maps as they are and they do virtual color photocopies as far as the maps and then digitizes them down to CD Rom. It would be very possible to do that as far as the maps are concerned.

Commissioner Tuley: Lynn, I don't know who produces it for the Treasurer's information and the Assessor's information, but it seems like initially there may be some work there, but once it's done the zonings we know when they are. They are the third Monday. If there is a change made that night it seems like someone could go into the computer and change that information. I'm just throwing this on the table for something to look at.

President Mourdock: Well, someone at the microphone mentioned the GIS ultimately. Ultimately, that will be the answer, but I'm not going to try to put the date on ultimately either.

David Matthews: I think we probably could hash it out. I know you're not the right group, but we wanted our day in court, so to speak. Or at least our day before public officials and this is the first meeting we could get to.

President Mourdock: Alright.

David Matthews: We could of had 50 more people here had I of known before 2:00 this afternoon we were going to be doing this. I appreciate the opportunity and I would just like to work with Barbara and maybe be able to buy a copy of those zoning maps and take it upon myself to make sure I do the updates.

President Mourdock: Okay, well, I'll leave that for you.

David Matthews: As long as you all don't have a problem with it.

Beverly Behme: Beverly Behme, Area Plan Commission. There is actually two sets of zoning maps. There is a set within the city limits and there is a county set. There is only one set of zoning maps that are up-to-date. These maps are the big maps that you see when you come into the office that have every street, every subdivision and I'm not going to say every address because we don't have every address. Those are color coded by zoning. We have a chart that shows the color code and what each color code means in relation to R-1, R-2 and etc. We have one set and we have actually had to pick up those sets and take them to court as just...I mean, we're talking a great big map here that is 3x5. There is only one set. Now if the technology increases to where they can photograph it and digitize it which we're trying to do with our master map right now, but that's the problem. There is no map to purchase. There is one master and that's all and that's the original zoning maps that you have and there just isn't anything to purchase. If there was we would be glad to put packets together. There isn't anything to purchase.

President Mourdock: If someone pulled up in front of this building tonight with a rented U-Haul truck--

Beverly Behme: And stole them?

President Mourdock: No, and blew up the building there is no replacement for those maps?

Beverly Behme: There is no replacement. This is it.

David Matthews: Call me, I have a set.

Barbara Cunningham: They're obsolete.

David Matthews: I know, but my point is--

Beverly Behme: You made the set.

David Matthews: No, I got them because I helped out the Assessor at one point trying to give him some data and stuff so in return I got a copy of them a number of years ago.

Beverly Behme: Of our maps?

David Matthews: Of your maps. They're reduced and they're usable.

Commissioner Tuley: Someone did steal them!

David Matthews: But here is the problem. I know they have a date on them when they were done. It's my responsibility after that date to make sure they are updated, but it's a whole lot better. The North Park issue, that's not going to change.

President Mourdock: Right.

David Matthews: I mean, you don't change but maybe one or two percent of the land mass every year. It would help us to know 95% of the data is still correct. I'm just trying to find out some way to do this.

President Mourdock: Okay, well--

Commissioner Jerrel: If there could be...excuse me. Well, I was just trying to think. If there were some kind of disclaimer. If there is a map some place it would have to have a disclaimer that this is, you know, current only as of this moment in time.

David Matthews: Published January 1, 1998.

Commissioner Jerrel: Right, so that it would be...you would be protected and certainly we wouldn't want--

President Mourdock: Certainly whoever picks up the map whenever that is done signs a receipt basically saying that.

Barbara Cunningham: (Inaudible, away from mike) not only the base map, but Brenda is putting everything into the one Cad machine now, so we can get this all on Cad eventually and we're working towards that but we don't have that done yet and we won't have that done for a period of time. It will take us a period of time to do it, but we need the time to work towards this.

President Mourdock: Okay, well, realizing that your day in court has gotten lengthy here and we may not be the perfect body to hear this, it sounds like at least we have started some discussion that might lead to something a little bit more beneficial. That may be as good as we get this evening.

David Matthews: Thank you much.

President Mourdock: Okay, thank you.

Commissioner Jerrel: Thank you all for coming.

**Mike Robling - Grant for flood mitigation**

President Mourdock: The next item in our packet, I don't see Mike Robling or anyone from DMD here, but there is information in your packet regarding the acceptance for a grant for flood mitigation that came back through IDEM, I believe. Lynn, do you have the original? I don't see it. I know it's in the

signature file, the contract from Robling on flood mitigation?

Commissioner Tuley: If there are copies of it I didn't see it in here.

President Mourdock: For the record, this is with the Indiana Housing Finance Authority. Let me just read the first paragraph here:

"We are pleased to inform you that the Indiana Housing Finance Authority Board of Directors has approved an award in the amount of \$610,000 from the Housing Development Fund Community Development Block Grant for Vanderburgh County."

Commissioner Jerrel: You want a motion to accept that money? I'll be more than happy to move that we accept that \$110,000.

Commissioner Tuley: It's \$610,000.

Commissioner Jerrel: Oh, \$610,000. Mercy, I even like that better.

Commissioner Tuley: Six times as happy. I'll second.

President Mourdock: So ordered. If you would, please pass that back to Lynn so we get it back in the original file.

### **Sam Elder - Approval of Xerox lease agreement**

President Mourdock: From the Board of Health, Sam Elder, we have a lease agreement for a Xerox machine which we need to act to sign.

Commissioner Jerrel: While that is being passed, may I add something to Mr. Mike Robling?

President Mourdock: Sure.

Commissioner Jerrel: I would like to make it part of the minutes that he be reminded and we see an encumbrance for the Daylight Sewer this next month.

President Mourdock: Okay. Lynn, probably the easiest way to do that is draft a letter up from this group and we'll get it down to him.

Commissioner Jerrel: Right.

President Mourdock: Good point. Now then, back to the Xerox lease agreement of which there is a contract copy in your packets.

Commissioner Jerrel: I would like to move approval of the Xerox lease. I have been working with Mr. Elder several days this week. This is a new opportunity that Xerox offers to government offices and the current cost for the one that we purchased was pretty enormous.

President Mourdock: Yeah.

Commissioner Jerrel: I'd like to move approval of this lease.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: One other question before you leave this. They do have their old Xerox machine in the hall and so--

Suzanne Crouch: Does it work?

Commissioner Jerrel: It works.

Suzanne Crouch: We need a copier.

Commissioner Jerrel: Well, do you want to go down there and look at it, but we need to make a decision whether we want to declare it surplus, sell it, give it to someone that needs it or whatever.

Lynn Ellis: The surplus sale is this Saturday.

Commissioner Jerrel: Yeah, but this couldn't be included in that. It's not appropriate to move it out there. I mean, it would not be healthy for it to be moved.

Joe Harrison, Jr.: It's probably worth less than \$1,000 anyway.

Commissioner Jerrel: So at any rate--

Joe Harrison, Jr.: So we wouldn't have to go through that, but we would have to declare it surplus or we can give it to some other department. They ought to figure out what the lease terms would be if they, in fact, ...it may be too costly.

Commissioner Jerrel: But it isn't leased.

President Mourdock: Yeah, we had to buy it.

Joe Harrison, Jr.: No, I mean you're going to have to buy a service...some sort of service agreement.

Commissioner Jerrel: Yeah, right.

President Mourdock: Lynn, would you make a note then and report back to us on the status and value of that? Also an estimate as to what the maintenance agreement would be.

**Lynn Ellis - Approve letting bids for removal of underground tank at Auditorium**

President Mourdock: Okay, the next item in our packet regards the removal of an underground storage tank at Burdette Park...I'm sorry, it's the Vanderburgh County Auditorium. We do not need to advertise this I'm told because it's a professional services type of agreement. A pre-bid conference has been scheduled for October 14, 1997 and the bid opening is scheduled for October 27th.

Commissioner Jerrel: How did you arrive at the...are there just certain companies that do this?

Lynn Ellis: Invitations will be mailed out by our consultants to the companies known to do the work.

President Mourdock: It's the advertising of the bid that's not required, it's not would we bid it.

Commissioner Jerrel: I know, but I said who knows to come?

President Mourdock: Oh, I see.

Commissioner Jerrel: You don't advertise it. Who gets to come? That's all I am asking.

Lynn Ellis: Mr. Mourdock had a question of whether we could add Burdette to this bid. If we had more time, yes.

President Mourdock: Yeah, I thought about it otherwise and I think that probably wouldn't work anyway just from the nature of that tank versus this one. That was a passing thought on a Saturday morning. Do you...Bettye Lou, coming back to your comment on the advertising. Would we have any delay if we did advertise it since the pre-bid conference is scheduled?

Commissioner Jerrel: Oh, I don't care...I'm not saying that you need to advertise, but I just wanted to know how do you find the people that you invite to the pre-bid?

President Mourdock: Yeah. The group that has been handling this is Rick Rexing's company, whatever it is, Environmental Consultants or something, so I am sure they have a good list.

Lynn Ellis: They have a bid list that they typically work with and they'll send a notice to all their bidders.

Commissioner Tuley: Do you need a motion to approve?

President Mourdock: We need a motion.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Sheriff's Department - Surplus vehicles**

President Mourdock: Surplus vehicles from the Sheriff's Department.

Commissioner Jerrel: I'd like to move approval that these four vehicles be declared...no, there is more than four. No, there is only four. Four vehicles be declared surplus.

Commissioner Tuley: That's a kind word. I'll second. It's a kind word from reading the descriptions.

President Mourdock: Oh. A motion and a second and I'll say so ordered.

Commissioner Jerrel: The titles are here so they need to be--

Charlene Timmons: Signed.

Commissioner Jerrel: Yeah.

President Mourdock: Do we sign those before they are actually conveyed to some other party? I guess in doing the auction we do it directly to them.

Commissioner Jerrel: These are the strangest looking titles I have ever seen. There is very little description on it. Okay, do we sign them first? Do we sign them first?

President Mourdock: I guess. Are we signing them over to the auction company?

Commissioner Jerrel: I think you have to sign them because it is just like a dealer. He can't sell anything unless he's got the dealers authorization in place.

Joe Harrison, Jr.: Right.

Commissioner Jerrel: So you need to sign them and then whoever gets them will be eligible to take them and license them.

President Mourdock: We had a motion and a second, so they'll go in our signature file.

**Lynn Ellis - Execute contract with Lang Brothers Construction Inc.**

President Mourdock: The next item is to operate...or I'm sorry, to execute a contract for the replacement of some roofs at Burdette Park using money from this year's budget of the park. Again, you've got the information on that in your packet. We talked about that two weeks ago.

Commissioner Tuley: Right.

Commissioner Jerrel: I would like to move approval of this and I am assuming that the money has been...is it your money? Okay. I'd like to move approval of the contracts for the roof replacement at Burdette.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**County Treasurer - Execute contract with Brinks, Inc.**

President Mourdock: The County Treasurer has included a copy of a contract for us to execute that would be between Vanderburgh County and Brinks, Incorporated for services provided to the County Treasurer's Office.

Commissioner Tuley: And the Clerk.

Commissioner Jerrel: I would like to move approval of the--

President Mourdock: And the Clerk's Office, thank you.

Commissioner Jerrel: --Brinks contract with Vanderburgh County.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual in the audience wishing to address the Commission who doesn't have their issue listed? Waiting on John, waiting on Joe. Okay.

**John Stoll - County Engineer**

President Mourdock: County Engineer's report. John Stoll. You're not going to get away that easily, John.

John Stoll: First I would like to get authorization to sign off on the appraisals for Phase 2 of the Burkhardt Road project. There are three parcels and the total on those three appraisals is \$50,610. These are all parcels along Oak Grove Road. There are two on the west side of Oak Grove...west side of Burkhardt, south side of Oak Grove and there is one on the south side of Oak Grove on the east side of Burkhardt. The property owners names are Underwood, Brinker and Hirsch.

Commissioner Tuley: You're wanting authorization to do what, John, I'm sorry?

John Stoll: To sign off on the appraisals so that the consultant could proceed with making the offers to purchase the right-of-way.

Commissioner Jerrel: Just out of curiosity, isn't that high? Or is it? I mean, I'm not really familiar enough with...I don't know. These are the properties that should have been or haven't or were previously contacted or this is our first time?

John Stoll: This is the first time.

Commissioner Jerrel: Okay. Is that typical to spend over \$50,000 for?

President Mourdock: How much real estate are we talking about?

Commissioner Tuley: B doesn't just stand for Burkhardt. It stands for big bucks!

President Mourdock: I think Burkhardt is a German word that means money!

John Stoll: The Brinker property is approximately .1 acre.

Commissioner Tuley: How much?

Commissioner Jerrel: It's .1 acre. What was the appraisal on that one?

John Stoll: It's \$20,160.

Commissioner Jerrel: For appraising one-tenth of an acre?

Joe Harrison, Jr.: No, that's the--

John Stoll: No, this is the purchase.

Commissioner Jerrel: The value, oh, okay. Well, I asked you what was the appraisal cost.

John Stoll: Oh, I don't have that with me. That was--

Commissioner Jerrel: It's a minimal amount wasn't it? Okay, that's why. Well, go on with what you're saying. One-tenth of an acre, \$20,106. I want to know that, too.

Andy Easley: The acquisition costs.

Commissioner Jerrel: Yes, I want to know that, also.

John Stoll: Right. I don't have the actual appraisal cost. That was in the agreement that was signed off on a few weeks ago.

Commissioner Jerrel: Okay, but what is the Underwood?

John Stoll: Underwood is \$10,325.

President Mourdock: Should be about .05 acres.

Commissioner Tuley: Better be.

Commissioner Jerrel: Is that .05 acres?

John Stoll: It's .044. The Hirsch is \$20,125 for .21 acres.

President Mourdock: That's about right.

Commissioner Jerrel: We aren't going to build Burkhardt unless we get it are we?

John Stoll: Correct.

Commissioner Jerrel: Alright, I am going to move approval.

Commissioner Tuley: I'm not an appraisor, but I'll second.

President Mourdock: So ordered.

John Stoll: Next, also on Phase 2 of the Burkhardt project, we need to submit a letter to IDEM on a Notice of Construction Activity. We also need to publish a legal ad notifying that this construction will take place. I am requesting that this be approved.

Commissioner Jerrel: I would like to move approval of those advertisements and letters.

Commissioner Tuley: Second.

President Mourdock: So ordered. Can we just give this to Lynn, John, or do you need this now?

John Stoll: I just need some signatures on it.

President Mourdock: I was going to wait and save it until the end.

John Stoll: That's fine. Next, I would like to recommend that Castle Brook Road, Old Dominion Road and Indian Lake Drive in Sycamore Hills Subdivision be accepted. This is .34 miles of Castle Brook Road, .10 miles of Old Dominion Road and .16 miles of Indian Lake Drive. These streets have finally been completed. They were all patched and we had an inspector present while the patching occurred and then the final inch of asphalt surface was finally placed and they have been completed satisfactorily.

Commissioner Jerrel: I would like to move approval. Is it Castleton?

Commissioner Tuley: Castle Brook.

Commissioner Jerrel: Castle Brook, Old Dominion and Indian Lake Drive.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item, I received a request from Crane Construction who is the contractor on the Westwood Hills Barrett Law project. They are requesting a three week extension on the project due to...first of all, we had an extra week involved before the contract award was made because of an issue regarding the performance bond fees. They had figured that in their bid improperly. The second reason they are requesting it is due to days they've lost because of poor weather conditions and the third reason is because of extra work that has been seen in the contract. Based on what Tom Goodman, the county's Inspector, has said that this is a legitimate request and it is recommended that it be approved.

President Mourdock: Who is the contractor, I'm sorry?

John Stoll: Crane Construction & Excavating.

Commissioner Jerrel: When was the work...when was this bad weather that delayed this?

John Stoll: I don't have the exact number of days with me.

Commissioner Jerrel: Okay.

John Stoll: If you would like we can take action on that next week and I'll get you the specific number of days.

Commissioner Tuley: Is it really going to make any difference?

Commissioner Jerrel: No, it won't make any difference. I'm just trying to figure out--

John Stoll: There has not been that many.

Commissioner Jerrel: This has been a wonderful--

Commissioner Tuley: Pretty dry.

Commissioner Jerrel: --building season.

John Stoll: Right.

Commissioner Jerrel: So I can't...for someone to claim the weather as a delay reason is--

John Stoll: There were a few days, but nothing...I mean, the most of the three weeks is not weather related. It's mainly the first week is the delay in the award. That was one of the biggest problems. There have been hit and miss days when they haven't been able to do work because of rain, but there have not been many. It is just that I do not have that number with me.

Commissioner Jerrel: Do you think that's a reasonable request?

John Stoll: Yes.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all I've got.

President Mourdock: Okay, anything for John? Very good. Thanks, John.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, are we at the point the one that was taken under advisement earlier, do you have a report on that?

Joe Harrison, Jr.: Yes, on the Old State Road sewer Barrett Law project there were three bids submitted to the county. It's VC97-09-02, Old State Road sanitary sewer project.

1. B.M.B. Inc. of Evansville, Indiana  
\$119,985.00
2. Peyronnin Construction Company of Evansville, Indiana  
\$135,530.55
3. Deig Bros. Lumber & Construction of Evansville, Indiana

\$219,847.30

Those are the three and I would ask that--

Andy Easley: What was that last one?

Joe Harrison, Jr.: It was \$219,847.30. If we could take those under advisement.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Joe as long as you have the microphone is there anything else to report?

Joe Harrison, Jr.: Okay, a couple of other items. Oh, I'm sorry. Mr. Easley.

Andy Easley: On the...I'm the design engineer for the Old State sewer and I found out last Thursday that there was some restrictions on that. The contractor would not be paid until 60 days after project acceptance on the Old State sewer. I heard that they were going to have to provide an item in their bid, they're going to put it into their numbers for construction interest. The bids are substantially higher than I had expected. I had a conversation earlier with Ms. Crouch about is there any possibility of the County Commissioners providing some construction money once this project has the go ahead that the contractor could be paid on a monthly basis. Granted, this project shouldn't take over 60 days, but if the cleanup gets caught in an early bad weather and he can't grade it or seed it until April and the one cover sheet said that they had until April 30th to complete it. That implied that it might not be...that it wouldn't be completed until April 30th and then they had 60 days after that and would take you April, May...no, no. May and June.

President Mourdock: June 1st.

Andy Easley: You might not get paid until the first of July. I think I heard a comment that there was going to be a considerable amount of money put in there for construction interest and it looks to me like that to help the citizens if the project could borrow some money, either through Old National Bank or from the Auditor or the Treasurer at whatever the Treasurer is getting from Old National or Citizens, maybe we could get some construction money for five percent and then pay it back when the bonds are sold. It's just a suggestion because we have another project waiting in the wings and we are going to have more of these, gentlemen. Ladies and gentlemen. It would be in the best interest of the citizens if we could work something out. We're not asking for any free money, but it might help get that. I know one bidder who said he wasn't going to go out and arrange construction financing. He wasn't going to bid it. So now we have ended it with some bids that are much higher than we had planned on.

President Mourdock: Thoughts?

Suzanne Crouch: I did have a conversation with Mr. Easley and then I believe Mr. Harrison also had a conversation with Mr. Easley. I had mentioned that loans can be made on a short-term basis, but what I failed to mention to you is that loans can only be made from one fund to another, so the General Fund could loan money to another fund. I don't know if the State Board of Tax Commissioners make provisions for county governments to loan money to private individuals and private entities. I also had indicated that in two of our financing that there were some short-term interim notes that were provided. One was in Burkhardt by the developer. He provided that short-term financing and then the other was with Azteca when the county arranged for that bond anticipation note in anticipation of the bonds.

Commissioner Jerrel: We didn't do it though, Azteca.

Suzanne Crouch: The county didn't do it.

Commissioner Jerrel: No, we didn't do it. We didn't use it.

Suzanne Crouch: Okay, but that arrangement was--

Commissioner Jerrel: It had been talked about, but we didn't do it.

Suzanne Crouch: So, Mr. Harrison?

Joe Harrison, Jr.: I mean, the bottom line is really, no. The Barrett Law...if the bonds are going to be financed or purchased from the local banks who are participating just like in the Westwood Hills. The same provision for the Westwood Hills project, the 60 day provision, was in that contract as well and the same provision is in this contract. You know, it's possible that the three local banks that are going to buy the bonds may be willing to loan some money up front, but I don't think that's likely. There would be interest charged, obviously, on that loan and who knows how many thousands of dollars that would be. The bottom line is that I think that...what was the estimate on what the cost would be? Was it \$115,000?

Unidentified: Overall, yes.

Andy Easley: Now wait a minute.

Joe Harrison, Jr.: I think it was \$115,000.

Andy Easley: Did you give him the engineer's estimate? John has got that.

Joe Harrison, Jr.: What was in the documents? The resolutions? Was it \$115,000? Pardon me?

John Stoll: I believe it was \$115,000.

Joe Harrison, Jr.: Yeah, that's \$4,000 off of that amount. Obviously, the one that is \$219,000 is a little higher.

Andy Easley: You can open that.

President Mourdock: Is the requirement for the 60 days after completion, is that part of the Barrett Law?

Joe Harrison, Jr.: No, the Barrett Law says that--

President Mourdock: Let me go the other direction.

Andy Easley: I think the Barrett Law says monthly payments.

Joe Harrison, Jr.: No, it doesn't. The contractor can't be paid until the bonds are purchased. That's in the Barrett Law. The bonds can't be purchased until the project is done, until the financing is in place. So this is the thing you've got to remember. There are a number of people out there that are not going to want to finance...that's not the law, that's just a summary.

Andy Easley: I know that's the summary. That's incorrect?

Joe Harrison, Jr.: Yeah, I think it is.

Andy Easley: Well, okay.

Joe Harrison, Jr.: The bottom line is that there are a number of people--

Commissioner Tuley: This says \$120,000.

Andy Easley: Huh?

Commissioner Tuley: That says \$120,000.

Joe Harrison, Jr.: Oh, okay.

Andy Easley: That says \$120,000 and that was a guesstimate. I don't know how I got so darn close.

President Mourdock: Fifteen dollars, that's pretty good.

Joe Harrison, Jr.: You're brilliant!

Andy Easley: Seriously, I did not know what any bids were. I said, well, golly, it sounds like I better up my estimate if you guys are cranking those numbers in there.

Commissioner Jerrel: Pretty good.

President Mourdock: Really.

Commissioner Tuley: The bid came in \$15 lower.

Joe Harrison, Jr.: But anyway, the bottom line is that the financing of it relates to those individuals who do not choose to pay their proportionate share up front. So there are going to be a number of people who do not want to have their portion financed. They are going to pay their portion up front, so once the project is over those people have 30 days within which to pay their fair share of the amount. The others, then, will go through the financing process. Then after that the bonds will

be purchased by the banks, the contractor will be paid and that's the way it has to be. I mean, that's the way it was with Westwood Hills and that's the way it will be with this one and that's the way it has got to be with other ones.

Andy Easley: If we could find a willing bank to loan money...the county is the contracting agency. I mean, the county is the contracting agency. If we could get a fund that you could use and John Stoll could sign off on a progress payment and make two or three progress payments at the end of the month and then if he has to sit around and wait until May to clean it up so what? He is not financing too much grass seed and too much labor. I just think it would result in...would you, if we would have input and decide that we would suggest between John Stoll and I and the people on Old State Road that we would like to have the bids rejected and try it with the...I mean, to try to get a lower price.

Joe Harrison, Jr.: Well, this body is going to make that determination.

Andy Easley: I understand. We're saying we might request because the homeowners are paying for it. The County Commissioners aren't.

President Mourdock: At this point I think the only thing that is prudent to do is two things. Number one, take the bids that we just received under advisement. Number two, before reporting back to us, Joe, see if there is any option available to us. I mean, this Board, both previously and in its current makeup, has tried to work with people on the Barrett Law issues to make these things happen. We want it to happen as quickly as we can and if there is some way to do that that's going to either bring the cost down or determine whether it is going to be done in the near-term or long-term, we would rather do it in the near-term. So, Joe, perhaps when you report back to us next week you can give us some other option if there is one and in the meantime talk to Andy and also talk to the County Engineer.

Andy Easley: Thank you.

President Mourdock: Okay, thank you. Joe, anything else from your report then?

Joe Harrison, Jr.: Yeah, let me see here. We've got...I've got a draft...not a draft, but a final copy of the ordinance concerning the use of county funds for the payment of membership dues which has come up several times in the past and if this body is inclined to do so and would like for this matter or this particular ordinance, proposed ordinance, to be advertised and considered by the body that's fine. You may want to take it under advisement or you may want to act on it this evening. I've made a couple of changes to the last draft that was submitted to you all and I spoke with counsel for the County Council concerning the same. It appears to be in line for the consideration by this body whenever you all so choose.

President Mourdock: Did you get a copy, Pat?

Commissioner Tuley: I did.

President Mourdock: Again, this is something, I guess then, that we don't need to act on or cannot act on tonight, but will take under consideration.

Joe Harrison, Jr.: Take under consideration. If you want it to be advertised then next month or at some point down the road, I would have you all consider that and then it could be published in the paper and then considered thereafter.

Commissioner Jerrel: This has been needed and I am appreciative of this. It's been unclear when budgets have been planned and this will straighten it. I would like to move that we take this under advisement at this time and vote on it maybe next week.

Commissioner Tuley: Second your motion.

President Mourdock: So ordered.

Joe Harrison, Jr.: I think that's it. Thanks.

President Mourdock: Okay, as long as we're speaking of ordinances let me put one back to you. Joe has given me previously, and I don't know that either Pat or Bettye Lou have gotten the most recent copy of the ozone ordinance, but you also forwarded to me and I have given to Lynn the copy of the comments that came back from the state hearings. The state, you'll recall, is trying to include our local proposed ordinance in the state implementation plan, so as such they had to have hearings on what was presented. We've gotten that testimony back. I've looked through it. I've given it back to Lynn and she will give each of you copies of it in the next day or so. The whole ozone ordinance process has been a long one, but we didn't want to do anything. It's one of those that has got a lot of things and until you get it all together you've got nothing. We've now approved through the county's budget the funding for an ozone officer for next year. We've had the state do the hearings it needed and generally accept what we've done. Now I think is the time where we need to begin to act to truly formalize that ordinance. I would very much like to vote on that before this month is out.

Joe Harrison, Jr.: I don't think we can. In fact, I know we can't until after November 5th.

President Mourdock: Why?

Joe Harrison, Jr.: The Indiana Air Pollution Control Board is having a hearing at 11:30 a.m., I guess in the City Council Chambers, regarding all the comments.

President Mourdock: Okay.

Joe Harrison, Jr.: It's going to be at 11:30 on Wednesday, November 5th, and hopefully many of you can attend that meeting. Hopefully, thereafter. Now, I have sent them the same draft that I sent to you, Richard, with penalty provisions in it and time frames when the ordinance would take effect in this county. The city hasn't, as far as I know, has not done that. Those issues will probably be discussed at that meeting. Thereafter,

I would think that this body could consider it. I don't know about the following Monday, but soon thereafter that. Also, I anticipate making a few other revisions to the draft that I'll circulate and send to them before November 5th. There are just some cleanup measures that need to be taken care of in the ordinance, but, hopefully, right after that public hearing which is what they're going to have here. I think their regular Indiana Pollution Control Board meeting is going to also take place at that same meeting.

President Mourdock: Okay. Well, any doubt of the importance of it, I don't know if you saw, but even as recently as last Friday all the very, very, very strict rules have been proposed to the Federal EPA that everyone said, well, that's not going to happen. All those rules, they tried to vote them down in Congress last Friday and, in fact, they were unable to do that. It looks like the new stricter rules are even going to be onerous to us so we need to keep moving forward.

Joe Harrison, Jr.: Also, if I may add, today in I believe the morning paper there was an advertisement in the legal section regarding the hearing that is going to be held down here on November 5th. That is in the legals in today's Courier.

President Mourdock: We will plan on voting as quickly thereafter November 5th as we can.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn, Superintendent of County Buildings.

Lynn Ellis: Um...I attended the GIS workshop today. Ms. Jerrel and Leslie Blenner attended this morning for the committee meeting. The workshop progressed well and we talked about the implementation and what each agency would require. There was discussion from Ms. Jerrel and from Leslie Blenner that this project would not proceed, obviously, this year or next because budget hearings were over and probably not in 1999 either because of the commitments that the county is making. There were discussions about what needed to be included in the program and what was important and what was the most important aspects of the GIS program to each agency. It was a good meeting.

President Mourdock: Okay.

Lynn Ellis: There was a letter sent from Environmental Management. We have, in fact, advertised for bids for the asbestos abatement project at the auditorium and if I am not mistaken the bids are due next week, so we'll be opening bids soon to have the abatement done.

President Mourdock: Okay, anything else, Lynn?

**County Garage**

President Mourdock: I skipped the County Garage report which for the record is included in your packet. You'll notice on the

charts over there, too, they've made quite a bit of progress these past couple of weeks with the larger projects...the larger lengths of roads they're working on made a pretty significant stab at getting the yearly completion.

**Burdette Park**

President Mourdock: Burdette Park, there is also a summary report included which takes us to consent items.

**Consent items**

President Mourdock: Unless there was any comments about the others?

Commissioner Jerrel: There are a couple of things in the consent items that I would like to put on the record. One is the...well, two of them relate to unpaid leaves for Dee Dee Riat and--

President Mourdock: Terry Jameson.

Commissioner Jerrel: --Terry Jameson. We approved these in the minutes a couple of weeks ago, but we need to redo the pink slips so this is a formality this evening. Both are in the packet to be signed.

President Mourdock: Just for the record, both of those relate to FMLA.

Commissioner Jerrel: Yes.

President Mourdock: Okay, any other items in the consent? Items that need to be discussed? I would look for a motion to approve. Those consent items tonight are rather lengthy and include employment changes; travel requests; the County Clerk submitted a monthly report; the County Auditor submitted a monthly financial, expenditure and cash reports; the County Treasurer submitted monthly reports; Sherman Greer to approve the EMA requirements for 1998; Legal Aid asks that we declare three computers obsolete; and the City of Evansville continuation of services under bid number APA036-97. Is there a motion to approve the consent items?

Commissioner Jerrel: I would like to move approval of the consent items. You're going to do the letter on the leave up through the first of July?

President Mourdock: Yes.

Commissioner Jerrel: Or after the 1st of July?

President Mourdock: Oh, okay.

Commissioner Jerrel: I would like to move approval of those items.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: There was a list of scheduled meetings attached.

**Old business**

President Mourdock: Any old business this evening?

Commissioner Jerrel: Just one item. You sent a letter with notes to every officeholder about being sure that we receive the sign up sheets for the Personnel Policy and we still haven't received the Sheriff or the Courts. Do you want to send a letter to them again or do you want to mail the Personnel books directly to the deputies and the court personnel or what should we do next?

President Mourdock: Is that a recommendation?

Commissioner Jerrel: Well?

President Mourdock: The letter didn't work. That was my shot.

Commissioner Jerrel: I would feel more comfortable if I knew that they all had those books. Pat, what do you think?

Commissioner Tuley: You haven't got a response from either one?

President Mourdock: On the long side we did get all the others back.

Commissioner Jerrel: Yes, we got everybody else but those, but they're very, very large.

President Mourdock: Right, they're the biggest groups.

Commissioner Tuley: Right.

Commissioner Jerrel: So...

Commissioner Tuley: Have they even called to say we haven't...?

President Mourdock: I haven't heard anything. Lynn, have you heard anything back from either the Courts or the Sheriff on this?

Lynn Ellis: Um...no, not either.

Commissioner Tuley: Why don't we just send a second letter and just say as a follow-up since we haven't heard from you.

President Mourdock: Yeah, and I suddenly went with a brain fade there, I'm sorry. One of the judges called me and did tell me they were looking at them and that they had not totally...how shall I say? Procedurally handled them yet.

Commissioner Jerrel: Okay. Would it be too much trouble to call and ask them to procedurally handle them so that we can have it for the record?

President Mourdock: We can try, sure.

Commissioner Jerrel: I think we should.

President Mourdock: Regarding the Sheriff what is your option?

Commissioner Tuley: Do the same thing.

Commissioner Jerrel: Yeah, I think the same thing.

President Mourdock: Okay, we'll make those calls. Any other old business?

**New business**

President Mourdock: New business?

Commissioner Jerrel: There was one thing. In your packet you had some information about David Griffith...you know, there is an obscure line item in our budget that--

Commissioner Tuley: Is that what you are talking about?

Commissioner Jerrel: Yes. You know, it's a line item and it is for contractual services and I think it is in the amount of \$16,000, is that it?

Suzanne Crouch: Right under \$16,000.

Commissioner Jerrel: Yeah, a little bit under. This research was done by the Auditor's office and I don't know if it is something you want to consider, you know. You want to speak to that?

Suzanne Crouch: Do they have the research?

Commissioner Jerrel: Yes, they have the research. They should have...well, yeah.

President Mourdock: I have two pages.

Commissioner Jerrel: The research is what precedes it though. The agreement that we have precedes it. You might want to pass it down, but the research is...I don't know that you want to make a change or not, but it's...you might want to look that over.

Suzanne Crouch: We received a letter that you all have a copy of and there were a number of people that, you know, were mentioned and we called them from within the office and all of them had used David M. Griffith prior to switching. This gentleman that has this other company used to work for David M. Griffith. What came of it is that they were receiving as good of service for a lower cost. However, those companies were not from within Indiana and this other company is located outside of Indiana.

David M. Griffith is located in Indianapolis. The other company has not provided any...does not have any clients in Indiana. I spoke to Joe Harrison, Jr. and at the very least one of the individuals that was interviewed indicated that when they did talk to David M. Griffith and this other company had indicated that they were thinking of switching, David M. Griffith came in lower for a lower cost doing the same services, so I spoke to Joe Harrison, Jr. and asked if it would perhaps benefit the county to at least investigate. There is nothing to lose. That David M. Griffith cost allocation contract or agreement rather is a year-to-year...it can be canceled at any time by either party. Typically, you go into that agreement the end of the year and sign it usually in November or December.

Commissioner Jerrel: We have not questioned Mr. Griffith and said--

Suzanne Crouch: Well, he has been the only game in town for a while.

Commissioner Jerrel: Yeah, well I think--

President Mourdock: This is dated November 27, 1995.

Suzanne Crouch: I don't know, Joe, how that would work if the Commissioners would decide to proceed and could they just ask for some quotes or you wouldn't need a formal bid process would you?

President Mourdock: It would be just a normal professional services solicitation.

Joe Harrison, Jr.: That's correct. Just call them and say give us your best shot. Tell them you're looking around.

Commissioner Jerrel: It might be interesting to see because we haven't asked them anything. It's been this amount for seven years. This is the seventh year.

Joe Harrison, Jr.: At least it hasn't gone up.

Commissioner Jerrel: But if it's going down other places.

President Mourdock: So your motion if there is one would be--

Commissioner Jerrel: My motion is to have the Auditor explore a more favorable price.

Commissioner Tuley: Got to second that.

President Mourdock: Yeah. Okay, that sounds very prudent.

Commissioner Jerrel: I thank you for the information.

President Mourdock: I don't know if this is the original, but I'll give that back to Suzanne, I guess. Any other new business this evening?

Commissioner Jerrel: We do have a very brief Drainage Board

meeting.

President Mourdock: Motion for adjournment?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:05 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Lynn Ellis  
Mike Shoulders  
Joe Profaizer  
Verly Booher  
Betty Hermann  
Barbara Cunningham  
Beverly Behme  
David Matthews  
David Phillips  
John Stoll  
Andy Easley  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

---

Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

Vanderburgh County  
Board of Commissioners Meeting  
October 13, 1997

The Vanderburgh County Board of Commissioners met in session this 13th day of October in the Commissioners' Hearing Room of the Civic Center Complex at 5:45 p.m. with president Richard E. Mourdock presiding.

**Pledge of Allegiance and Introductions**

President Mourdock: Good evening and welcome to the Vanderburgh County Commissioners' meeting of October 13, 1997. I see a lot of new faces here in the room this evening. If you are unfamiliar with what we're doing procedure-wise, we have copies of the agenda over on the far table. You're welcome to grab one. We have, as you can tell also by the crowd here tonight, a number of different issues to discuss. The microphone is open to anyone who wishes to address one of the issues. However, so that you know our sound system in here is perhaps not quite what it should be, so if you wish to address the Commission you must come to the microphone, state your name and address please for the record. All of our minutes we keep verbatim so that's very important for us. By way of introduction, at my far left is Charlene Timmons, who does handle all of our minutes for us; Suzanne Crouch is the County Auditor who serves as our official Recording Secretary; County Commissioner, Bettye Lou Jerrel; County Commissioner, Pat Tuley, to my right; County Attorney, Joe Harrison, Jr.; and Lynn Ellis who is our Superintendent of County Buildings. As we begin, would you please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: Okay, the first item on our agenda this evening is the approval of minutes from our last meeting and I would look for a motion of approval.

Commissioner Jerrel: I would like to move approval of the minutes of the previous meeting.

Commissioner Tuley: Second.

President Mourdock: So ordered. Just for the record, immediately before this meeting this evening we had a meeting of the Solid Waste District. Often we have an Executive Session prior to this meeting, but that did not happen this evening.

**Open bids - VC97-09-01, Burkhardt Road from Virginia to Maxwell**

President Mourdock: First on our list is County Engineer, John Stoll. Is John in the room?

Commissioner Tuley: He's somewhere.

President Mourdock: Well, we have Lynn who just disappeared to find John perhaps? I don't know. Is he out there, Joe?

Joe Harrison, Jr.: Yes, he's coming.

President Mourdock: Okay. Run to the microphone, John! Item B on our action items is the opening of bids for VC97-09-01. That's on Burkhardt Road from Virginia to

Maxwell. Any comments about those or have they been submitted?

John Stoll: The bids just need to be opened.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move approval that the bids be opened at this time.

Commissioner Tuley: I will second at this time.

President Mourdock: So ordered. The County Attorney can begin going through those and we'll come back to him when he has a chance to read them.

**Joe Profaizer - Award Courts case management bid**

President Mourdock: Next on our list, Lynn Ellis. What do we have, disappearing people tonight? All I do is call their name and they're gone. We'll skip Lynn for a minute. Joe Profaizer. Front and center on the Courts case management bid package.

Joe Profaizer: My name is Joe Profaizer and I'm from Computer Services. I am speaking on behalf the Courts case management system evaluation team to recommend the Courts case management system to Crawford Consulting of North Canton, Ohio pending satisfactory completion of contract negotiations. The bid price is calculated at \$1,665,491. That is a calculation. That is not firm due to the fact that there will be some modifications for the software and some conversion costs. I'll be glad to entertain any questions regarding this recommendation.

President Mourdock: Any questions of Joe regarding the recommendation? The County Clerk is in the audience. Marsha, do you have any comments to add or anything?

Marsha Abell: (Inaudible comments made from audience.)

President Mourdock: Okay. Any questions?

Commissioner Jerrel: This meets what we're wanting?

Joe Profaizer: Absolutely.

Commissioner Jerrel: This will solve all those problems, Judge?

(Inaudible comments made from audience.)

President Mourdock: It will work on January 2, 2000?

Joe Profaizer: Yes, it should.

Commissioner Tuley: Oh.

President Mourdock: That's not a good answer. That's not a good answer for \$1,600,000.

Joe Profaizer: Yes, it will.

President Mourdock: Okay, yes it will.

Commissioner Tuley: That's a little better answer.

Commissioner Jerrel: If there are no further questions--

Joe Harrison, Jr.: You submitted a report setting forth your recommendations and the other responses to the other bids?

Joe Profaizer: Correct.

Joe Harrison, Jr.: The Commissioners have that? That's part of the record that you are entering this evening?

Joe Profaizer: Correct.

President Mourdock: Motion for approval then?

Commissioner Jerrel: I'd like to move approval of the Courts case management bid in the amount of \$1,665,491 to Crawford Consulting.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered. Good luck with the further negotiations.

Joe Profaizer: Thank you.

President Mourdock: Please keep us posted on those.

Joe Profaizer: Absolutely.

### **Marsha Abell - Contract with Business Records**

Commissioner Tuley: Excuse me. Marsha, are you here for any other reason other than that?

Marsha Abell: I can stay if you want me to.

Commissioner Tuley: Could we go on to this since she is here? That way she wouldn't have to come back.

President Mourdock: Sure.

Commissioner Tuley: While Marsha is here I thought about...I've had a contract presented to me a while back and quite honestly we had to get another copy of it because I was waiting for the budget process. It's from Business Records. Next year is an election year and we need to get our contract in order for doing the results and what have you. We do have a proposal here signed by them and the amount is equal to what was appropriated at the budget hearing, so if you want to take this under advisement for a week and we can act on this and let Joe look at it. It does entail some changes though, does it not, Marsha, based on the trip that we took over to Cincinnati here back in...May?

Marsha Abell: Yes. Marsha Abell, County Clerk. It has one more file reader, card reader. The Election Board requested that we have an additional file reader. That gives us three rather than the two that we have had. It has a software package with it that will enable us to not have to move the election equipment up to the chambers. We normally set it up and then move it up to Council chambers which BRC has asked us many times to try and find a place not to move it once they set it up because it's fragile equipment. We're going to set it up in the election office and we've purchased a software package involved in this figure that will scroll the results onto a big screen T.V. in the County Council chambers and it will be instantaneous readout of what's being done so if the media wants to be there they'll know immediately. As the reader counts it, it will be scrolled out on a T.V. screen.

Commissioner Jerrel: Excellent.

Commissioner Tuley: They basically will get the totals at the same time you're getting the totals and they don't have to be standing over your shoulders to get them.

Marsha Abell: They'll actually even have them before we do because they'll be coming up on the screen before we even go look at the printout.

Commissioner Tuley: We witnessed this over in Cincinnati and it was a pretty nice program.

Marsha Abell: It was a very nice program.

Commissioner Tuley: Like she said in that contract the amount appropriated covers those additional things, so if you want to look at it for a week and act on it next week...

Commissioner Jerrel: Are you making a motion?

Commissioner Tuley: I would move at this time to take it under advisement for a week for review by the attorney and for you other two to get a chance to look at it.

Commissioner Jerrel: I'll second.

President Mourdock: I will say so ordered. It's hard to imagine an election night when everyone might be home by 8:00.

Marsha Abell: Well, that's what our goal is going to be.

President Mourdock: Very good.

Marsha Abell: Thank you.

President Mourdock: Thank you.

**Lynn Ellis - Open bids for VC97-11, Asbestos abatement - Auditorium**

President Mourdock: Okay, now moving back on the agenda then, Lynn Ellis on the asbestos abatement bid.

Lynn Ellis: We have bids tonight to open for the asbestos abatement project at the Vanderburgh County Auditorium. I would request that the bids be opened and awarded next week. The contractor will have to give the state a ten day notice prior to the week of November 3rd, which is quickly approaching, so that's like next week. We will bring back a recommendation next week for that award.

Commissioner Jerrel: The bids have not been opened?

Commissioner Tuley: No, that's what she is asking for.

Commissioner Jerrel: Okay, then I would make the motion to approve opening the bids.

Commissioner Tuley: Second.

President Mourdock: So ordered. Just for the record, Lynn, do you have a number of them? Four or five, twenty?

Lynn Ellis: Four.

President Mourdock: Okay, four. I'm just trying to judge those compared to the others that Joe is working on.

### **Suzanne Crouch - Award time accrual bid**

President Mourdock: County Auditor has an issue here with the award of the time accrual bid. Suzanne.

Suzanne Crouch: I would like to recommend that the Commissioners award the time accrual bid to Kronos, which was the sole vendor, subject to negotiation of a contract by the County Attorney.

Commissioner Jerrel: I'd like to move approval of the award of the time accrual bid to Kronos with the caveat that the County Attorney will need to look at it.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

### **Appointment of Tim Suenram to Welfare to Work Planning Council**

President Mourdock: I don't know that Phyllis Donahue is the audience tonight, but this item I can deal with quite simply. When we had our original Welfare to Work Planning Council, Mr. Tim Suenram was on that list and somehow he was just inadvertently left off and we had to reappoint that group pursuant to the state law. I would look for a motion.

Commissioner Jerrel: I would like to move that Tim Suenram be appointed to the Welfare to Work Planning Council.

Commissioner Tuley: Second.

President Mourdock: So ordered. Lynn, would you please draft a letter to him stating that?

**Ordinance pertaining to Dues and Membership Fees**

President Mourdock: County Attorney, Joe is it a convenient time or shall we come back to you?

Joe Harrison, Jr.: Yeah, that's fine. Last week I brought up the proposed ordinance for membership dues and other fees for possible consideration by the Commissioners at a later date. If you all are ready at this time, I would ask that this be advertised and put on the agenda in the next couple of weeks whenever it would be sufficient for first consideration and second consideration.

Commissioner Jerrel: I would like to move that permission be granted to advertise the ordinance for dues and membership fees.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered. Do we need...we don't need a roll call vote to advertise do we?

Commissioner Tuley: Not to advertise.

President Mourdock: It's just the ordinance itself.

**Any group or individual wishing to address the Commission**

President Mourdock: Okay, we're at that point in the agenda where the microphone is open to any group or individual wishing to address the Commission on any issue that is not listed. Long silence, pregnant pause. Everyone is waiting for bids or we have some students with us tonight. Where are the students from? Where are you all from?

Unidentified: USI.

President Mourdock: USI. Welcome. No one wishing to address us tonight? I mean, that's okay.

**Perry Township Assessor lease agreement**

Joe Harrison, Jr.: I've got one thing that there is a member or representative from the Perry Township Assessor's Office here. They're looking to...why don't you come on up. They're looking to move from their current location to another location out in Perry Township. This will necessitate them paying some more rent each year. The location that they're looking at and have been looking at...do you have the address?

Nancy Locke: It's 2814 Mount Vernon Avenue.

Joe Harrison, Jr.: It's at the Oliver Plaza and it would be a lease agreement between the County Commissioners and Perry Township Assessor's Office and Oliver Plaza representatives. Apparently the Perry Township Assessor has already gone to County Council to seek additional funding for the difference in rental and that was approved, I believe, earlier this month?

Nancy Locke: Yes, it was.

Joe Harrison, Jr.: So apparently funding is in place and if this body...I got a copy of the lease just the other day after speaking with Mr. Oliver on several occasions to go over it, but it would go from January 1, 1998 through December 31, 2000. It wouldn't start until January 1st. Again, it is my understanding that they received sufficient funding and I guess there is going to be some improvements made to the location where they're going to be going to and that will begin upon signing of the lease. I have copies of the lease that I'll pass down to Pat. If you all want to consider that tonight fine. If not, hopefully next week you can consider the same. It's in order and it would be of much assistance to them.

President Mourdock: Just for the record, please state your name and address since you were nodding approval to most of Joe's point.

Nancy Locke: Nancy Locke. I'm Chief Deputy of Perry Township.

President Mourdock: Okay, thank you.

Commissioner Tuley: I was just going to ask, is that across there from that Shell Station there along Sonntag?

Nancy Locke: Yes, it is.

Commissioner Tuley: Harpoles or something was in there?

Nancy Locke: Yes, we're just moving about half a block down the street.

Commissioner Jerrel: This was presented to the Council this last session?

Nancy Locke: Yes.

Commissioner Jerrel: Do you have a problem, Mr. Harrison, with our action tonight?

Joe Harrison, Jr.: No, regardless of what it is. If you want to wait fine. If you want to act on it that's fine, but apparently the money is in place and that's the main thing so it would be up to you all to decide whether or not you want to approve that tonight.

President Mourdock: One question under the terms of the lease I heard you say there would be some improvements. Do we pay for those improvements?

Nancy Locke: No.

Joe Harrison, Jr.: Well, that's part of the rental, but, no.

Commissioner Jerrel: Yeah, they're listed.

President Mourdock: I was just concerned that we might need to go back for further funding, but if that's part of the increased rate, okay.

Commissioner Jerrel: I'm going to make a motion that we accept this lease agreement presented by the Perry Township Assessor with Oliver Plaza and the County Commissioners.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Nancy Locke: Thank you.

President Mourdock: Okay, thank you.

**John Stoll - County Engineer**

President Mourdock: Okay, we'll move into our department head reports. County Engineer, John Stoll.

John Stoll: First item, I would like to recommend that we reject all bids for the Old State Road sanitary sewer project. This was project number VC97-09-02. All the bids came in over the estimates that we had been working off of in the preliminary resolutions and because of that the bids need to be rejected and the project needs to be rebid.

President Mourdock: Oh, boy.

John Stoll: I'm going to get with the consultant and we're going to try to find some ways to try and cut some dollars out of the project so that way when it is rebid hopefully it will come in underneath the estimates. As it stands now that's the only course of action we can really take.

President Mourdock: Okay. Joe, don't let me do something here where I would stick my foot in my mouth, but is it proper to ask how much the bids were over the estimate?

Joe Harrison, Jr.: Several thousand.

President Mourdock: I'll take that as a no that wasn't an appropriate question with that answer. Okay.

Commissioner Jerrel: I'll entertain...I mean, I will make the motion to reject VC97-09-02 for the sewer project.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Do you have a time when you think you'll be able to be back to readvertise or rebid that?

John Stoll: It would be next week at the soonest. I'll have to get with Andy Easley and I'll also have to get with Joe and make sure that there is nothing that we've overlooked in regard to the provisions of the Barrett Law. Hopefully next week we might have some answer to where we can get it advertised again.

President Mourdock: Okay. Well, bear with us we're trying to get through that one. It's not easy, but eventually we'll get there. Thank you.

Commissioner Tuley: Mr. Walther.

President Mourdock: Yeah, Mr. Walther.

Leroy Walther: Leroy Walther, 8417 Old State Road, Old State Road sewer project. On the...I realize it has to be rebid, but what kind of a time frame or game plan are we going to have on this? Are we going to have to wait until next spring or when?

President Mourdock: Well, John said they may be back as soon as next week with the redraft of the proposal to circulate and by that point I'm going to guess, John, it's going to be a month...well, probably six weeks before bids could be back in?

John Stoll: Right. One of the options that we're going to look at is putting a start date on the project for next spring that way the contractor won't have to be financing the project for as long as duration as it stands right now. So if we put a start date of next spring they'll only be financing the project for four months rather than eight like you would right now. I couldn't give you a specific start date for the project as it stands right now, but that's one thing we're looking at.

President Mourdock: Certainly anyone who is bidding it if they figured they were going to do the work during the winter as opposed to the summer that would tend to cause them to bid it higher just because of the working conditions.

John Stoll: Right.

President Mourdock: That plus the cost of carrying it.

Commissioner Tuley: Yeah.

Leroy Walther: Okay, so we're talking about a time frame minimum of six weeks maybe to rebid and at that time, John, will the future date be extended out on the bid?

John Stoll: Yes.

Leroy Walther: It would be extended out on the bid that we get this time?

John Stoll: Right, we would just change the completion date.

President Mourdock: Okay.

Leroy Walther: Okay, thank you.

President Mourdock: Thank you. John, next item from your report.

John Stoll: The next item is a storm sewer acceptance request for Covington Heights, Section 4. This is for \$858 for storm sewer pipes that are located out of the right-of-way. These pipes were inspected as the construction progressed and it is recommended that the pipes be accepted. We have received the check already, so it's ready to be accepted in that regard.

President Mourdock: Is there a motion to approve?

Commissioner Jerrel: I just needed to ask a question because I didn't get through this. What is the location of the storm sewer?

John Stoll: It's in Covington Heights Subdivision, Section 4.

Commissioner Jerrel: I'd like to move approval of the acceptance of the storm sewer pipes in Covington storm sewer.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item I've got is a price quote from J.H. Rudolph for our paving contract. We've got some additional streets that need to be milled before the County Highway Department can pave the streets. We received a price quote of \$4,500 per day for the milling and to provide trucks and flagmen. The streets that we need to do this milling on are Camellia, Mill Road and April Drive and I would like approval to go ahead and do this milling work through our paving contract at the rate of \$4,500 per day.

President Mourdock: What was the last street you mentioned?

Commissioner Tuley: April.

John Stoll: April Drive.

Commissioner Jerrel: I would like to move approval for the contract with J.H. Rudolph for the milling of various streets and that will include the labor, the trucks and equipment.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Didn't we just repave April Drive last year?

John Stoll: No.

President Mourdock: Is there only one segment of April Drive? That which is just west of Darmstadt Road?

Joe Harrison, Jr.: Off Darmstadt, correct.

President Mourdock: I would of sworn that was new.

John Stoll: If we did it sure didn't hold up! It's a mess.

Commissioner Jerrel: It didn't get done. It was on the list.

Commissioner Tuley: Maybe it was on the list and they didn't get to it, yeah.

John Stoll: That could be it. The final item that I've got is the inspection agreements for Phase 2 of the Burkhardt construction. These agreements were revised to hourly agreements. It's for an amount not to exceed \$250,000 and I didn't know if you wanted to sign the agreements this evening or take them under advisement for a week and sign them when we award the construction bids.

Commissioner Tuley: Whatever.

President Mourdock: Yeah.

Commissioner Jerrel: I would like to move approval.

President Mourdock: I'll move approval...or I'll second your move of approval.

Commissioner Jerrel: Of the contracts with--

John Stoll: United Consulting.

Commissioner Jerrel: United Consulting with an hourly agreement.

John Stoll: Correct.

Commissioner Tuley: I'll second your motion then.

President Mourdock: I will say so ordered. As I understood it, John, this recommendation is coming to us largely based on the experience their personnel have got right there with the area. Jack, I don't mean to put you on the spot for a minute, but will that same person be there through the duration?

Unidentified: Yes.

John Stoll: Yes.

President Mourdock: Okay, great, thanks.

John Stoll: Yeah, the recommendation is due to the fact that for simplicity sake we have the potential that we'll have two contractors and if we end up with two consultants that could just add additional confusion to the project. I think Stewart can handle the job.

President Mourdock: I'll vote for simplicity sake every time.

John Stoll: That's all I have.

President Mourdock: Okay.

### **County Garage**

President Mourdock: County Garage. Milton here?

Lynn Ellis: He left.

President Mourdock: Okay. We have in our packets the report from the County Garage for the period from October 3rd through October 9th. We'll enter that in for the record. We also have a ditch completion report. I'm pleased to say that as we get into the fall season we're now making good progress here. We've got 65% of our paving completed and 63% of our ditch work that was scheduled this year is completed. Certainly on the paving side several large segments of the remaining ten miles is a couple of those items that we contracted out. They're in large segments, so when they go they'll go very quickly. That's in your packets.

### **Lynn Ellis - Superintendent of County Buildings**

President Mourdock: County Attorney. Joe, would you like us to skip you or are you ready to report?

Joe Harrison, Jr.: If you don't mind just for a few minutes.

President Mourdock: Okay, Lynn Ellis, County Building report.

Lynn Ellis: Just a couple of items. No action needs to be taken tonight, but just to keep in mind. One of these items came up Saturday when we were having the auction. There is a train car located on the property of County Highway that Bennie uses to store surplus property in from one year to the next and this last time it has been for two years because there wasn't a sale last year. It's the only area now left out there for him to store the material in and so there was discussion of getting rid of that boxcar. My recommendation would be that it be maintained out there and not be gotten rid of. There is asbestos in the wall so if it was disposed of it would be an expensive disposition. If it is left as it is there is not activity in it other than storing items, so no abatement would have to be performed on it. It is being used by him to store items, so like I said there would be no action needed but just in case that comes up in the future.

President Mourdock: Is that still mounted on wheels? Do you know?

Lynn Ellis: Is it still what?

President Mourdock: Mounted on wheels or were the wheels pulled out from underneath it and now it's just the box itself?

Lynn Ellis: I believe the wheels are pulled out from underneath it.

Commissioner Tuley: Do you remember, Jack?

Unidentified: It's under weeds.

Lynn Ellis: Another item that has come up with the GIS and the Disaster Preparedness meetings that I've been attending, the County Highway under severe weather conditions, i.e. the power goes out, telephones go out, would have no way to correspond with Central Dispatch because they do not have the 800 megahertz or whatever the radios are that Central Dispatch uses. Apparently requests were made, and I'm not sure who they were made to, for the County Highway to be equipped with at least one radio so that communication could go on between the Highway Department and Central Dispatch in case of, you know, bad weather, tornados or snow storms or whatever. Nothing has been done about that and I would like to get your permission to contact the vendor and perhaps the Sheriff's Department. When we did the bid for that system there were a certain number of radios purchased for the Police and for Fire and for the Sheriff, but none were considered for the Highway Department. Like I said, on occasion if the power goes out and the lose telephone then they wouldn't have a way to be aware of problems in the area.

President Mourdock: Do we not have a cell phone or two out there?

Lynn Ellis: We do. I don't know...the problem would be them having to make a 911 call to Central Dispatch in order to stay in contact with them, you know, and they would be receiving hundreds of other 911 phone calls at that time.

President Mourdock: Maybe real 911 calls.

Lynn Ellis: Right. It's up to you all. I mean, I can contact and see how much it would

be or find out what we would need to do or the circumstances. I just didn't want to do anything or give the idea that you were going to do anything without getting your permission first.

President Mourdock: Bettye Lou, Pat?

Commissioner Tuley: Let her look into it. I mean, it's not going to hurt to look.

President Mourdock: Okay, go ahead and see what you can find out as to what the approximate cost and what the effectiveness would be.

Lynn Ellis: Okay. That's all I have.

### **Burdette Park**

President Mourdock: Joe, we're ready to come back there. Well, we've got Burdette Park information that is also in your packet which shows the use of the chalets. We have a report from '96 versus '97 as far as the number of rental days. We have a work report from there and, yes, we also have the normal maintenance report. Joe, are you ready to come back to you?

Joe Harrison, Jr.: Yeah, let me just get this last bid amount here.

### **Consent items**

Commissioner Tuley: We can go on to consent and wait on him if you want to.

President Mourdock: Okay, it's going to be another minute or two.

Joe Harrison, Jr.: Yeah.

President Mourdock: We have in our packets consent items that includes this evening employment changes, travel requests and the Auditor's report on account payable vouchers. We also have one additional travel request added at the last moment from the Knight Township Office for travel. I would like for any motion to include that to update the packet.

Commissioner Jerrel: I would like to move approval of the consent items including the late one.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Old business**

Commissioner Jerrel: I have a few things under old business. Is that okay just to move into that?

President Mourdock: I think, yeah.

Commissioner Jerrel: Okay. One...there are two or three of them here. Let me just mention them. One is the personnel handbook list. Just a reminder. Did you have a chance to speak to--

President Mourdock: No, I did not. I made one call and that has not yet been returned, but I have the other one to make.

Commissioner Tuley: I have to make a follow-up on mine as well.

Commissioner Jerrel: Okay, alright. Just a reminder. The next one would be there is a lot of differences in travel reimbursement and so we're trying to come up with some, you know, standard travel for called meetings. Some of them we're using the pattern that the School Corporation uses. Others that they use don't fit us, but we would like to come up with something to report to you and I just want to make sure that's alright with you to proceed and then we'll have the attorney look at it so we could--

President Mourdock: Is that something you would see logically as a separate item or is it something that we would add to the Personnel Policy?

Commissioner Jerrel: Well, it's...I think really it would be an ordinance that we would need.

President Mourdock: For travel?

Commissioner Jerrel: Yeah, for travel because--

Suzanne Crouch: We have an ordinance in place it just needs to be--

Commissioner Jerrel: Updated.

Suzanne Crouch: --brought into line with the state approved travel that Council also approved.

Commissioner Tuley: What are we currently...I mean, if it is a state called meeting I assume there are state guidelines?

Suzanne Crouch: That's correct.

Commissioner Tuley: If it's not a state called meeting then it's up to us locally to do that.

Suzanne Crouch: You need your ordinance. That's correct.

Commissioner Jerrel: If that's okay we'll get some language--

Commissioner Tuley: Go for it.

President Mourdock: Sure.

Commissioner Jerrel: --and have it...okay. One other is pink slips. If we could either send a memo or take action of some kind that pink slips should be before the fact rather than after the fact.

President Mourdock: That would be novel wouldn't it?

Commissioner Jerrel: But, you know, it's going to get more and more--

Commissioner Tuley: More feasible and I think we have to do that because a lot of times we get a lot of them that there is no reason for them to come in after the fact.

Commissioner Jerrel: That's right. Because of the dates on some of them, releases and so on, with COBRA and things of that nature if we're going to meet the law then we need to alert the officeholders.

President Mourdock: While COBRA isn't an issue particularly to the Burdette Park items-

Commissioner Jerrel: No.

President Mourdock: --they are a good example because we've even got in this packet this week items and releases from basically Labor Day.

Commissioner Tuley: Labor Day.

Commissioner Jerrel: Right.

President Mourdock: There is no reason why those should be.

Commissioner Jerrel: Well, if we could get something like that and have it ready to send out next week.

Commissioner Tuley: That's fine.

President Mourdock: What is it that you're looking for?

Commissioner Jerrel: I just want you to authorize me. I'm going to do it.

President Mourdock: But what are you going to do. Are you basically going to send a letter to the folks saying do this ahead of time?

Commissioner Jerrel: To the officeholders saying...and giving the reasons why.

President Mourdock: Sure. I don't have any problem with that. I fear that we'll get into the same old same old where we're responsible for everything and in charge of nothing!

Commissioner Jerrel: Well, but if they understand that the problems that come from not doing it in a prompt way can be very costly that makes it a better reason.

President Mourdock: Okay.

Commissioner Jerrel: Okay.

President Mourdock: I have no problem with that.

Commissioner Jerrel: Okay, let's see. That's it.

President Mourdock: Pat, do you have any old business.

Commissioner Jerrel: Oh, wait a minute.

Suzanne Crouch: There is a draft that I prepared for the Commissioners. You had asked about the take home vehicle policy and this is just a draft and if you all can look it over, talk to Joe and have Joe do whatever at least it's a starting point. We talked to the city to get their take home vehicle policy and we did some research and this gives you some options on how to approach that issue, but I would recommend that you all take it under advisement and then work with Joe, but it's just some research that we did to get you to a starting point.

President Mourdock: Thank you, Suzanne. We will take that under advisement.

Commissioner Jerrel: I'll make that motion.

President Mourdock: Okay, a motion to take the--

Commissioner Tuley: Memorandum.

President Mourdock: --vehicle policy memorandum under advisement.

Commissioner Tuley: I'll second that.

President Mourdock: So ordered. Pat, did you have something you started to say?

Commissioner Tuley: No, we got it when Marsha was here. I had something under new business, but it has been taken care of.

President Mourdock: Okay. Just as an informational item under old business, I had a meeting today with several fire chief and emergency service people from the townships. As you know, we have the ambulance contract coming up not too far in the distance, so that was an informational meeting. I received some of their concerns and we certainly want to make sure their concerns are in that contract to see where that leads.

Commissioner Tuley: I was going to ask Bettye a question. You have a lot of conversations with Leslie. Did we...we never got anywhere with the joint contract?

Commissioner Jerrel: Which one?

President Mourdock: It's still pending.

Joe Harrison, Jr.: No, not with the city.

Commissioner Jerrel: Oh, no not with the ambulance.

Commissioner Tuley: So that's not going to happen?

Commissioner Jerrel: No.

Joe Harrison, Jr.: They entered into a five year agreement and I think the prudent thing for the Commissioners to do would be to continue on a year-to-year basis given the fact that some outlying townships tend to want to change their minds every once and a while.

President Mourdock: That was part of the discussion today is how can we be put into a

position to negotiate if these changes might happen.

Joe Harrison, Jr.: Right. But, again, right now as far as...I've been in contact with Central Dispatch and the various township officials and the only one right now hanging out there that is not going to participate...well, it's the Town of Darmstadt and Scott Township. The Town of Darmstadt includes, for the media's information, part of Scott, part of Center, part of Armstrong and part of German, then the remaining part of Scott will then be served by the Scott Ambulance Company or Department. There is one other township out there still that is still trying to determine what they want to do and when we get that information...I'll tell you it's Armstrong, and when they decide what they want to do then we know what everybody wants to do.

Commissioner Jerrel: But our contract expires at the end of the year.

Commissioner Tuley: End of this year.

Joe Harrison, Jr.: At the end of the year.

Commissioner Jerrel: So we want to get that done.

Joe Harrison, Jr.: Sure. It will be.

Commissioner Jerrel: Okay, that's all I want to know.

Commissioner Tuley: Along that line, though, I'm sorry. Mark Owen had sent us a memo about some of his concerns a while back. Has that been forwarded to you?

Joe Harrison, Jr.: Yeah and I've talked to Mark several times.

Commissioner Tuley: Okay.

### **New business**

President Mourdock: Okay, new business. We'll come back to you momentarily, Joe. New business?

Commissioner Tuley: I have none.

President Mourdock: Bettye Lou, any new business?

Commissioner Jerrel: No.

### **Joe Harrison, Jr. - County Attorney**

President Mourdock: I told you we would be back, Joe. It's yours.

Joe Harrison, Jr.: The first thing would be the bids for Burkhardt Road. It's VC97-09-01. There were five bids that came in for this project. They are as follows:

1. Ragle, Inc. of Newburgh, Indiana  
\$5,468,016.16

2. J.H. Rudolph & Company of Evansville, Indiana  
\$5,344,461.64
3. E & B Paving, Inc. of Evansville, Indiana  
\$4,870,286.04
4. Blankenberger Brothers, Inc. of Cynthiana, Indiana  
\$5,035,801.56
5. Koester Companies of Evansville  
\$6,092,283.85

I would ask that a motion be made to take these under advisement and consider the same at a later date.

Commissioner Tuley: Can I ask a question? Looking at the funding formula, and by no means am I trying to stop this project, but I want to make sure that we can grant this contract next week.

Commissioner Jerrel: Yeah, we have additional money, but I had been told that it would probably be in the neighborhood of \$5.7 million or \$5.8 million and there is an additional \$400,000 or \$500,000 so--

Commissioner Tuley: Right, but I just want to make sure because what is available at the time of the awarding I'm looking at \$3.9 million.

Commissioner Jerrel: But we're not going to be spending any of that money.

Commissioner Tuley: Okay, I just want to make sure we're on legal ground.

Commissioner Jerrel: No, we're okay. We're not spending anything until after January 1.

Commissioner Tuley: Okay.

President Mourdock: There was a motion to take those under advisement.

Commissioner Tuley: I will second.

President Mourdock: So ordered. Joe, you also have another item, I think.

Joe Harrison, Jr.: The next one was the asbestos abatement at the auditorium. That is VC97-11.

1. Liberty Environmental Specialties, Inc. of Cloverdale, Indiana  
\$37,605.00
2. Specialty Systems of Indiana, Inc. of Evansville, Indiana  
\$85,000.00
3. Elite Environmental Services, Inc. of Evansville, Indiana  
\$140,516.00

4. Complete Environmental Services of Evansville, Indiana  
\$79,468.00
5. Preferred Environmental Services, Inc. of Henderson, Kentucky  
\$124,890.00

Those are the five bids that came in on that particular project and I would ask that the Commissioners take those under advisement and consider them at a later date.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: I have another item. It is an acknowledgment letter from Barnes & Thornburg who is serving as bond counsel on the Phoenix Industrial site matter for Zeigler. They are asking the Commissioners to approve a letter which states that they will be representing Zeigler Property Development in an unrelated matter in another county in this state and are asking the Commissioners to consent to that with respect to the project that they have going on right now for the county.

President Mourdock: That is essentially then just a disclosure of potential conflict--

Joe Harrison, Jr.: Yes, that is correct.

President Mourdock: --of interest?

Joe Harrison, Jr.: It's the prudent thing to be doing in this situation. I have a copy of the letter. They are representing the county in connection with the bond matters with respect to the Phoenix project and this letter indicates that they will be representing Zeigler Coal in connection with an unrelated matter in another county. If you want to take that under advisement that's fine. If not, if you want to consider the same this evening it doesn't matter.

President Mourdock: I think the bottom line is we're looking for your recommendation on this, Joe. Are you--

Joe Harrison, Jr.: Yeah, I'm comfortable with it and I think it's the prudent thing for them to do and for us to acknowledge, but it's good to be up front and I think it's appropriate.

Commissioner Jerrel: Do we need a motion to acknowledge--

Joe Harrison, Jr.: Yes. Yes, just to sign it.

Commissioner Jerrel: --acceptance of the Barnes & Thornburg--

President Mourdock: Before you make a motion, Pat, are you comfortable in acting on this?

Commissioner Tuley: Oh, yeah. I have no problem.

President Mourdock: I just wanted to be sure if we need to take it under advisement.

Go ahead.

Commissioner Jerrel: Okay, so I would like to move approval of the acknowledgment of the Barnes & Thornburg letter explaining their position and their desire to be counsel on another matter for Zeigler.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Commissioner Jerrel: I have a question, if I may. When were you going to...will we be awarding the Burkhardt Road?

Commissioner Tuley: It could be next week.

Commissioner Jerrel: Next week?

Joe Harrison, Jr.: You have 90 days.

Commissioner Jerrel: Well, now that's the point though. The funding plan is in place and since we're paying cash we need to encumber this year's money so that it's...John knows this, but I just want to make sure. We need to encumber with a letter of the award so that the '97 money can be rolled over into '98. Okay.

John Stoll: If it's possible I would like to go ahead and award it next week if all the paperwork is in order.

Commissioner Jerrel: Yeah.

President Mourdock: The absolute outside it would seem to me given those bids and the very close nature of those bids that it would be two weeks.

Commissioner Jerrel: Okay.

Commissioner Tuley: Yeah, but I don't think you're going to sit on them. I mean, as soon as you can get them reviewed--

John Stoll: The thing we need to get moving on is there is a lot of lead time. If the low bid is going with precast box culverts there will be a good six weeks lead time for the manufacturer of the culverts to get enough stockpiled to justify the contractor getting on the job, so the sooner the better.

President Mourdock: But the key point from your issue is just the award itself?

Commissioner Jerrel: Right. Two weeks would be fine. I mean, that's not a problem, but whenever you think you can. I need to have the Auditor have a letter so we can get this year's money encumbered.

Joe Harrison, Jr.: I think you probably will need two weeks to get that. Do you think you need that to get that done?

Commissioner Jerrel: I don't...I mean, I don't have any...two weeks won't hurt you?

Suzanne Crouch: Oh, no, just before December 15th.

Joe Harrison, Jr.: Okay, and that will be done before the award. It should be in place before the award is made.

Commissioner Jerrel: Yeah.

Commissioner Tuley: The question I had earlier was just if we award the bid and it involves `98 funding I just want to make sure that was legal to do that because all I've heard since I've been here is the money has to be in place to award it.

Joe Harrison, Jr.: Sure.

Commissioner Jerrel: It has been approved by County Council and--

Joe Harrison, Jr.: By County Council.

Commissioner Jerrel: --and the State Board of Accounts, so the money is in place.

Commissioner Tuley: Okay.

Commissioner Jerrel: It just gets distributed December 28th or something like that.

Suzanne Crouch: We need to encumber it to carry it forward next year.

Commissioner Tuley: Right, `97 money in with `98 money. Okay, I just...by no means do I want to stop that project.

Commissioner Jerrel: I know it.

President Mourdock: Speaking of projects, John, one I omitted earlier. Do you have any update on Lynch?

John Stoll: Last I heard is they've had problem getting enough rock to finish the shoulders, but all the progress reports that I have been getting from Bernardin Lochmueller still said completion in November. So I don't know if that is still the case, but that is what the reports have been saying.

President Mourdock: I just add to that the claims of lacking rock are quite common in the construction industry right now. There is not nearly enough capacity to keep up with all of it.

Commissioner Tuley: You're kidding.

John Stoll: It shut the Westwood Hills job down for a while too.

Commissioner Tuley: Is that right?

President Mourdock: We've had days when the Toyota job has been shut down, our component, because of the rock. When it's going AK Steel gets shut down. I mean, that's a huge demand.

Commissioner Jerrel: Those are nice problems though.

Commissioner Tuley: Yeah, really.

Joe Harrison, Jr.: Does it still look like the Westwood Hills road improvement job will be done this month or will it be early next month probably?

John Stoll: The original completion date was the 3rd and we have a three week extension, so what is that?

Commissioner Tuley: The 24th.

John Stoll: Yeah, the 24th, so it still should be this month unless this bad weather throws it off again.

President Mourdock: Okay, we've kind of gone in varying order from the agenda tonight. Let's make sure I didn't skip anything. We had the old business and had new business, any other issues to come before the Board this evening?

### Scheduled meetings

Commissioner Tuley: Scheduled meetings, did you have anything on there you wanted to share?

President Mourdock: Scheduled meetings are attached. The one note that I would make is that on the second meeting of November which isn't all that far away now we'll be meeting on a Tuesday instead of a Monday which is the 11th, so we might want to start planning for that. I don't see anything else on there of particular noteworthiness. Okay, no other issues before us this evening I would look for a motion of adjournment.

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered. We are done.

The meeting was adjourned at 6:31 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Suzanne M. Crouch  
Joe Harrison, Jr.  
Lynn Ellis  
Charlene Timmons  
Joe Profaizer  
Marsha Abell  
Nancy Locke  
John Stoll  
Leroy Walther  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

Vanderburgh County  
Board of Commissioners Meeting  
October 20, 1997

The Vanderburgh County Board of Commissioners met in session this 20th day of October in the Commissioners' Hearing Room of the Civic Center Complex at 5:33 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Welcome to the October 20, 1997 meeting of the Vanderburgh County Commissioners. At the far right, by way of introduction, Tony Greubel, who is sitting in tonight. Tony is our office assistant, Administrative Assistant, who is subbing as Superintendent of County Buildings tonight. Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; Commissioner Bettye Lou Jerrel; Suzanne Auditor...Suzanne Crouch. Suzanne Auditor the Crouch of the County! Charlene Timmons, our official Recording Secretary. I see a couple of new faces here this evening. There are agenda for this meeting on the table and a sign up sheet if you would. If you wish to speak to the Commission or address us, we ask that you come to the microphone, state your name and address for the record since our notes are taken verbatim. Join with us in the Pledge of Allegiance, please.

**Certification of Executive Session**

President Mourdock: As we begin this evening we have the summary minutes from an Executive Session that we held just before this meeting this evening. That meeting began at 4:20 p.m. and concluded at 5:25. During the meeting the initiation, litigation or pending or threatened litigation against the county, those items were discussed as well as collective bargaining negotiations that are currently in progress. I would ask for a motion for approval of those minutes.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Approval of minutes**

President Mourdock: You also then have in your packet from the normal Commission meeting of last week, which was October 13th, the minutes to be approved.

Commissioner Jerrel: I would like to move approval of the Commissioners' minutes from October 13th.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Open bids - Old Courthouse air conditioning**

President Mourdock: The first item on our action list tonight then is Lynn Ellis on bids for air conditioning in the Old Courthouse.

Lynn Ellis: Lynn Ellis, Purchasing Director. I believe there were two bids received for the A/C at the Old Courthouse and I request that those be opened tonight and be taken under advisement and awarded next week.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move that we take the Old Courthouse bids under advisement.

President Mourdock: We need to open them first.

Joe Harrison, Jr.: Yeah.

Commissioner Jerrel: Oh, okay. Open them.

Commissioner Tuley: I'll second.

President Mourdock: Okay, and I will so order. Again, that was the bid VC97-11. No, that's not right.

Commissioner Jerrel: No.

President Mourdock: That was for the air conditioning for the Old Courthouse.

Commissioner Jerrel: What is the bid number on that?

Joe Harrison, Jr.: It's...

Lynn Ellis: It's actually VC97-13, but it didn't get put on the bid.

Commissioner Jerrel: Okay.

President Mourdock: Okay, VC97-13.

Joe Harrison, Jr.: Thirteen? Okay.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Mike Shoulders then with the auditorium project.

Mike Shoulders: Good evening, Commissioners. Mike Shoulders, Veazey Parrott & Shoulders, 528 Main Street. A couple of items to report to you on some dates this evening. We opened the bids for the furniture, furnishings and signage for the Vanderburgh Auditorium project last Tuesday on October 14th. Those bids have been taken under advisement for evaluation of bidders' credentials and for looking at the relationship of the furniture and furnishings to the upcoming bid on the rest of the project. We will not have a recommendation on accepting contracts for furniture until we see the rest of the bids and evaluate the overall budget. The rest of the project bids this Thursday afternoon of this week. The City/County Building Authority will open bids Thursday afternoon on the balance of the project. That's on the 23rd of October. One week after that there is a follow-up meeting that has been officially scheduled at the Board of Zoning Appeals at 4:00. We would appreciate the Commissioners' support if at all possible at that meeting.

President Mourdock: What time is that meeting?

Mike Shoulders: It's 4:00 on the 30th. That was really all I had. The bid that was undertaken on the 14th and the bids that will be taken and opened and taken under advisement on this week, the 23rd, and then the follow-up meeting of the Board of Zoning Appeals on the 30th at 4:00.

Commissioner Jerrel: You will be in attendance?

Mike Shoulders: I will make the presentation on the 30th myself and we will try to clarify and present additional information as appropriate.

President Mourdock: Okay. Going back to the bids coming up this...whatever the 23rd is? Thursday.

Mike Shoulders: Thursday.

President Mourdock: Any feel yet, Mike, how many bidders you'll have? I know you had five at the pre-bid meeting.

Mike Shoulders: I think we still have a strong...I think we still have at least five interested parties and they look like viable...very viable companies. We've got a couple from Indianapolis. We've got one strong local bidder and we've got a couple from out of state. At least two from out of state, so we've got kind of a cross section there.

President Mourdock: You mentioned the bids that were taken on Tuesday for furniture and signage and such and I realize it's taken under advisement, but I thought it was very interesting that the company that came in with the lowest bid on the seats for the auditorium would actually be reusing the seats that we have and refurbish those.

Mike Shoulders: We took that as an option and that's one of the things we have taken under advisement. The bidders on the fixed seating were asked to submit with their bid a sample of their product. That bidder submitted a sample of its product. Now we have to determine were they in effect as per the specs and if they're not the bidder is still obligated by the bid that was submitted to meet the specs, so there is some evaluation going on with that. After Thursday bids, you know, as I mentioned we won't know what action to authorize or to recommend on the furniture until we see the construction bids because we have some flexibility. We've got a great many unit prices on furniture and we can vary the numbers to pinpoint it to our budget.

President Mourdock: Okay. Any comments as to how the bids on furniture and signage came in compared to what your estimates were?

Mike Shoulders: They were right in line. You know, they right on the money, so I mean we're in great shape with that. We just hope that the same holds true Thursday.

Commissioner Tuley: When the big money gets spent!

President Mourdock: Did you start to say something?

Commissioner Tuley: No, I was just listening to what Mike was saying.

President Mourdock: Okay, thank you, Mike.

Mike Shoulders: Thank you.

Commissioner Tuley: Thanks, Mike.

President Mourdock: Any other comments regarding the auditorium? Mr. Moser I see you're sitting there waiting patiently.

Ed Moser: I don't really have anything.

President Mourdock: Okay.

Ed Moser: I'm just very much interested in what is going on.

President Mourdock: Well Thursday will be a big day when all the estimates that have been put together and all the bonding that was done and everything and we'll see how closely we've got it nailed down. It will be kind of nerve racking.

**Award bid - VC97-11 Asbestos abatement Vanderburgh Auditorium**

President Mourdock: Next on our list then, again, we go back to Lynn Ellis with an award for the asbestos also for the Auditorium. Asbestos abatement.

Lynn Ellis: The low bidder was Liberty Environmental Specialties, Inc. at a total cost of \$37,605 and I would recommend them for the award. They are the low responsive and responsible bidder and they meet specifications.

Commissioner Tuley: Okay, then I would move at this time that VC97-11 for the asbestos abatement at the Vanderburgh Auditorium be awarded to Liberty Environmental Specialist, Inc. at a total cost of \$37,605.

Commissioner Jerrel: I'll second that motion.

President Mourdock: Okay, so ordered.

Lynn Ellis: One other item. Ms. Jerrel asked me to comment on the handicapped and elderly transportation services. A few meetings ago we had bids opened and an award was recommended for that. It has to go to the Council for approval. No formal action was taken by you all until after the Council approves that additional funding, but there were options in that recommendation that would dictate the exact amount of additional monies needed and at this time the request was for the smaller amount with the services much in line with what is being provided now. That was my understanding following the discussion by you all, but I think Ms. Jerrel wanted to confirm that was understood and that we were all on board.

Commissioner Jerrel: That the motion that we made was to maintain the same services that we have been giving the handicapped and elderly. We do have the money in place. We were able to transfer, so we don't have to ask for a new appropriation, but it will be in order.

President Mourdock: Okay, speaking as a party of one here I think that was the understanding. We certainly want to maintain the level we presently have.

Commissioner Tuley: Oh, yeah.

Lynn Ellis: Right. The other option was to increase the services and add another \$10,000 or \$12,000 to the cost and it has already gone up about \$10,000 dollars.

Commissioner Tuley: Substantially, yeah.

Lynn Ellis: I thought that was the intent.

President Mourdock: Alright, thanks for clarifying that.

### **Mike Robling - Daylight Sewer project**

President Mourdock: Okay, the next item on our agenda is from the Department of Metropolitan Development. Mike Robling who...yeah, he's here.

Mike Robling: I sure wish this sewer project was over with.

Commissioner Tuley: I bet.

President Mourdock: Don't we all.

Mike Robling: As you can see from my request we have run into easement problems and in order to make this project proceed probably the quickest and cheapest avenue to take is to redesign and relocate the Schlensker Ditch lift station which will cost an additional \$14,000 in engineering services. The request is for you to approve another amendment to the contract with Three I Engineering so that those services can proceed.

Commissioner Jerrel: I'll make a motion that we approve the appropriation of \$14,000. Now, at this point you have how much money in your line item, Mike?

Mike Robling: Something over a million dollars. I'm not sure the exact number.

Commissioner Jerrel: How much are you going to need?

Mike Robling: I don't know at this point in time. That was based on the estimates we got late last year when we had to redesign the sewer to make it bigger.

Commissioner Jerrel: What I am saying is you can pay it out of that line item--

Mike Robling: Right, right.

Commissioner Jerrel: --and I'll make a motion to that effect, but then I would like to talk to you about encumbering that money.

Mike Robling: Right, well we have to have bids before we can do that.

Commissioner Jerrel: Well,--

Mike Robling: Don't you have to encumber that to a vendor? A specific vendor?

Commissioner Jerrel: But are you going to be ready to do anything before the first of the year?

Mike Robling: I think on the schedule that we are supposedly on now we will be able to get bids and award a contract before the end of the year.

President Mourdock: Is the exception to that though...I just heard you say "you think". The one paragraph in your letter here says:

"Three I Engineering has redesigned the access roads to enter the property at the north end and I expect Lin-Gas to grant the easement."

Is that saying if they don't you don't think you will?

Mike Robling: Yeah, I have not talked to them since then. I was told the reason they turned down the...they declined to give us the first easement was because of the location of the road. I'm not absolutely positive that they will.

President Mourdock: Let me state it in the positive. If they do give you the easement, will you be ready to bid it before the end of the year?

Mike Robling: Right.

President Mourdock: That is the issue is whether or not Lin-Gas does it?

Mike Robling: Right.

Commissioner Jerrel: Okay, and I approved the amendment for services in the amount of \$14,000 to Three I Engineering.

Commissioner Tuley: Okay, I'll second that motion.

President Mourdock: So ordered.

Commissioner Tuley: Did you also have a second one about--

Commissioner Jerrel: Well, I don't...I mean, we would like to get that money encumbered. If we don't then we'll have...what I am recommending that we do is if we don't get it encumbered then I think we need to go before Council December 15th to request an appropriation in whatever that amount is for January, 1998, so it is immediately in place.

Commissioner Tuley: Okay.

Mike Robling: There is the possibility that when the bids come in they'll be more than whatever we have left.

Commissioner Jerrel: Right.

Mike Robling: Which we'll have to deal with when that time comes. You've got money appropriated, don't you, for infrastructure development?

Commissioner Jerrel: We do, but we've also got a lot of that committed to Burkhardt Road.

Mike Robling: Yeah, right.

Commissioner Jerrel: That's why we need some dialogue with you so that we keep all these projects coordinated.

Mike Robling: I need to get a more recent update on what the projected cost is going to be because a lot has happened since the last one that I got.

President Mourdock: The other project that is out there is--

Commissioner Jerrel: Cross Pointe.

President Mourdock: Cross Pointe and also--

Commissioner Jerrel: Replas.

President Mourdock: --Replas. Okay, thanks, Mike.

**Appoint Mike Talbert to Board of Examiners  
For Construction and Roofing**

President Mourdock: We have an action item to appoint Mr. Mike Talbert to the Board of Examiners. That is necessary through the Building Commissioner.

Commissioner Jerrel: I would like to move approval of the appointment of Mike Talbert as a replacement for Jesse Merrill on the Board of Examiners for Construction and Roofing.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual wishing to address the Commission on any issue that is not on the agenda this evening?

**John Stoll - County Engineer**

President Mourdock: Alright. We'll move to our department heads. County Engineer, John Stoll, you're up first.

John Stoll: First I would like to recommend that contract number VC97-09-01, Burkhardt Road, Phase 2, be awarded to E & B Paving in the amount of \$4,870,286.04. They were the low bidder on the project. Everything was in order with their bid.

Commissioner Jerrel: Is that...did you say A or E & B?

John Stoll: E & B.

Commissioner Jerrel: I would like to move approval of the contract for the Phase 2 paving for Burkhardt in the amount of \$4,870,286.04 to E & B Paving.

Commissioner Tuley: Second.

President Mourdock: So ordered. We're making progress. Okay.

Commissioner Jerrel: We're each going to get a flag for the 12 days they're shut down. There will be some unhappy people.

President Mourdock: Oh, yeah.

John Stoll: There are some pretty good lines of traffic out there.

Commissioner Tuley: Sure, you ought to move to the west side. I've got to fight that bridge every day.

President Mourdock: Yeah.

John Stoll: It was backing up regularly back to Cross Pointe out there today, so there are some pretty good lines of traffic.

President Mourdock: Indeed.

Commissioner Jerrel: You want to tell her it has already been done.

John Stoll: Next I would like--

President Mourdock: Excuse me, John.

John Stoll: Oh, I'm sorry.

President Mourdock: You're done, Sue.

Commissioner Jerrel: Faye.

President Mourdock: Faye, I'm sorry.

Commissioner Tuley: We just opened them didn't we?

Faye Gibson: I'm done?

President Mourdock: You're done.

Commissioner Jerrel: We just did it.

President Mourdock: We've already done...well, we haven't opened them, but we did take the bids in so I guess you might want to stick around.

Joe Harrison, Jr.: I'll read them off in a minute.

Faye Gibson: I apologize.

President Mourdock: That's alright.

Commissioner Tuley: We're just moving fast.

President Mourdock: Go ahead, John.

John Stoll: Next I would like to go before Council to transfer \$93,000 from the Heckel Road Bridge account number 2030-4374 to 2030-3540 for the Bridge Inspection. I recently received the draft agreement from Beam, Longest & Neff for the bridge inspection and that is the figure that they submitted for the cost of the next phase of the bridge inspection.

Commissioner Jerrel: I would like to move approval of the transfer from the Heckel Road account to the Bridge Inspection in the amount of \$93,000.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

John Stoll: Next I've got some street acceptance requests. One is in Fretina Acres Subdivision. This is at the southeast corner of Hillsdale and 41. This involves the acceptance of 239 linear feet of Smith Dale Road and 469 linear feet of Walnut Road. The Walnut Road segment does include the bridge over Little Pigeon Creek. We've received all the as built plans and the inspection of that project was done by the consultant as we requested. Everything was built properly and it is recommended that the streets be accepted.

Commissioner Jerrel: I'll move approval of the inspected streets for Smith Dale and Walnut Road.

John Stoll: Correct.

Commissioner Tuley: I will second.

President Mourdock: So ordered. That's the first time I can ever remember that we've ever accepted streets before there has been much building in the development. That's kind of unusual isn't it?

John Stoll: It's hit and miss. Some of them they've got quite a bit going on and others nothing. This is...I guess they've got what...? Just a convenience store up right now, but they are already planning on extending Walnut Road further to the south on another phase of that subdivision, so they've got some big plans for it I guess. The other acceptance request is for the Villas Subdivision. This is off of Eissler Road and the acceptance request is for 380 feet of Adler Ridge.

Commissioner Jerrel: Adler?

John Stoll: Yes.

Commissioner Jerrel: Would you explain that again? Say it again.

John Stoll: It's 380 feet of Adler Ridge. It's a street in the Villas Subdivision. That's off of Eissler Road.

Commissioner Jerrel: You're moving that we accept--

Commissioner Tuley: Accept the road.

John Stoll: Correct.

Commissioner Jerrel: Alright, I would like to move approval that we accept the 380 feet described and part of Adler Ridge.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

John Stoll: Next I've got a Notice to Bidders for the contract number VC97-11-01, culvert replacement on Green River Road. This is a box culvert replacement that is located up near Ruston Lane and we'll replace it, I believe Valerie said, with a 6x5 box culvert.

Commissioner Jerrel: Okay, and you're asking for...?

John Stoll: Just approval on the Notice to Bidders and advertisement.

Commissioner Jerrel: I'd like to move approval of the advertising on the culvert replacement, VC97-11-01.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item, we received a request from CCC of Evansville, who is the contractor on the culvert replacement on Slate Road, for a seven day extension on that contract due to some problems they had with German Township Water not relocating a water line as fast as they needed. It's recommended that the time extension request be granted.

President Mourdock: Whose water line was it?

John Stoll: German Township Water.

Commissioner Jerrel: You recommend that we do this?

John Stoll: Yes.

Commissioner Jerrel: Okay, I'll move that we grant CCC of Evansville a seven day extension on their culvert contract on Slate Road.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all I have.

Commissioner Jerrel: One thing.

Commissioner Tuley: What about Bill?

John Stoll: Oh, on the Family Leave request?

Commissioner Jerrel: Yeah, we have the Family and then I have one thing that I wanted to mention to you. I've had a call from a lady and she has been pretty nice about it, but she says there are sweepers out there that are sweeping Lynch Road's concrete. You know, they've got one.

John Stoll: Oh, yeah.

Commissioner Jerrel: She wondered if it would be possible to do right around the edge around the corner on Green River. If you have anybody that goes out there that they've got a lot of dirt that is on the Green River side and she--

John Stoll: We've asked about that once already...twice already, I guess, to have them clean it up because there was a lot of mud accumulated on the curb lines and out in the median out there on Green River.

Commissioner Jerrel: Do you think you could have somebody--

John Stoll: Yeah.

Commissioner Jerrel: Because apparently they see how clean Lynch is and it's not clean on Green River. I would like to move approval of the Family Leave of Absence request for Bill Higgins from October 22 to October 28, 1997.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else for John?

Commissioner Jerrel: Is there a pink slip in there that reflects this?

John Stoll: There was supposed to be.

Commissioner Tuley: I didn't see one.

Tony Greubel: Next week J.P. is going to drop one off.

John Stoll: She is going to submit it next week.

President Mourdock: Okay.

John Stoll: Thanks.

**Rick Dickinson - County Garage**

President Mourdock: Rick Higgins with the Garage.

Rick Dickinson: I don't have much.

President Mourdock: Or Rick Dickinson.

Rick Dickinson: I wasn't supposed to be here until about half hour ago. You asked me about Hillsdale, Mr. Mourdock. About Hillsdale between 41 and--

President Mourdock: On the ditching?

Rick Dickinson: Yeah.

President Mourdock: Yeah.

Rick Dickinson: We started that today and we made a good dent in it today.

President Mourdock: Okay. Actually, somebody did it quite a while back.

Rick Dickinson: We started a while back.

President Mourdock: Okay.

Rick Dickinson: We got maybe two or three shovels full and it started raining on us and we couldn't get anything out. The regular operator wasn't on that piece of machinery so we brought them in. We thought it would be too dangerous for him to run it. He was on a new piece of equipment and he wasn't the regular operator so we brought them in instead of causing problems.

President Mourdock: That may be why when I was driving my truck past him he swung awfully close to me when I went through there when that was in progress.

Rick Dickinson: Today?

Commissioner Tuley: That sounds like a good explanation to me!

President Mourdock: I don't think he recognized my truck, but I was just kind of stunned when he swung the bucket by me.

Commissioner Jerrel: How are we coming on the paving?

Rick Dickinson: We're all done except for two streets. Carol was telling me today that we're out of money as far as paving roads. Are we out of money?

Commissioner Jerrel: You need to have Carol call me because we need to finish those and we have funding that we can move if we have to.

Rick Dickinson: I think we have two roads left and these people that are supposed to grind our roads down, evidently they haven't ground them down yet.

Commissioner Jerrel: We entered into a contract last week with Rudolph for \$4,500 for milling on the remaining...there were two or three streets right?

Rick Dickinson: Yeah, I can't think of them right off hand.

President Mourdock: Yeah, several weeks back, but--

Commissioner Jerrel: No, it was last Monday.

Rick Dickinson: They're not milled off.

Commissioner Jerrel: What?

Rick Dickinson: As far as I know they are not milled off. We're waiting for them to mill

them off and they wasn't milled off as of Friday.

Commissioner Jerrel: Did John leave.

President Mourdock: No, he's back there.

Commissioner Jerrel: John, what is the status of the roads that we were--

John Stoll: The contract paving?

Commissioner Jerrel: Uh-huh.

John Stoll: They're going to start Green River tomorrow and now that the ditching is done on Old State and the culvert has been installed on Petersburg they can move ahead with those as well. The milling machine is supposed to be here later this week so they can do Camellia and April which would allow Rick's crews to finish the county projects. The milling machine is also need for Ruffian Way, so things should start happening on the contract jobs this week.

Commissioner Jerrel: Okay.

President Mourdock: Alright.

Commissioner Jerrel: I'll talked to Carol about the money.

Rick Dickinson: Okay. Well, we're caught up with everything we have to do. We're just waiting on other stuff to happen.

President Mourdock: Okay. Do you have any idea, Rick, excuse me. Did you start to say something?

Rick Dickinson: The only other thing I had to say is he brought up Old State and Old State is done.

President Mourdock: Okay. I hate to say and I hate even worse to think it, but the leaves are quickly falling out there. Are we in shape as far as having our sand and salt supplies and all those kind of things?

Rick Dickinson: We're fully stocked up. We were stocked up from last year. Our whole barn is full.

President Mourdock: Okay. I had said something to Milton several weeks ago about trying to get a priority list if we had a snow emergency situation to have some private contractors that he would know to call and have some rates established.

Rick Dickinson: I know he's got...we have a list there. I've never seen it, but I know last year when I was involved in this that they brought a piece of paper and the last year or the year before when we couldn't get all like Lynn Road and all these things opened up they brought out a list and they was calling farmers.

Commissioner Tuley: We did it last year because the year before it was kind of trying to just catch anybody we could and then last year we had some preestablished rates that were done up for equipment and everything.

Commissioner Jerrel: That's the best way to do it.

Rick Dickinson: Right. I think some of it was through Mann Construction and other contractors.

Commissioner Tuley: Yeah.

President Mourdock: Yeah, there was a whole list of them.

Commissioner Tuley: But it was lined up well in advance as to what they agreed to do it for.

Commissioner Jerrel: That would be a good idea to get that done.

President Mourdock: That's my point. We want to make sure.

Rick Dickinson: I'll ask Milton about that tomorrow then.

President Mourdock: Okay, and have him ready to report to us or Rick if you're here next week or if Milton is here or whatever.

Rick Dickinson: Okay.

President Mourdock: Just let us know where we stand and what we need to do to make sure those folks are available or other folks might be available so that we can lock in as to what the rates are. If we do that--

Rick Dickinson: That one year I think we was kind of caught off guard and I think we ended up hiring farmers and anybody we could just to get them roads clean.

President Mourdock: That was the first year I was on board, I think, because we--

Commissioner Tuley: The wind would cover them as fast as we could plow them.

President Mourdock: Yeah.

Rick Dickinson: Especially down there in the bottoms and up north.

President Mourdock: If we do that, have it absolutely all set ready and in place it guarantees it will not snow.

Rick Dickinson: Yeah.

President Mourdock: If we don't do it--

Rick Dickinson: Those same people are also contracted through the city and other people that...I don't know how you guys feel about it, but I think just because we have a contract with these guys don't necessarily mean we're number one.

President Mourdock: No, but the way we talked about it before, and I'm not sure you were here for the discussion, we would basically say this length of road is their responsibility and if they are contracted with the city or whatever, I mean, they may do that, but until that length of road is cleaned out they don't get paid and if our crews end

up getting there before they do then they don't get paid. It gives them a reason to get out there and get ours done.

Rick Dickinson: Okay. I have no idea how that works.

President Mourdock: Okay, well at any rate let's keep that moving along before the snow does fly.

Rick Dickinson: I'll talk to Milton about that tomorrow.

President Mourdock: Any other points for Rick or questions?

Commissioner Tuley: (Inaudible comments) on North Red Bank I would appreciate it. It's on the other side of the road there.

Rick Dickinson: I'm not acting surprised. I knew they would do it.

President Mourdock: Rick, two other ones. One, there is a pretty good hole on Inglefield Road just west of the railroad tracks. I had a fellow up there complain on that one. You might have somebody check that one. Also, on Orchard Road there is a spot where--

Rick Dickinson: I've got both of them. They're in my truck right now. They're going there tomorrow. Orchard and Inglefield.

President Mourdock: Right, that's it. Okay, thank you.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney. Joe, you have some bids opened?

Joe Harrison, Jr.: Yes, the bid on the air conditioning at the Old Courthouse. There were two bids that were submitted. I think it's VC97-13. That's what Lynn indicated. Two bids came in and they are as follows:

1. J.E. Shekell of Evansville  
\$177,000.00
2. U.S. Industries Group, Inc. of Evansville  
\$187,000.00

I would ask that you take those two under advisement and consider the same, hopefully, next week or the following.

Commissioner Jerrel: I move that the two bids for the Old Courthouse air conditioning be taken under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other item I have relates to the property that was donated by Robert Woodward to the county along Burkhardt Road. There was another 1.68 acres that needed to be donated that Mr. Woodward donated to us. I have a copy of that deed and it was as of August 12th and it was recently recorded and I would ask that the Commissioners accept the same and keep it in safekeeping. Again, it's along Burkhardt Road there near Morgan Avenue.

Commissioner Tuley: I'll move acceptance of the 1.6 acre donation by Mr. Woodward.

Joe Harrison, Jr.: Technically it was in the name of Margaret Lemmons to the county, but apparently Mr. Woodward had an option on that piece of ground. Yeah, 1.68.

Commissioner Tuley: On the 1.68 then.

Commissioner Jerrel: I'll second that motion.

President Mourdock: So ordered.

Joe Harrison, Jr.: I believe that's it. That will be all.

### **Tony Greubel - Superintendent of County Buildings report**

President Mourdock: Okay, Tony.

Tony Greubel: At your work stations I put a Bill of Sale for the 1979 Century boat that the Sheriff's Department used to use. We acquired that boat before there was a law that you had to have a title for it, so Commissioner Jerrel did some investigation and found out that we should have you sign a Bill of Sale tonight. That's what that refers to. I ran out of filing space last week in the Commission Office, so I consolidated some other drawers and I found two more for filing.

President Mourdock: Okay, so we need a motion then to approve the Bill of Sale for the 1979 Century boat.

Commissioner Jerrel: Yes, I would like to move approval of that.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Word of comment, that's the biggest part of the money that we got is this \$3,200.

President Mourdock: Do you have a copy of the original of this in the signature file?

Tony Greubel: It's in the signature file.

Commissioner Jerrel: The original will need to go to Wolfe's Auction.

President Mourdock: Okay, anything else?

Tony Greubel: Nothing else.

President Mourdock: Okay.

### **Burdette Park**

President Mourdock: Burdette Park, we have in our packets their work list of both full-time and part-time employees and also a letter submitted to us from Joyce regarding account balances that are out there for the year.

Commissioner Jerrel: They've already gone on Council Call, but I'll move approval of this.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### Consent items

President Mourdock: Consent items. In the packet tonight, employment changes, travel requests from the Health Department, County Assessor's Office and Legal Aid. Also, Weights and Measures submitted its monthly report. I would look for approval of those items.

Commissioner Jerrel: Move approval.

Commissioner Tuley: I'm going to second. I'll have a request next week to attend that district Commissioners meeting on the 29th in Bloomington, but I won't be asking for reimbursement. I'm just letting you know I'm going.

Commissioner Jerrel: Okay.

President Mourdock: Okay. Hearing a motion and a second, so ordered. I don't know that I have seen the write up on that one, Pat. What day is it?

Commissioner Tuley: Wednesday, the 29th.

Tony Greubel: Yeah, it's on Wednesday next week. It's a golf outing.

Commissioner Tuley: It's a golf outing during the day, but then there is the dinner and the meeting that night.

President Mourdock: I might try to go up for the evening meeting.

### Scheduled meetings

President Mourdock: A list of scheduled meetings is attached or in the files.

### Old business

President Mourdock: Any old business before us this evening?

Commissioner Jerrel: There is a letter that Dennis Faulkenberg, Deputy Commissioner of INDOT, is going to try to be here November 24th. That was the date he gave us and I left a message with his secretary that as soon as that is confirmed I would like to see us send invitations and contact all the surrounding counties to invite them to also attend.

President Mourdock: Okay. Very good. Any other old business? Pat?

### New business

President Mourdock: New business?

Commissioner Jerrel: Last week you got your policy on take home vehicles and tonight I left a note on the things that we need to include and that is that we need an update on each office's actual, including their new vehicles, and then I'll meet with each individual office or contact them by memo. I would really rather meet with them and go over what they do, what the car is used for and then I'll get back and report to you all and we can move maybe before the end of the year and get this finished.

President Mourdock: Okay. Do we need to do, and I don't think we do, but do we need to do anything more formally than just the memo that you've given us or actually the one that you addressed to Tony stating those things? Do we need to formalize that in any other way?

Commissioner Jerrel: I'll bring back a report.

President Mourdock: I'm comfortable doing what you just said if Pat is as far as pursuing--

Commissioner Tuley: I have no problem with that.

President Mourdock: Any other new business?

Commissioner Jerrel: Just one and that is we had an opportunity to meet with Sam Elder and I would like to just read this briefly to you. It regards the:

"Nomination of the Vanderburgh County Health as an outstanding Health Department in Southwestern Indiana. They have consistently made themselves available to numerous IDEM sections in providing excellent assistance, frequently the lead agency in addressing local concerns. They've help inspectors, enforcement officers, criminal investigators and administrators from numerous other agencies. They are counted upon to get the pulse of the community and what issues are of concern and of any controversy and is indeed a local agency that certainly tries to help themselves and provides strong leadership."

Sam Elder is the Director. Brett Townsend, Supervisor of Environmental Health, George Thompson and Dwayne Coldwell are the other two members of that department and they were presented this plaque. I just thought it would be nice to include it in the record and share it with all of you.

President Mourdock: That's very nice. It's actually made out to them, so it will be going their way.

Commissioner Jerrel: Yeah. We do have to act before the end of the year...one other thing under new business, on that last meeting. Are we going to have a meeting the 29th?

President Mourdock: Of December?

Commissioner Jerrel: Of December or cancel the meeting on the 29th?

President Mourdock: Well, gee. We have established previously that Christmas this year is on the 25th.

Commissioner Jerrel: That's right.

President Mourdock: The 29th is the Monday meeting and obviously in the midst of the

holidays do we need to have that meeting?

Commissioner Tuley: Not as far as I am concerned. It's the fifth Monday.

President Mourdock: It is the fifth Monday.

Commissioner Jerrel: I'll move that we cancel the fifth Monday meeting.

Commissioner Tuley: Of December.

Commissioner Jerrel: In December.

Commissioner Tuley: Second.

President Mourdock: I will certainly so order that. Any other items before us this evening before we wait for the Zoning Board to start?

Commissioner Jerrel: I don't think so.

President Mourdock: Motion for adjournment?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:10 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene M. Timmons  
Tony Greubel  
Lynn Ellis  
Mike Shoulders  
Ed Moser  
Mike Robling  
John Stoll  
Faye Gibson  
Rick Dickinson  
Others Unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
October 27, 1997**

The Vanderburgh County Board of Commissioners met in session this 27th day of October in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting of October 27, 1997 for the Vanderburgh County Commission to order. I see a few new faces in attendance here this evening. If you would like an agenda for this meeting they are at the table to my far right. Our office Administrative Assistant, Tony Greubel is at my far right; County Attorney, Joe Harrison; County Commissioner, Pat Tuley; County Commissioner, Bettye Lou Jerrel; Suzanne Auditor...I got it bad tonight...Suzanne Crouch, our County Auditor; Charlene Timmons and I've forgotten once again, I'm sorry. Gary?

Suzanne Crouch: Gary Tucker.

President Mourdock: Also with the Auditor's Office helping with the notes this evening. If you wish to address the Board you'll certainly have a chance to do that. If you do so, we do ask you to come to the microphone because all of our minutes are transcribed verbatim, so we need you to state your name and address at the beginning please. If you would, join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: The first item of business this evening we have in our packets the notes from our meeting of last Monday, October 20, 1997.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Just prior to this meeting commencing at 5:00 this evening and finishing at 5:30 we had an Executive Session of the Board of County Commissioners at which time issues regarding county personnel matters were discussed and I would ask for approval for the minutes of that Executive Session.

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Open bids - VC97-12, Underground storage tank removal**

President Mourdock: Lynn Ellis, we have an item for the auditorium.

Lynn Ellis: I would like to request that the Commissioners authorize the opening of bids for the removal of the underground storage tank located at the Vanderburgh County Auditorium.

President Mourdock: Okay, and this came before us last week, the bids were opened and the--

Lynn Ellis: No, this is to open.

Commissioner Tuley: This is to open the bids.

President Mourdock: I'm sorry.

Lynn Ellis: The bids will be taken under--

Commissioner Tuley: Advisement.

Lynn Ellis: --advisement and award hopefully recommended next week.

President Mourdock: Okay, I was thinking the asbestos.

Commissioner Jerrel: I would like to move approval that we open the bids for the underground storage tank at the auditorium.

Commissioner Tuley: I will second.

President Mourdock: So ordered. For the record that's VC97-12.

**Open bids - VC97-10, Indexing, receipting and imaging system**

President Mourdock: We also have a bid opening for VC97-10. Lynn, do you want to describe that?

Lynn Ellis: Right, that's the indexing, receipting and imaging system for the County Recorder's Office. I'd also request that these bids be taken under advisement and a recommendation made hopefully at next week's Board meeting.

Commissioner Jerrel: I would like to move approval of opening the bids for VC97-10, the Recorder's package.

Commissioner Tuley: Second.

President Mourdock: Before I say so ordered, the County Recorder is here. Betty, anything you wish to address on that issue? I presume not since it is a bid opening. Okay. Well, with a motion and a second then I will say so ordered. Continue on, Lynn, you're on a roll.

**Letting of bids - Printing of 1998 tax bills**

Lynn Ellis: I'm trying to play catch up in Purchasing. I would request that you authorize the bids for the printing of the 1998 tax bills. Bids will be received November 17th and there is no advertising required for this because it's under the \$75,000 limit.

Commissioner Jerrel: I would like to move approval of authorizing letting of bids for the printing of 1998 tax bills.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Letting of bids - Weights & Measures vehicle purchase**

Lynn Ellis: Let's see, the next one is the letting of bids for the Weights & Measures' automobile. At this time there is not a clear path as to which automobile they wish to go with. Loretta went to the County Council and requested additional appropriations for the purchase of a car. Some of the County Council members recommended that perhaps she get a van instead of a car, so the bid will include both a car and a van. The specs are done with both vehicles and then after the bids are opened then a determination will be made based upon available funding as to which automobile she can get. That clearly states that in the bid.

President Mourdock: Are we getting rid of a vehicle? Are we replacing a vehicle?

Lynn Ellis: No, this is an additional vehicle. She got rid of one...was it last year?

Commissioner Jerrel: This is a vehicle that has a trade-in.

President Mourdock: So we would be getting rid of one?

Commissioner Jerrel: That's right.

Lynn Ellis: She did not with this past auction.

President Mourdock: Okay, but if she gets a new one regardless of whether it's a car or a van, she's going to trade one in to get one?

Commissioner Jerrel: She trades in, yes. That's right. I read the minutes of the Council meeting.

President Mourdock: Okay.

Commissioner Jerrel: We've already voted on that right?

Commissioner Tuley: No.

Commissioner Jerrel: Okay, but I moved approval of letting the bids for Weights & Measures' vehicle purchase.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Liberty Environmental Specialties contract for asbestos abatement**

Lynn Ellis: Okay, the next item is the approval to execute the contract for the asbestos abatement at the Vanderburgh County Auditorium. You all approved the award at last week's meeting and the vendor has executed the contract and it should be in your packet for execution.

Commissioner Jerrel: Is that just an information item?

President Mourdock: No, we need to vote on that. It was with Liberty Environmental Specialties. We took the bid under advisement last week and we need to formally act to issue the contract.

Lynn Ellis: The bid--

Joe Harrison, Jr.: The bid was approved, but the contract wasn't signed.

Lynn Ellis: Right, exactly. The bid was approved, but the contract was not approved.

Commissioner Tuley: So the motion would be then to sign the contract for Liberty Environmental Specialist for \$37,605?

Joe Harrison, Jr.: Yeah.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Wannemuehler Oil - Removal of fuel from underground storage tank**

Lynn Ellis: I have one additional item that doesn't really require formal action, but I wanted to make you aware of it. I got bids on the removal of the fuel that is in the underground storage tank at the auditorium. We had two quotes received for that and my recommendation would be to award that to Wannemuehler Oil. They're offering to pay the county 45¢ per gallon for the fuel that's in there. The fuel, to my knowledge based on the documentation that we have, is 21 to 22 years old. It's a 15,000 gallon tank. The measurement was 74½ inches which approximately is 8,500 gallons of fuel in there. They will pay the county for that, remove the fuel so that then the tank can be removed. I don't know if you want to take formal action on that or not. It is a quote, but it does tie in with the removal of the underground storage tank.

President Mourdock: How are they doing the unit volume on that? Is there just a meter on their pump when they pump it out so that they're going to come back and tell us there were 2,000 gallons or we're just kind of taking it on faith whatever they tell us was the number of gallons and we multiple by 45¢?

Lynn Ellis: They will measure it and then it will have to be mixed in with good fuel and

they dump it into a million gallon tank and then when it's mixed in with that much then it won't matter. He has another option available at a power plant that he said he might be able to use it at, but it would be metered as it's removed and placed into their tank.

President Mourdock: Okay, so we have the choice to, I guess, take action and direct Lynn to go ahead and pursue that with Wannemuehler or just take it under advisement. What is the Board's wish?

Commissioner Jerrel: Well, is this connected to VC97-12?

Lynn Ellis: Yes, ma'am. The fuel will have to be removed in order to get the tank out of the ground.

Commissioner Jerrel: But didn't we just authorize opening the bids? Right?

Lynn Ellis: Right.

Commissioner Jerrel: Then how do we know who is going to be low?

Lynn Ellis: This is different.

Commissioner Tuley: Separate. It's a totally separate issue.

Commissioner Jerrel: I know, but if they're not low--

President Mourdock: Well, the people that are bidding are bidding only on digging up that tank and physically taking it out. They're not bidding pulling the liquids--

Commissioner Tuley: It's a separate bid item.

President Mourdock: --out of the tank that's presently in there.

Commissioner Jerrel: Oh, that's not included in the specs?

Lynn Ellis: No, ma'am. It was assumed by the bidders that the tank would be empty when they remove it.

Commissioner Tuley: Empty.

Lynn Ellis: The reason for that is that I felt that the county could derive greater income from selling the fuel as opposed to the contractor taking the tank out--

Commissioner Tuley: And selling it.

Lynn Ellis: --and giving the county a deduct for the product when they would have to remove it and sell it and all that stuff. In fact, the other bid that I got was 10¢ a gallon, so 45¢ a gallon is really good.

Commissioner Tuley: The other bid she got was 10¢.

Commissioner Jerrel: I don't have any idea.

Joe Harrison, Jr.: You didn't advertise? You just called and got quotes?

Lynn Ellis: It wasn't necessary to be advertised.

Joe Harrison, Jr.: What simply because you're saying it's professional related or, I mean, what's the basis? I mean, why wouldn't it be similar to asbestos removal? Why wouldn't you want to advertise it?

Lynn Ellis: Well, it's not \$75,000.

President Mourdock: How many gallon tank was it, Lynn, 2,000?

Lynn Ellis: It's 15,000.

President Mourdock: It's 15,000, so at most you would be looking at \$7,500. Less than \$7,500.

Joe Harrison, Jr.: I'm just thinking you might get better--

Commissioner Jerrel: He was thinking in terms of the--

Joe Harrison, Jr.: You might get a more competitive quote.

Commissioner Jerrel: --safety of the removal of something underground if it's all still in good shape and the dirt wouldn't be damaged in any way. You know, I'm putting words in your mouth, counsel.

Commissioner Tuley: He's thinking it just needs to be advertised to see if you can get a better price. That's all he's thinking.

Joe Harrison, Jr.: That's the bottom line.

Commissioner Jerrel: Oh, I thought you were thinking of the soil and the removal and the status of the underground tank.

Joe Harrison, Jr.: I'm just thinking you might get a better price if you--

Commissioner Tuley: I'm surprised we got an offer of any kind let alone a better one.

President Mourdock: Yeah, really.

Joe Harrison, Jr.: I don't know. I'm just throwing it out.

President Mourdock: Lynn did get several prices she said.

Lynn Ellis: When the tank was emptied out behind this building it brought in, I think Steve told me, 15¢ a gallon and that's more in line with what they usually get.

Commissioner Tuley: I'll move approval at 45¢ to Wannemuehler. Just get rid of it.

Commissioner Jerrel: I second.

President Mourdock: Okay, so ordered.

Lynn Ellis: Thank you.

**First reading - Ordinance concerning the use of county funds for the  
payment of membership dues and other fees**

President Mourdock: Okay, Joe, the next item, and this is in our packet, but the first reading of the ordinance concerning the use of county funds for the payment of membership dues and other fees. Do you have any comments on that?

Joe Harrison, Jr.: Not really. We've had several discussions concerning this proposed ordinance before. This would be a first reading by the Commissioners. I would ask that it be entered into the record as submitted. It has been advertised and I ask for a roll call vote tonight and then the next time it is considered.

President Mourdock: Okay, on first reading then I would look for a motion to approve the ordinance concerning the use of county funds for the payment of membership dues and other fees.

Commissioner Tuley: I'll move approval on first reading.

Commissioner Jerrel: I'll second.

President Mourdock: Alright, roll call vote. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I vote yes.

**Any group or individual wishing to address the Commission**

President Mourdock: Okay, any group or individual in the audience wishing to address the County Commission this evening on any issue that has not been discussed thus far or otherwise does not show up on our agenda now is your chance. Betty.

Betty Hermann: Since this is a learning session for me, is our attorney going to read these?

President Mourdock: Oh, sure. When we get to the...we normally do it under our county department heads. We give Joe a little bit of time to go through the bid openings, but then he'll read them and state them and we'll take them under advisement.

Betty Hermann: I'm not rushing.

President Mourdock: That's fair. That's alright. Anyone else wishing to address the Commission this evening?

**John Stoll - County Engineer**

President Mourdock: Okay, County Engineer, John Stoll, department head reports please.

John Stoll: We received the bridge inspection agreements from Beam, Longest & Neff today. It's for the amount of \$80,500 for phase one and phase two of the bridge inspection. That letter needs to be submitted to INDOT in conjunction with the INDOT review and approval of the agreements. We will end up paying 20% of that so basically we'll be paying around \$16,000 for the bridge inspection and it is recommended that the letter be signed so we can submit the agreements to INDOT.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: You may remember last spring when we were discussing the repairs to the beam, the exterior beam, on Stringtown Bridge. It had rusted significantly compared to when the bridge design plans were originally prepared. At that time the contractor working on the bridge submitted a quote of \$109,343 to repair the exterior beam. Since then we've now got additional quotes from CCC of Evansville and Southwest Engineering. CCC's was \$24,712.50 and Southwest Engineering's quote was \$19,750. Those are prices that we expected relative to the amount of work that needs to be done. We felt that the original quote of the \$109,000 was extremely excessive and at this time we would like to go ahead and get a P.O. to do the repairs with Southwest Engineering.

Commissioner Tuley: Just for the record, tell me who gave us that \$109,000 quote.

John Stoll: Ragle, Incorporated. We got the impression that they just did not want to--

Commissioner Tuley: Want to do it.

John Stoll: --do the work and they wanted to replace the beam at a cost of \$198,000.

Commissioner Jerrel: Then I think a motion is in order to accept Southwest Engineering's price of \$19,750 for the repair of the beam.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all I have.

President Mourdock: Okay. Anything for John this evening? Okay, John, since we're moving fairly quickly you might give Mr. Jeffers a call for drainage.

John Stoll: Okay.

### County Garage

Commissioner Jerrel: I think Milton is on vacation.

President Mourdock: Okay, the County Garage report. We have in our packets this

evening the report submitted for period from October 17 through October 9th it says and I know that isn't right. How about Friday, October 17th through the 24th. That report showing the work that has been done both paving-wise and ditching-wise. The latest reports are also on our board this evening for both paving and ditching and in both cases they are at about 64% if my memory serves better than my eyes.

### **Burdette Park**

President Mourdock: We'll skip the County Attorney for a moment while he is still reviewing bids. We have in our packet also a report from Burdette Park that is entered for the record on work that has been done there and some staffing items.

### **Superintendent of County Buildings**

President Mourdock: Department of County...Superintendent of County Buildings. Tony, do you have anything to update us this evening?

Tony Greubel: Just a few small things. Earlier this month Commissioner Jerrel and I met with Mr. Eddy Takumyo of the Japan External Trade Organization. He is asking all three Commissioners to help him think of companies locally that might have a product to export to Japan, so if the three of you think of any companies that might have a niche product that might sell in the Japanese market you can contact me and I'll talk to Mr. Takumyo about that. Then about the Airport Advisory Team, I was assigned to a group that included Dr. Hoops, of USI, and Mr. Don Tennenhouse, American General Finance, and we were looking at direct jet service to the Evansville airport and we thought that the most important elements were to have a high frequency of flights and competitive fares. That's more important than having large jets coming into the Evansville airport and we submitted that report.

Commissioner Jerrel: It's kind of interesting talking to him. He was telling...he is kind of the Vision 2000 from Japan and he was telling us what they would offer and, you know, space is so in short supply over there that offering you a small room for an office would be a major incentive.

President Mourdock: I'll bet. The cost of a square foot over there is probably 50 times what it is here.

Commissioner Jerrel: Right.

### **Joe Harrison, Jr. - County Attorney**

President Mourdock: Okay. Thank you for the report, Tony. I guess that brings us back to Joe. Do you have a summary?

Joe Harrison, Jr.: Yes, first of all the item that is listed as VC97-12, underground storage tank removal at the Auditorium. There were four bids submitted. They are as follows:

1. Jerry Aigner Construction, Inc. of Boonville, Indiana  
\$15,500.00
2. Complete Environmental Services of Evansville, Indiana  
\$13,900.00

- 3. Hinderliter Construction & Main, Inc. of Evansville, Indiana  
\$13,600.00
- 4. American Enviro-Services, Inc. of Newburgh, Indiana  
\$12,588.00

President Mourdock: Okay, is there a motion that we take those under advisement?

Joe Harrison, Jr.: I would ask that you take those under advisement and review the same for their responsiveness.

Commissioner Jerrel: I would like to move that the bids that have just been read be taken under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The next one is VC97-10 and that's the Vanderburgh County Recorder's computer hardware and software package system. There were two bids actually submitted.

- 1. VanAusdall & Farrar of Evansville, Indiana  
No bid.
- 2. Manatron of Canton, Ohio  
Base bid \$233,699    Bond \$1,903    Total \$235,602.00
- 3. Fidler & Chambers Co. of Rock Island, Illinois  
Base bid \$169,316    Bond \$1,430    Total \$170,746.00

I would ask that you take these bids under advisement and review the same for their responsiveness.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Betty, so you know unless...well, during the week we'll certainly have Lynn and counsel review those to make sure all the specs of the bids were adhered to and almost always we're ready to act on those the following week, so next Monday we should be ready to act. Okay, thanks. Okay, Joe, do you want to continue with anything else from your report?

Joe Harrison, Jr.: The Area Plan Commission has asked that the Commissioners consider an amended ordinance which would enable the Area Plan Commission to adopt and consider additional or increased fees at some point down the road for rezonings and Board of Zonings...I guess for rezonings and subdivision type matters. They're asking the City Council and then the County Commissioners to approve an ordinance granting this. The Area Plan Commission, though, would be the body that actually sets the fees and I do have a draft of an ordinance that they would like for the Commissioners to have published within the next several weeks and consider the same at some point in November. I don't know if Charlene has got a copy of that, but I do have a draft with me and I would ask that you permit the Auditor's Office to publish this particular ordinance.

It would have to be read two times. Pardon me? It's already been done?

Charlene Timmons: No, when I spoke to you I thought we were going to wait until after it was adopted by the Area Plan Commission.

Joe Harrison, Jr.: I think they're going to adopt it probably...is it going to be next Wednesday?

Charlene Timmons: November...is it November 5th?

Joe Harrison, Jr.: Yeah.

Charlene Timmons: We were going to advertise it after that.

Joe Harrison, Jr.: Okay.

Charlene Timmons: I don't care. I thought that was what we had discussed.

Joe Harrison, Jr.: Or if you want to go ahead tonight and approve it and we'll just hold it in a file until it's the appropriate time to publish it in the paper. I think that's fine. At least we won't forget about doing it. Sometimes I forget things. I'm early for once! But if you all would approve publication we might wait two weeks before we actually publish it in the paper thought.

Charlene Timmons: If you want to approve it for publication I'll bring it up to your office tomorrow so you guys can look at it.

Joe Harrison, Jr.: That's fine.

President Mourdock: I'm sorry, I didn't hear what you said.

Commissioner Tuley: No, we was talking about that and something else came to mind.

President Mourdock: Oh, okay.

Suzanne Crouch: Are you going to move approval for publication?

President Mourdock: Right. Pat, Bettye Lou, if I can regain focus here for just a second. The question is on this ordinance for the APC really we need a motion to approve that--

Joe Harrison, Jr.: Publication.

President Mourdock: --publication so that they can begin the process so that they can raise their fees if they wish to do so.

Commissioner Jerrel: Okay, did we satisfy that we're going to do it first and the Area Plan Board is going to do it second?

Joe Harrison, Jr.: No, the Area Plan is going to authorize the fee increase, but they're going to do it next week. I just want to approve publication and Charlene will put it in the paper at the appropriate time.

Commissioner Jerrel: Okay. Alright, I would like to move approval of the publication of

fees proposed by the Area Plan Commission.

Commissioner Tuley: Second.

President Mourdock: So ordered. Okay, now then, Joe, next item or is there a next item?

Joe Harrison, Jr.: I'm done.

President Mourdock: Okay. You did that with such pregnant expectation there. We were waiting for something big.

Joe Harrison, Jr.: I know.

### Consent items

President Mourdock: Okay, we have in our packets the consent items which include this evening: employment changes, travel requests, County Clerk's monthly report, and also the monthly report from the County Treasurer. Is there a motion to accept the consent items as filed?

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### Scheduled meetings

President Mourdock: Scheduled list of meeting is attached for everyone's review.

Commissioner Jerrel: Check and see that the dates are correct. Who has the signature file?

President Mourdock: Tony does.

Commissioner Jerrel: Okay, but we need to see if the dates are correct for Bill Higgins. The letter said one thing and the pink slip said something else. What is the correct...I think the pink slip said--

Suzanne Crouch: It said 10/22.

Commissioner Jerrel: --and it should read--

Tony Greubel: I have the letter on my desk that they submitted last week and I'll get that real quick.

Commissioner Jerrel: But I think that letter is different from...which one is accurate?

Tony Greubel: This one effective 10/20.

Commissioner Jerrel: Are you sure?

Tony Greubel: Well, actually I don't know when Bill left to go there.

Suzanne Crouch: You all approved 10 (inaudible, mike not on).

Commissioner Jerrel: So 10/23 would not be correct. We don't know. Well, we need to make this 10/23 and if that isn't correct, but we need something for the Auditor's Office because we are already a week late in having it show up, so I'm going to make a recommendation that it be changed to 10/23.

Commissioner Tuley: Second.

President Mourdock: That's in regard to this?

Commissioner Jerrel: No, that's in regard to Bill Higgins' FMLA leave. I'm going to do that under new business.

President Mourdock: Okay, there was a motion and a second, so I will say so ordered.

**Old business**

President Mourdock: Any old business to come before the Commission this evening?

Commissioner Tuley: What I started to ask Joe and Joe said he would check into, but just a couple of weeks ago when Marsha was up here and we approved the awarding of the contract for the new court's package we also talked about the contract for Business Records for next year's election services and I don't know what happened to it.

Commissioner Jerrel: Well, they never presented us--

Commissioner Tuley: Yeah, I presented it. I had it.

Commissioner Jerrel: But what happened to the physical contract?

Commissioner Tuley: Yeah, what happened? Physically what happened? I thought Joe was going to take it for review and he is looking at me like he never got it, so I don't know where it is at.

Commissioner Jerrel: I bet it went in the file. You don't know...Business Records...you didn't see Business Records?

Charlene Timmons: I don't have it.

Joe Harrison, Jr.: It's possible that I have it. I just don't recall. Did you give it to me last week?

Commissioner Tuley: No, it has been two or three weeks ago.

Commissioner Jerrel: Two or three weeks ago.

Commissioner Tuley: It was when Marsha was here and what we wanted to do was look it over and just make sure you didn't have any questions on it, but I didn't physically hand it to you in a meeting. I thought I passed it down.

Joe Harrison, Jr.: I don't think I've looked at it to be honest with you. I mean, I would

have gotten back with you.

Commissioner Tuley: Oh, I know. That's what I am saying and that's why I am asking because I don't know what happened to it.

Joe Harrison, Jr.: You never know.

Commissioner Jerrel: Well, we ought to find it.

President Mourdock: Charlene would you check your files please and Tony would you check in my file in case it somehow got put with my file? It would be in there by date.

Tony Greubel: Three weeks ago?

President Mourdock: Yeah, it was--

Commissioner Tuley: It was the same night that Marsha was here when we awarded the contract on the court's package.

Commissioner Jerrel: You could look at the agenda.

President Mourdock: Yeah, when we get done here in a minute I could look it up for you.

Joe Harrison, Jr.: I could have very easily put it somewhere and done something with it without looking at it.

Commissioner Tuley: Something made me think about it and we haven't seen it.

President Mourdock: Right, okay. Any other old business?

Suzanne Crouch: On the Personnel Handbook, did we ever get with the Courts or...?

President Mourdock: I have called over there. I will call them one more time, Judge Bower, and talk to him one more time.

Suzanne Crouch: Joe, did you ever get a personnel anything from the--

Joe Harrison, Jr.: I've talked to Bill Fluty. It should be coming. He and I spoke today.

Commissioner Tuley: I've still got to call Ray.

Joe Harrison, Jr.: I don't know when, but it should be coming soon.

Commissioner Tuley: Why we're so short in the Sheriff's office.

President Mourdock: Okay. Any other old business? Bettye Lou, did you have two?

Commissioner Jerrel: I have two things under new business.

**New business**

President Mourdock: Okay, new business.

Commissioner Jerrel: I would like to read into the record...do you have that letter of

resignation? This was given to me. It's actually addressed to you. It's from DeeDee Riat. She is resigning her position at the Highway Department. She is a secretary there. It was effective October 22nd. The original is in the file. Yeah, it's coming. The second thing, previously we had made a recommendation for an attorney for the Board of Review. He was unable to do it, so I am going to make a recommendation that Mike Cox be the attorney for the Board of Review.

Commissioner Tuley: We're just going to do the same setup as we had with the previous one right?

Commissioner Jerrel: Uh-huh. Same thing.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Any other new business?

Commissioner Jerrel: That's it.

President Mourdock: Alright.

Commissioner Tuley: We can have Drainage Board done before they get here if we hurry up.

President Mourdock: I doubt that it will work that way.

Commissioner Jerrel: I'm going to make a motion to adjourn.

Commissioner Tuley: Second.

Commissioner Jerrel: Make a motion to adjourn.

Commissioner Tuley: Wait a minute, do we have to do something with this letter?

Commissioner Jerrel: Oh, I need to read that letter. Wait a minute, cancel my resign--

Suzanne Crouch: Resignation?

Commissioner Jerrel: Yeah, cancel it. This is a letter from Mr. Mourdock to Ms. Cunningham.

President Mourdock: That's fine.

Commissioner Jerrel: Or from Bettye Lou to Ms. Cunningham.

President Mourdock: It's fine.

Commissioner Jerrel: Alright. It concerns the project on Ruston Road and Kansas Road and the Daylight Sanitary Sewer. It is expressing the need for these things to move promptly and the letter is to help us move along the Phoenix project so we can encumber that money.

President Mourdock: Since it is under my signature is there a motion to sign?

Commissioner Jerrel: I would like to move that you sign the letter and that we send it.

Commissioner Tuley: Second.

President Mourdock: So ordered. Okay, I will do that. Any other new business for this evening then? There was, I think I started to hear, a motion.

Commissioner Jerrel: I did move adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered and we'll go to Drainage Board momentarily.

The meeting was adjourned at 6:12 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Gary Tucker  
Tony Greubel  
John Stoll  
Betty Hermann  
Lynn Ellis  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
November 3, 1997**

The Vanderburgh County Board of Commissioners met in session this 3rd day of November in the Commissioners' Hearing Room of the Civic Center Complex at 5:39 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the November 3, 1997 meeting of the Vanderburgh County Commission to order. The schedule for our meeting is on the far table. By way of introduction and for the record this evening, at the table we have Tony Greubel, who is our office Administrative Assistant; Joe Harrison, County Attorney; Pat Tuley, County Commissioner; Bettye Lou Jerrel, County Commissioner; Suzanne Crouch, County Auditor; and Charlene Timmons, our Recording Secretary. I see some new faces in the crowd tonight, I think, indeed, so if you wish to speak and address the Commission, because all of our notes are taken verbatim, we ask you to come to the microphone and state your name and address for the record, please. If you would, join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: In our packets this evening the first thing we have is our minutes from the October 27th meeting.

Commissioner Jerrel: I would like to move approval of the Commissioners' meeting minutes of October 27th.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Just prior to this meeting beginning at approximately 4:30 and ending at 5:30 there was an Executive Session of the County Commission. In attendance were County Auditor, the three Commissioners and the County Attorney, Joe Harrison. At that session we discussed labor negotiations. We have some summary minutes of those that are passed down to Tony. I would ask approval also that we sign those minutes.

Commissioner Jerrel: I would like to move approval of the certification of the Executive Session.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Award VC97-12, Storage tank removal at Auditorium**

President Mourdock: I'm going to jump to item D for just a moment. We'll skip Mr. Shoulders with the Auditorium update. It will be just a fairly quick session here though,

Mike, so we'll be back to you in a moment, I think. Item D, Lynn Ellis, award bid to American Enviro-Services for VC97-12.

Lynn Ellis: American Enviro-Services was the low bidder meeting specifications. He is the low responsive and responsible bidder. The amount of the recommendation is \$12,588.

Commissioner Jerrel: I would like to move approval of the bid to American Enviro-Services, Inc. at the estimated cost of \$12,588.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Award VC97-10, Official records indexing, imaging  
and receipting system**

Lynn Ellis: The next item is approval of bid number VC97-10 for the official records indexing, receipting and imaging system for the County Recorder. The recommended vendor is Fidar & Chambers Company at a total cost of \$170,746.25. Again, Fidar is the low responsive and responsible bidder meeting specifications.

Commissioner Jerrel: I would like to move approval of the official records indexing, receipting and imaging system for the County Recorder to Fidar & Chambers Company at a total cost of \$170,746.25.

Commissioner Tuley: Second.

President Mourdock: County Recorder, Betty Hermann, is in the audience. Betty, did you have any comments about that? Okay, there is a motion and a second then, so I will say so ordered.

**Lynn Ellis - Permission to let bids on various items**

Lynn Ellis: I have a couple of other items that I laid on your desk this evening. I'm trying to play catch-up without someone being in Purchasing for a while. The first is to approve the letting of bids for crushed stone, sand and gravel, surfacing materials, oil products and trash removal. These are the ones that I have prepared so far to date in addition to other county bids that have already come before you. I will be coming back week after week with additional ones to bid, but so far these are the ones that I have been able to do.

President Mourdock: Are you looking then to have these advertised? For permission to advertise these tonight, Lynn?

Lynn Ellis: Yes, permission to advertise 002 for crushed stone, 003 for sand and gravel does not require advertising. I would request approval to advertise for 005 for surfacing materials, 006 oil products does not require advertising and then 033 for trash removal will require advertising.

Commissioner Jerrel: Okay, I move approval of advertising for the crushed stone, the surfacing materials and the trash removal.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Okay, and then just permission to bid those other two, sand and gravel and oil products.

Commissioner Jerrel: I move permission to bid for sand and gravel and oil products.

Commissioner Tuley: Second.

Lynn Ellis: Okay, and then the next--

President Mourdock: So ordered.

Lynn Ellis: I'm sorry.

President Mourdock: You're getting ahead of me there.

**Lynn Ellis - Approve extension of various contracts**

Lynn Ellis: I'm trying to hurry. The last item is to approve the contracts for car washing services, gasoline and fuel oils, tire and tubes, transportation services for the Vanderburgh County Office of Family and Children.

Commissioner Jerrel: They don't go through...I mean, you're just approving the extension of them rather than the...there is no reason to request a different--

Lynn Ellis: No, ma'am. The current services are good. They cover all the requirements for the county and the city and the vendors are willing to continue to honor their prices.

President Mourdock: I think when it was bid, at least with the tires and tubes, was that not a condition of the bid? They had to be willing to extend them another year.

Lynn Ellis: Oh, yes, all of them are.

President Mourdock: Yeah, okay.

Commissioner Jerrel: I would like to move approval extension of the contracts for car washing services, Oak Hill and First Avenue; gasoline and fuel oils, Busler, Gabe's, Posey County Co-op; tires and tubes, Reis Tire; transportation services for Vanderburgh County Office of Family and Children to River City Yellow Cab.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Thank you.

President Mourdock: Thanks, Lynn.

**Jeffrey Lantz - Waive rule 153.161 regarding 410 N. Burkhardt Road**

President Mourdock: Next we have Jeff Lantz regarding a request that we waive a certain rezoning policy.

Jeffrey Lantz: My name is Jeffrey Lantz. My office is at 525 Sycamore, Evansville, Indiana. I sent you a letter dated August 31, 1997 which references a rezoning that I took before you for 410 North Burkhardt Road that was voted down unanimously by the Commissioners on April 21, 1997. That piece of property now has been sold as well as the entire block of properties in that particular area. If you were to approve my request that you allow me to waive the one year rule and seek a rezoning of that piece of property I represent to you that on November 17th I will file a petition for rezoning for the entire block of properties and present to you a rezoning petition, so I am asking that you waive the one year requirement for 410 North Burkhardt.

President Mourdock: Questions?

Commissioner Jerrel: I was going to make a motion. This did happen the week prior to our presenting our plan on how we wanted the turns to be at Burkhardt Road, just to refresh everybody's memory. I would like to move approval of a waiver of Rule 153.161(B) and permit this request to be placed on the agenda this year.

Commissioner Tuley: Second.

President Mourdock: And I would say so ordered, however, I think since it has to be a unanimous thing I will call for a roll call vote to that motion. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I will vote yes for the waiver.

Jeffrey Lantz: Thank you very much.

**BRC - Lease agreement**

President Mourdock: Okay, the County Clerk with a signed contract with BRC for leasing voting machines. I think it supposed to be signed instead of--

Commissioner Jerrel: I move approval of the contract with BRC. We've had it for a couple of weeks and you've reviewed it haven't you, Mr. Harrison?

Joe Harrison, Jr.: Yes, it's fine. It's similar to what was signed by the county for the last couple of years.

Commissioner Jerrel: Okay, I would like to move approval of the BRC contract for the leasing of voting machines.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Final reading - Ordinance concerning use of county funds for the payment of membership dues and other fees**

President Mourdock: We have a final reading on the ordinance that has been proposed which would allow the use the county funds to pay membership and dues and other fees for certain county employees.

Commissioner Jerrel: I would like to move approval of the ordinance for final reading concerning the use of county funds for the payment of membership dues and other fees and as the final then I think we should send a letter to the company so that all offices are aware of the ordinance.

Commissioner Tuley: I second your motion.

President Mourdock: Again, because this is an ordinance we need a roll call vote. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I will vote yes. The ordinance is approved.

**DADS - Contract for services relating to DWI class instructor**

President Mourdock: We have the DADS group.

Commissioner Tuley: Mike is trying to yell us. He is sick.

President Mourdock: It will be one second, Mike, I think. Go ahead.

Bill Campbell: This shouldn't take long. Bill Campbell, Director of the DADS Program. The contract for which I have asked you to look at is simply a matter that the agency which we had developed the DWI component of our program is going through reorganization at this point. It is quite likely that they will be able to continue and we'll be able to continue referring to them. In the event that is not the case I would like a backup. We have money budgeted in our budget at this point. This individual is a qualified, certified instructor and could provide those services for us at a very reasonable expense in the interim period of time should it be necessary. I doubt that it will.

Commissioner Jerrel: Okay, I would like to move approval if necessary for the use of a substitute instructor for the DWI classes and said services would be paid at the rate of \$230 per five unit series.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Campbell: Thank you.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Now Mike Shoulders regarding the Auditorium.

Commissioner Jerrel: You're the star!

Mike Shoulders: Good evening, Commissioners. I'm Mike Shoulders, 528 Main Street. My voice goes in and out. You'll have to forgive me I have a bronchial virus that doesn't seem to want to go away. As you know, we took bids on the project first October 14th for the furnishings and furniture and then October 23rd for the construction of the Vanderburgh Auditorium and Convention Center. The bids on October 14th came in on budget. The bids on October 23rd were approximately \$4.5 million over budget. We would like to recommend that you support us tonight in recommending to the Building Authority that we reject all bids on construction taken October 23rd except for the time being the bids of October 14th on the furnishing package and leave those under advisement. They are good for 90 days. We would like to also recommend to the Building Authority that the project construction after bid rejection that this project go back out for bids in approximately three weeks from today. It would have to be readvertised. Legal ads would be run and we would expect to take bids in mid December. We have undertaken a series of cuts, reductions and value engineering that should bring the project on budget with contingency in place. Approximately \$1 million in contingency. Again, we would ask your support in making this recommendation to the City/County Building Authority. Are there any questions on that?

President Mourdock: Bettye Lou?

Commissioner Jerrel: No, I don't have any questions.

President Mourdock: Pat?

Commissioner Tuley: You're comfortable with what you think is going to happen on the second bid?

Mike Shoulders: Yeah, we feel pretty comfortable that we can get without major redesign...this is not a redesign, it's a rebid with value engineering and we feel comfortable that we can get this project down on budget before the end of the year.

President Mourdock: Okay.

Commissioner Jerrel: What about the...are we still then looking at completing the project if these bids come in under at the end of the summer in '99?

Mike Shoulders: Our original bid date had substantial completion as of July 15th. We will change that now due to this lag time it will say September 1st. The convention...this is of '99. The convention that is booked is September 22nd of '99, so, yes, we would anticipate still being on schedule.

Commissioner Jerrel: Okay.

President Mourdock: Did you have a chance to talk to anyone from Visitors & Convention Bureau on that, Mike, regarding September 22nd? I know that's the date--

Mike Shoulders: That date?

President Mourdock: --but has there been any other conversation with them?

Mike Shoulders: I have not talked to them. I'll do that in the morning.

President Mourdock: Okay. I had hoped to talk with them today and I have not.

Mike Shoulders: Right.

Commissioner Jerrel: I'd like to make the motion that we do recommend to the Building Authority that we reject all bids on construction and get new bids out, our request for bids, three weeks from today.

Mike Shoulders: Yeah, we'll go out for bids three weeks from today, yes.

Commissioner Tuley: Okay. I'll second.

President Mourdock: Okay, and I will say so ordered. We're not finished, Mr. Moser. Pat, did you have a comment.

Commissioner Tuley: I just wanted to make sure the recommendation includes the readvertising...they'll do everything.

Mike Shoulders: Yeah, the City/County Building Authority would readvertise the project, right.

Commissioner Tuley: We agree with your recommendation and that's what we mean. That was the only hesitation I had. I wanted to make sure that was part of the motion.

President Mourdock: Is there or can you give us at this point, Mike, a more specific date than mid September? December.

Mike Shoulders: Monday, December 15th is...December 15th is a Monday, so the target date is December 15th. We've talked to the...well, the four general contractors have called us wanting to know what the story is so we would like to tell them about your action in the morning. We had word that if at all possible to get this rebid before the holidays because the contractors said that after about mid December, you know, things start to get left behind and left on the table and all that, so Monday, December 15th is our target date to take bids in and open bids on the rebid itself.

President Mourdock: Okay, let me ask you the second question then which to me is almost as critical as the first question on the date which is what if when we bid this project on December 15th we wake up the morning of December 16th with the same problem where everybody came in over bid. What's our dates from there? What do we do?

Mike Shoulders: Okay, well, we certainly hope that does not happen.

President Mourdock: Agreed.

Mike Shoulders: We think that with the cuts that we're making we should be in good shape. If the project is still considerably over budget we would have to recommend a redesign of the project and that would take three to four months before we could issue

the documents. We want to try and avoid that if at all possible.

President Mourdock: Understand. We were hoping we wouldn't be in the situation we're in right now.

Mike Shoulders: Absolutely.

President Mourdock: You're saying if, in fact, on December 15th all the bids come over for whatever reason, we don't have enough contingency or wiggle room, call it what you will, that it would be another three to four months before we had this project back out on the street and that would be a fairly significant redesign, I presume--

Mike Shoulders: That's correct.

President Mourdock: --because you are not going to be able to shave enough dollars any more from what was just proposed.

Mike Shoulders: That's correct.

President Mourdock: So December 15th means about--

Commissioner Tuley: April.

President Mourdock: Yeah, first of April roughly--

Mike Shoulders: Right, that's right.

President Mourdock: --is when it would be going back out.

Mike Shoulders: So we want to try to avoid that because that would definitely delay this whole schedule if we had to redesign.

President Mourdock: Right. Okay, do you have any feel from the response the bidders have had in the waiting period here? Do you think all those bidders will rebid or do you see any additional bidders coming down the road?

Mike Shoulders: Probably no additional, but the ones that did bid have put a considerable amount of time and money and effort into it so I don't think that they will drop out at this point. My guess is they will stay. These changes should be relatively easy for them to calculate. They've already done a full take-off and the full bids, so we're hopeful that they will stay in and see their way clear through the final bid and we'll get all four of them in the process. They've all expressed interest in staying in to date.

President Mourdock: Okay, and just for the record, I know both Commissioners know this, but Mr. Shoulders and I and Steve Utley and the County Attorney have had a number of discussions as far as how we can find ways to shave costs and make this thing fit the budget and having gone through the list that Mike's group has put together I feel very confident that most people walking into the facility would never know the difference from what you originally bid to what the new package will be.

Mike Shoulders: That's right.

President Mourdock: Yes, we've cut the standard, if you will, of some of the higher priced items, but I think it's still going to be a very nice very usable facility.

Mike Shoulders: Yeah, we've asked all disciplines, the heating, the electrical, the theatrical, all disciplines to look for ways to do some value engineering and to find some value without compromising the total concept and quality of the project.

President Mourdock: Will you have any way of...and I don't know if this is proper or not. Maybe Joe wants to address this one. Let's assume that the Building Authority does act on our recommendation which is to rebid. Once letters are sent out to the bidders saying that their bids have been set aside and that's it's going to be rebid, do they have any opportunity or is there any problem in having those people give you some feedback as far as where they see cost savings?

Mike Shoulders: Probably tomorrow we will begin to take voluntary suggestions from the bidders. Yes, I think that's a good idea. With your authorization tonight we will inform them that the bids have been rejected and that we are looking for means to save. Now, we won't be taking any voluntary alternates in their bids though and we won't be the ones who are soliciting. We will just simply have them mail in to us any ideas that they have.

President Mourdock: Just for the record, you cannot notify them that we, the Board of Commissioners, have rejected the bids because that is up to the Building Authority.

Mike Shoulders: That's true, it would be the Building Authority.

President Mourdock: I guess formally unless and until they act nothing else can be sent out.

Joe Harrison, Jr.: Yeah, I would really caution you to...the only thing I would send out to them would be the fact that you've recommended to the Commissioners and they've given their blessings to the fact that they want the bids rejected by the Building Authority. Once those bids are actually rejected by the Building Authority then certainly there could be some discussion then I guess.

Mike Shoulders: Okay.

Joe Harrison, Jr.: They'll probably...some of them may read the papers or hear something on the radio or something and they'll probably realize that's the next step that is going to be taken in connection with this.

Mike Shoulders: Okay, fair enough.

President Mourdock: Okay, any other questions for Mike?

Commissioner Jerrel: That's all.

President Mourdock: Mr. Moser.

Ed Moser: Of all the dates mentioned there is one important date, January 5th. How do we stand on that now?

Commissioner Tuley: That stays.

Ed Moser: That still stays in place?

President Mourdock: Yeah, January 5th is still--

Ed Moser: You came in to amend here until December 15th or something like that. It's pretty close to January 5th.

President Mourdock: Yes, the January 5th date--

Ed Moser: We've been preaching that because we felt that this was the word of the Commissioners.

President Mourdock: Yeah, it was the word, it is the word. The December 5th date is important to us because even prior to having this other construction work bid out and let there is other work such as the asbestos contract that will begin.

Commissioner Jerrel: That's going on right now.

President Mourdock: Yeah, so that work is going to go ahead and continue.

Ed Moser: So we can announce in this last letter, which you got a copy of, this is our last dance coming at the end of this month.

President Mourdock: For a while.

Ed Moser: For a while.

Commissioner Tuley: Yes.

Ed Moser: I don't know how to take that, but it sounds good.

President Mourdock: A guy has got to know when to quit, right? Okay, alright, thank you, Mr. Moser.

Commissioner Tuley: Thanks, Mike.

President Mourdock: I thought we had the press moving toward our microphone there for a second.

(Inaudible comments made from audience.)

President Mourdock: That's true, we should all take the hint.

### **Any group or individual wishing to address the Commission**

President Mourdock: Okay, any other group or individual wishing to address the Commission this evening on any issue not listed on the agenda? Faye.

Faye Gibson: I'm Faye Gibson, Executive Director with the Old Courthouse. I laid on your table tonight a recommendation from the Old Courthouse Preservation Society Buildings and Grounds Committee. A couple of weeks ago we received two bids on the air conditioning project for the Old Courthouse, the first floor. J.E. Shekell at \$177,000 and US Industries at \$187,000. These were design bids so we asked each company to come to us with their idea of how to retrofit air conditioning for the Old Courthouse. The Buildings and Grounds Committee met with representatives from both companies and walked through the building to get an idea of their design. In the letter you'll see that our committee is recommending awarding the contract to US Industries. A couple of selling points. Number one, ascetically our committee preferred the design that US Industries

has developed for this project. Secondly, there is a difference in tonnage as far as air conditioning units. Shekell proposed two ten ton units situated towards the center of the building and then to air condition the length of the building each direction. US Industries has proposed four units, so a difference there in tonnage as far as air conditioning. There were a couple of items in US Industries' bid that were not calculated into J.E. Shekell's bid. One being, and I think the most important, an electrical upgrade. Upgrade of the electrical service for the building. We did a study of, gosh, probably about 18 months ago now, but everyone including SIGECO tells me that has got to be done before we do any type of air conditioning to the building. Smoke detectors were not included in the proposal from J.E. Shekell as well as any plaster repair or painting that will be necessary after we do this retrofitting. So with those factors in mind, the \$10,000 difference is very much so made up with the design from US Industries.

Commissioner Jerrel: I have a question.

Faye Gibson: Uh-huh.

Commissioner Jerrel: The differences in the bids you're saying to me the request for proposals or the request for bids were basic nuts and bolts, but the proposed design for how that was going to be implemented is what you're basing your suggestion that we use US Industries because they said more, you know, that they would do? Did Shekell say what they would do?

Faye Gibson: When I questioned them about the electrical upgrade which is my major concern--

Commissioner Jerrel: Yes, I understand.

Faye Gibson: They're convinced we don't need it. Amounts I received, like I said maybe about 18 months ago, was that it could be easily \$15,000 to--

Commissioner Jerrel: To upgrade it?

Faye Gibson: --up to \$25,000 as the upgrade necessary for air conditioning. I did specifically...I met with them last Friday, as a matter of fact, and I did specifically question the electrical service and they are of the opinion we don't need to upgrade.

Commissioner Tuley: Joe has some reservations or questions, I think.

Faye Gibson: Sure.

Joe Harrison, Jr.: I would like for, if the Commissioners feel it is prudent, to maybe have the County Engineer take a look at...I am assuming you had specs that were sent out...and to take a look at your specifications on the project and the bids that were actually submitted.

Faye Gibson: Okay.

Joe Harrison, Jr.: Maybe he can then possibly report back to us given your recommendation either next week or the following week and this Board can then make a determination.

Commissioner Jerrel: Okay, I would like to move that we continue this under advisement and ask for our County Engineer to review the specifications specifically as it relates to

the electrical service.

Commissioner Tuley: I'll second.

President Mourdock: Okay, and with the recommendation of the County Attorney for that motion and second, I'll say so ordered.

Faye Gibson: Okay, thank you.

President Mourdock: Okay, any other group or individual wishing to address the Commission this evening?

**John Stoll - County Engineer**

President Mourdock: Going to department head reports, John Stoll, County Engineer.

John Stoll: The first item I've got is a street acceptance request for Cypress Creek Subdivision and Crossroads Commercial Center. The streets that we're recommending be accepted are 970 feet of Cypress Creek Drive, 880 feet of Wyngate Court, 460 feet of Live Oak Court in Cypress Creek and in Crossroads 1355 feet of Circle Front Drive and 530 feet of Virginia Street.

President Mourdock: Okay, a motion to approve the streets?

Commissioner Tuley: I will move approval of the recommendation of the County Engineer for acceptance of the streets.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The next two items that I've got are Notice to Bidders. The first one is for contract number VC97-11-02, culvert replacement on Seminary Road. The second one is contract number VC97-11-03, replacement of Bridge No. 1300 on Maasberg Road. I would like approval on the Notice to Bidders and approval to advertise.

Commissioner Jerrel: I'll move approval of the Maasberg and Seminary bridges to be advertised.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I've got the cover sheet for the plans for the Maasberg Road Bridge. It needs the Commissioners' signatures.

Commissioner Jerrel: There have been...while we're doing that there have been several stories in the last two days about the status of bridges in Indiana, Kentucky and Illinois. I thought we were in better shape than what...I don't know if our numbers are included in that or not. I thought that our bridges were in better condition.

John Stoll: I think for the most part they are. We've got a couple of them that are in pretty bad shape like Heckel Road, but for the most part I think ours are a lot better than

a lot of the things that they were discussing in some of those reports.

Commissioner Tuley: John, just for the record we hire what...annually or every other year engineer firms to do nothing but inspect and give us a report?

John Stoll: It's biannual. We hire them for four years, but they'll do two inspections over that four year period and that's mandated by state and federal guidelines that they do those inspections.

Commissioner Jerrel: The financing, we pay so much of it and they pay so much of it?

John Stoll: Right, we pay 20% same as any other federal aid project. It's an 80/20 split. That gives us the priorities for what bridges need to be replaced over the next couple of years.

Commissioner Tuley: I'm looking to see where it's at. Oh, Buente Creek and Maasberg?

John Stoll: Yeah, it's about half way between Baseline and Boonville-New Harmony. The next item I've got is we've received a request from Crane Construction for a time extension on the Westwood Hills project and it is recommended that the completion date be revised to November 21st.

President Mourdock: Request for that delay until when? The 21st?

John Stoll: The 21st, yes.

Commissioner Jerrel: I'd like to move approval of the recommended delay until the 21st.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item that I've got is a travel request for David Franklin that I wasn't able to get on the consent agenda. It's just for Dave to travel up to Vincennes to the INDOT office to pick up some testing equipment for the repairs on that beam on the Stringtown Road Bridge. It's recommendation that it be approved.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Just add that to the consent agenda and we'll sign it when we go through it. Okay, questions for John? Pat?

Commissioner Tuley: Joe and I kind of had a little side discussion last week about the legality...remember Ward Road and maybe changing the flow and what have you?

President Mourdock: Uh-huh.

Commissioner Tuley: I think, and again I don't want to put words in Joe's mouth because we pay him a lot of money to do his own talking, but basically I think from what he says he doesn't see a problem with this and I would like for John, if we could, to go ahead and pursue at least looking to see and make sure there would not be a detrimental effect on the people downstream as an alternative to what we've come up with so far.

President Mourdock: Is that an alternative or really just in addition to?

Commissioner Tuley: Well, an addition to. Let's not call it an alternative.

President Mourdock: Yeah.

Commissioner Tuley: In addition to, to see which one is cost effective and effective in getting the water out of there without dumping on somebody else.

President Mourdock: Right, and the concern was strictly the people at the south end of Ward Road that would have otherwise been dumped upon.

Commissioner Tuley: Yeah.

President Mourdock: That's fine. I think we do need to proceed with that in that direction and see if that is an alternative. I will as a voice of one here still stand with what we've said several times previously though, if we're getting ready to make some investment decision there that the people who live along that street also need to do their share and put some money into their own as well.

Commissioner Tuley: Yeah, I just get called every other week or every week from an individual out there who shall remain nameless, but we know who I am talking about and he is just wanting to know the progress and what we're doing. I told him I had just talked to Joe last week just briefly and had not had a chance to convey to John that Joe didn't have any real reservations with proceeding at least to look at that as a possibility.

President Mourdock: Okay, alright. Joe, did you start to raise another point?

Joe Harrison, Jr.: On the Westwood Hills project could you give us a timetable as to when you think that might be completed and when you might be able to come to the Commissioners accepting those streets so we can go forward with the assessment process?

John Stoll: I would hope that everything is done by this 21st deadline unless they run into some new problems that we haven't encountered before, it should be done so I would hope maybe on the meeting on the 24th maybe we can come with some acceptance requests.

Joe Harrison, Jr.: Okay, thanks.

President Mourdock: John, two areas. Number one, I've had a concern raised from a business here in town that isn't getting rail services with CSX as much as they would like and they've asked us to see if we can help raise the issue. Well, I'm not sure we can to be honest and all, but do we have any ongoing concerns with CSX right now regarding any of their crossings?

John Stoll: No, not on theirs. Theirs are for the most part in fairly good shape. Most of our problem crossings are out off of what used to be Indiana Hi-Rail's line.

President Mourdock: Okay, second question then totally, totally unrelated to the first. Have you received any calls from Mr. Buford Clodfelter?

John Stoll: Yes, I have.

President Mourdock: Okay, can you...I can't say it without smiling. He got a hold of me yesterday and I know he has been in contact with Tony. Is the adjacent subdivision to the Oak Hill Barrett Law project, number one, are they in fact looking to commit or to use that same facility? That same line that's being put in under the Barrett Law? If they are is it too late to add them to the project so that they would help cover the cost for it or is it possible that there could be some surcharge or something to help them cover it? I mean, Mr. Clodfelter's point of view is well taken that here they have waited all this time and they're getting ready to put this money in to get the thing up and going and all of a sudden now someone is going to add on to it. It would seem they are getting a...not a totally free, but a less expensive ride on the project.

John Stoll: The way the plans are drawn up based on what Eric Schwenker brought in the office last week it looked to me that they would be assessed a single share of the project.

President Mourdock: The whole subdivision would get one share?

John Stoll: Well, right now there is no subdivision. Schwenker says that he has talked to the property owner and that they do want to sell the property, but they have not sold it as of yet where this proposed subdivision would be.

Joe Harrison, Jr.: Maybe this isn't the same thing. He talked about an area that--

John Stoll: South of his property.

Joe Harrison, Jr.: --was just south of there. Maybe this is something different.

President Mourdock: No, I think it's the same, but the question is if there is going to be a number of additional houses or even if it's one and this person is getting onboard late in the game is there an equitable way to make that work for the people who are--

Joe Harrison, Jr.: I don't have the statute in front of me, but there is a statutory provision that restricts the amount of land that can be utilized for a Barrett Law project. How many acres are we talking about?

President Mourdock: I'm not sure.

John Stoll: I'm not sure either.

Joe Harrison, Jr.: It's more than one parcel.

John Stoll: Right now it is just a single parcel.

Joe Harrison, Jr.: It is?

John Stoll: Right.

Joe Harrison, Jr.: There is a statutory provision that defines the parameters of the parcel. It can't be larger than two acres or something along those lines to make use of the Barrett Law. Just from talking to Mr. Schwenker I got the impression that the tract of land was bigger, but maybe it is not.

John Stoll: What was the size?

Joe Harrison, Jr.: Bigger than an acre.

John Stoll: Yes, it's bigger than an acre.

Joe Harrison, Jr.: Several acres, I don't know how big.

John Stoll: Yeah, I don't know the exact area of that piece of property, but it is bigger than an acre.

Joe Harrison, Jr.: Mr. Schwenker has been...he has made a lot of progress within the last several months and is wanting to come before us within the next month, I think, to start a preliminary resolution on that area which does not include Mr. Clodfelter's area does it?

President Mourdock: Well, Mr. Clodfelter is in the area. He is within the Barrett Law area, but he is concerned that all these other people are going to get a free ride from the fact that they are coming in late.

John Stoll: The Oak Hill sewer in effect is doing the same thing because they are tapping into a lift station that was provided by the developers of Keystone, so I know they are wanting to divide the cost among more lots, but in effect they are already reaping the benefits of what another developer put in for them as well, so if it wasn't for Keystone and their lift station there would be no Oak Hill sewer without substantially higher costs for all these residents.

Commissioner Tuley: Was that original line that over capacity to handle all that?

Joe Harrison, Jr.: Well, they've got to get city and...city approval.

Commissioner Tuley: Right.

Joe Harrison, Jr.: Apparently, the city is looking at it and I don't think they have a problem with it, but they have not given formal approval yet.

John Stoll: Right.

Joe Harrison, Jr.: John, I know, has talked to them from time to time on it.

John Stoll: I'm not sure--

President Mourdock: How recently have you spoken to Mr. Clodfelter?

John Stoll: Last week. I spoke to him and Schwenker both in the same day and I can understand Mr. Clodfelter's concerns I just don't know if there is any provision in the law like Joe said that puts a restriction on that property to where those people will have to pay extra if a subdivision is developed immediately after the sewer goes in the ground, basically.

President Mourdock: Well, before the end of this week would you and Joe get together and put something in writing to Mr. Clodfelter and, obviously, send it to the Board here as well as far as what our position is in that. I mean, I understand everyone's point of view in this one and your last comment is a very valid one that these people within that Barrett Law area are getting the advantage of what came before them as well. Where does the circle end?

John Stoll: Right. I don't know where you draw the line.

President Mourdock: Okay, I was just saying, Joe, if you and John could get together this week and put something in writing to send it out to Mr. Clodfelter to if not ease his concerns at least let him know about it.

John Stoll: Alright.

Commissioner Jerrel: Thank you.

John Stoll: Thanks.

**Milton Hayden - County Garage**

President Mourdock: Milton Hayden, County Garage.

Milton Hayden: Everyone does have a report?

President Mourdock: October 30th.

Milton Hayden: Of course you know all the paving I have on my list is completed except two roads and I am only waiting for them to be grinded. They should be grinded sometime this week.

Commissioner Jerrel: Are those April Drive and--

Milton Hayden: And Camelia.

Commissioner Jerrel: Camelia.

President Mourdock: How are you doing on the ditching as well?

Milton Hayden: Ditching is coming along real fine. We've got...of course, you know my list has gotten longer. I haven't attached them on here yet, but I will.

President Mourdock: Wait until it starts raining.

Milton Hayden: Yeah, I know. It will be longer than that. You asked me before, Mr. Mourdock, to give you this list in case we have an emergency snow.

President Mourdock: Uh-huh.

Milton Hayden: I contacted these people here which have helped us in the past and McCullough and Mann haven't gotten back with me. Johnny Mann is (inaudible), but Harvey Klenck and Staub I do have the prices and everything ready for you.

President Mourdock: Okay, very good. The one that you said has not...oh, you said they will call back. Okay, is this the complete list that we had before, Milton? Was there just the four others?

Milton Hayden: Those from before. We just had those four.

President Mourdock: Okay.

Milton Hayden: We did have some farmers, you know, that pitched in, but I haven't been able to get in contact with them.

President Mourdock: Okay, do you know who those farmers are?

Milton Hayden: Yes, I do.

President Mourdock: Okay, so you can add to this list.

Milton Hayden: I will get in touch and add them to that list.

President Mourdock: Okay, alright. What's the best way to handle this, Joe, as far as these folks who are willing to do something on an emergency basis at these quoted prices? Do we simply need to add this into the record or what would you recommend?

Joe Harrison, Jr.: Well, I would declare an emergency--

President Mourdock: At the time?

Joe Harrison, Jr.: At the time and indicate that you received these particular requests or commitments and you might want to do it one of these days just to say that these people have indicated their willingness to do this in case of an emergency and take that route and then after it is actually done maybe at a meeting thereafter indicate that those services were actually performed by these people on these dates.

Commissioner Jerrel: So we could do it right now?

President Mourdock: For these.

Commissioner Jerrel: Well, I would like to in the event of an emergency and need arise I would like to add to our list of contractors for assistance: Staub, graders \$70, versatile \$80 and rubber loader \$80. I'm assuming that's per hour?

Milton Hayden: Per hour.

Commissioner Jerrel: Harvey Klenck, grader \$80 per hour and backhoe \$60 per hour and when you get the other two prices we'll add those and that's a motion.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered and that emergency, I presume, is specific to snow removal?

Commissioner Jerrel: Yes, to snow removal.

President Mourdock: Okay. Tony, if you would get a copy of that so you can keep that in your file.

Milton Hayden: You can keep that one. I've got another one. I brought that one to you.

President Mourdock: Okay, anything else for Milton? Or, Milton, do you have anything else?

Milton Hayden: No more than (inaudible). I solved your problem before you had a problem.

Commissioner Tuley: Two of my problems before I knew I had them.

Commissioner Jerrel: That's pretty good.

President Mourdock: That's good. That's good.

Commissioner Tuley: She thinks I am really on top of it, I'll tell you that.

Milton Hayden: Well, that's what we're supposed to do.

President Mourdock: Just for the record also, Milton submitted previously the Vanderburgh County Highway Department report for the period from October 24th through Thursday, October 30th. Okay, thank you, Milton.

Milton Hayden: Thank you.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report.

Joe Harrison, Jr.: I have nothing.

**Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings' report.

Tony Greubel: Today all three Commissioners were invited to two different meetings. I think I'll tell them what they are if you can attend. On Thursday the Safe House is having a meeting at 4:00 p.m. to talk about new grant requests and they would appreciate it if at least one Commissioner can show up. On Thursday morning at 8:00 a.m. John Newman of the Indiana Supreme Court is going to have a meeting on public records and at least one Commissioner if not all three are encouraged to attend that, too. The County Clerk's Office notified me of the latter meeting.

Commissioner Jerrel: Is that meeting here?

Commissioner Tuley: It's so nice for these guys to do this from 8:00 to 5:00.

President Mourdock: Really.

Tony Greubel: The meeting will probably be here.

Commissioner Jerrel: At 8:00 on Thursday and the other one is at 3:00 at the Safe House?

Tony Greubel: No, the Safe House meeting is at 4:00 p.m.

President Mourdock: Thank you, Tony.

Joe Harrison, Jr.: Speaking of meetings, I did forget something. On the 5th, it would be

Wednesday at 11:30 a.m., I believe it's 11:30. Let me check my calendar again. Yeah, at 11:30 a.m. the Indiana Air Pollution Control Board will be meeting I believe it's in the Civic Center in this room at 11:30 and they're going to be considering among other things the county's draft ozone ordinance and the city's draft ozone ordinance and also the county's status with non attainment, so those particular matters are going to be on the agenda as well as some other things. I think it's the first time they've held one their Air Pollution Control Board meetings outside of Indianapolis, so if any of you all can attend I think it would be great.

President Mourdock: I would very much like to attend, but unfortunately I'm going to be out of town. I've got to leave tomorrow and won't be back until late Wednesday. Given that our ordinance is on that meeting though and given that you drafted it, Joe, I would ask if you can attend.

Joe Harrison, Jr.: I was planning on being there and I think another fellow in my office is also going to be there. If any of the other Commissioners can attend it might be advantageous to us. It is an important day and hopefully we'll get some guidance on our ordinance and I'll be able to report back with you as soon as possible on that.

President Mourdock: Yeah, I had that listed as an old business item, but as long as we're on that subject once that hearing takes place and if we come out there in good shape, then we're ready to advertise is that right?

Joe Harrison, Jr.: Soon thereafter. I have some questions that I need to get answered that I've traded phone calls today with Janet McCabe from IDEM. I think that we can certainly hopefully advertise within the next several weeks. I don't know if they have to publish any more in their Federal Register...in the Indiana Register, but I will find that out and I will get back with you as soon as possible.

President Mourdock: As you know, we did get a person through the Health Department. A spot pursuant to having that entire structure in place. We have a position approved and I very much, again, would like to get that done by the end of the year so we can start that process and get someone in there. We're making, as you said, good progress and certainly things at the federal level are always going to change, but at least we seem to be on track but moving slowly.

Joe Harrison, Jr.: I agree. I think that it would be great if we could get it approved by the end of the year because some of the provisions in the ordinance would take effect...they suggested that we move it back, I believe, until July or August of 1998 to give businesses some leeway, but obviously, they need to have some start up time.

President Mourdock: As presently drafted, it's May I think.

Joe Harrison, Jr.: Some of the suggestions that I just got back from them is that it ought to go, I think, to July. July 1st is what they are proposing. Again, that will be some of the things that will be discussed on Wednesday.

President Mourdock: Okay, very good.

Joe Harrison, Jr.: Also, it's my understanding...that's okay. That will be it. Thank you.

President Mourdock: Somebody must have winked at him!

### **Burdette Park**

President Mourdock: Okay, Burdette Park. We in our packets the information from Burdette on work activities. I don't think there is anyone else here to address that issue.

### **Consent items**

President Mourdock: We have in our packet a various assorted list of consent items which includes employment changes, travel requests, the County Assessor's Office has submitted one of those as well as the Health Department. I would look for approval of the consent requests as filed.

Commissioner Jerrel: I'd like to move approval of the consent items.

Commissioner Tuley: I'll second and I understand we're supposed to read one of them into the record.

Commissioner Jerrel: Yes, we do have a late pink slip that would establish Terry Jameson effective today back on the Bridge Crew for active duty. He has been off on an injury, an off the job injury.

Commissioner Tuley: I'll second the motion.

President Mourdock: Okay, with the motion and the amendment and a second I will say so ordered.

### **Scheduled meetings**

President Mourdock: Okay, scheduled meetings. We have our normal list attached, I believe.

Commissioner Jerrel: Just a reminder, we do have Solid Waste on the 11th.

President Mourdock: Okay.

### **Old business**

President Mourdock: Is there any other old business beyond that which we discussed with the ozone ordinance a moment ago?

Commissioner Jerrel: I asked the attorney to review the two proposals for our records keeping.

President Mourdock: Okay. I will add just under old business, I think you all received in the last week or so...did you get one of these? The update on the statistics on the Welfare-to-Work program?

Commissioner Tuley: I don't remember seeing that.

President Mourdock: Okay, this may...I thought it went to each of you, but I will circulate that. Basically, they have quite a listing here as far as the number of people that came

in from the period of August 25th through September 30th. I received this about ten days ago and things are going fairly well with it. The newspaper story, I know, made it basically sound like no one was walking in the door. It has been very slow with employment training because word hasn't gotten around on the program yet, but on the other issue it's been, I think, pretty reasonable numbers, so I'll circulate this thing.

Commissioner Tuley: Okay.

President Mourdock: Okay, any other old business?

### New business

President Mourdock: Any new business?

Commissioner Jerrel: I have one item under new business. Mr. Howerton...is it Mike?

Commissioner Tuley: Mike Howerton? Yeah, I think that's right.

Commissioner Jerrel: Our hotelier, our appointment to the Innkeepers Board. We have two appointments. Joy Payne is one and Mr. Howerton was the other. Mr. Howerton has moved from the community and so I am going to make a recommendation. We have to have a hotelier and I am going to recommend Joe Harrison, Sr. who is a partner or one of the owners of the Days Inn to fill out the unexpired part of that term.

Commissioner Tuley: That was to the Convention & Visitors Bureau Board?

Commissioner Jerrel: Yes, what did I say? I'm thinking of their money, so I am calling it the Innkeepers. That was a Freudian slip.

Commissioner Tuley: Second.

President Mourdock: So ordered. Okay, any other new business before us this evening?

Commissioner Tuley: Did we take care of those folks?

President Mourdock: Yes, we did. I think they had an item in the pink slips which we did take care of.

Commissioner Tuley: Okay.

President Mourdock: Before we close here, we have a County Councilman with us taking notes here. Anything, Russ, that you wish to address?

Commissioner Tuley: Bettye mentioned that we don't have a meeting Monday and it is next Tuesday?

Commissioner Jerrel: Right.

Commissioner Tuley: I think you and I were talking when she said it.

Commissioner Jerrel: I did mention that we do have a Solid Waste meeting on Tuesday at 4:00 p.m. followed by our regular Commissioners' meeting.

President Mourdock: Okay, our meeting next week is on Tuesday instead of Monday, which it's good that you said that because I would have been here Monday and again on Tuesday. Okay, is there a motion for adjournment?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:30 p.m.

***Those in attendance:***

Richard E. Mourdock  
Betty Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
Betty Hermann  
Jeffrey Lantz  
Bill Campbell  
Mike Shoulders  
Faye Gibson  
John Stoll  
Milton Hayden  
Ed Moser  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
November 11, 1997**

The Vanderburgh County Board of Commissioners met in session this 11th day of November, 1997 in the Commissioners' Hearing Room of the Civic Center Complex at 5:42 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the November 11, 1997 meeting of the Vanderburgh County Commissioners to order. By way of introduction I'll start at the far left, Charlene Timmons, our Recording Secretary; Bill Fluty, from the Auditor's Office; County Commissioner Bettye Lou Jerrel; to my right, County Commissioner Pat Tuley; in a few moments as quickly as I say it, County Attorney, Joe Harrison, Jr.; and our Office Administrator, Tony Greubel, who is kind of sitting in as Superintendent of County Buildings. For those of you who are new here this evening, I see a couple of new faces, if you would like there is an agenda for the meeting on the table over on this side. If you wish to speak we ask you to come to the microphone, state your name and address because all of our minutes are taken verbatim. So with that would you join us for the Pledge of Allegiance?

**Approval of minutes**

President Mourdock: I feel naked tonight because I don't have my computer.

Commissioner Jerrel: Well, you look like that. I knew there was something wrong.

President Mourdock: Yeah, I put it in the wrong vehicle this morning. Alright for our agenda the first item we have approval of minutes. In our packet we have the minutes from the meeting of November 3rd. I would look for a motion of approval.

Commissioner Jerrel: I would like to move approval of the November 3rd minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Open bids - VC97-11-01, Culvert replacement for Green River Road**

President Mourdock: John Stoll regarding a culvert replacement. Any comments for VC97-11-01, culvert replacement for Green River Road?

John Stoll: They just need to be opened.

President Mourdock: Okay, all the bids are submitted to the County Attorney? I'd ask for a motion to take those under advisement.

Commissioner Tuley: I move the County Attorney be directed to open those and enter them into the record.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Letting of bids for VC97-17, Slush truck**

President Mourdock: Lynn Ellis regarding bid VC97-17 a slush truck.

Lynn Ellis: I am asking permission to seek bids for the County Cum Bridge to purchase a slush truck to clean out ditches.

Commissioner Jerrel: I'd like to just raise this question. The money is not in place until 1998, so I think we would be better served to delay this until the money is in the '98 budget not the '97.

Lynn Ellis: Okay, well I questioned when the money was available and Milton said it was available now.

Commissioner Jerrel: John?

Commissioner Tuley: This is the same thing we did though on Burkhardt Road.

John Stoll: I spoke with Carol this morning and she said that the plan was to bid it now, but they were going to use 1998 funds, \$103,000 that was going to be budgeted in '98.

Commissioner Jerrel: I think I'd be more comfortable if we waited until--

Commissioner Tuley: Well, wait. I've got to raise a question here. We did the same thing with Burkhardt Road. Half the money or part of the money set aside for Burkhardt completion is '98.

Commissioner Jerrel: But they wouldn't have to be paid. It would not be paid. This money is if you bid and you award it you're going to pay it.

Commissioner Tuley: Okay, well let's check when they award it.

Lynn Ellis: No, the payment wouldn't be made until delivery and the delivery is 60 to 90 days.

Commissioner Tuley: Yeah.

Commissioner Jerrel: Well, I don't have any problem if you want to go ahead just so long as we understand there is no money in place now.

Commissioner Tuley: I just don't...it's whatever. It's no big deal to me one way or the other really. I just didn't want to use the if we can do it in one place we can't do it someplace else is what I am having a hard time understanding what makes the difference.

Commissioner Jerrel: Well the difference the work wasn't starting.

Commissioner Tuley: Okay.

Commissioner Jerrel: I thought the bid was going to be awarded.

Commissioner Tuley: Well, actually it would be awarded. The delivery wouldn't be made though until 60 or 90 days after that.

Commissioner Jerrel: Okay, so the money would not...is that okay?

Joe Harrison, Jr.: The only thing is that at least with the other project we've got...I don't mind that you go ahead and bid it out, you know, now, but I would prefer to award the bid maybe January...the first of January or whatever just to be safe, but I don't mind you going out and placing the bids now and get it in place so you can do it right away.

John Stoll: I was going to say, the line item that I spoke with Carol about was 203-4230 the Motor Vehicle Account in Cum Bridge. The number that Carol gave me was \$103,000 for the '98 funds.

Joe Harrison, Jr.: Is there any money in there now?

John Stoll: That I didn't ask her.

Lynn Ellis: Not sufficient for the purchase of this truck.

Commissioner Jerrel: Well, let's just advertise with the understanding that the awarding and payment won't be--

Commissioner Tuley: We can go ahead and award it January 1.

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: Or the first meeting in January.

Lynn Ellis: Currently the bid is scheduled to be opened December 8th. Because of the holidays I was trying to avoid getting that closer to Christmas, but I could delay the actual opening until the 15th and then just delay the award until the first meeting in January.

Commissioner Tuley: That works.

President Mourdock: Okay.

Commissioner Tuley: Sounds advisable.

President Mourdock: Sounds like that is the consensus of what we need to do on it. With that though, we do need a formal motion for the letting of the bids pursuant--

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: Okay, and I presume that was with that condition--

Commissioner Tuley: With the condition that the actual awarding will not take place until the first meeting in January.

President Mourdock: Okay, with the motion and a second, I'll say so ordered.

**Letting of bids - VC97-16, Computers and training for  
Division of Family and Children**

President Mourdock: Lynn, you also have VC97-16, letting of bids regarding the Division of Family and Children.

Lynn Ellis: Right. There is money available in their fund for this year and they are requesting the purchase of various computer equipment, hardware and software, be made. The funds would need to be expended prior to December 31 and so the bid is being advertised November 13th and 20th with bid opening on December 1st and hopefully an award on December 8th so that a check can be cut prior to the end of the year.

Commissioner Jerrel: I'd move approval of VC97-16 to go out for bids.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Thank you.

**Contract - Fidler & Chambers Company**

President Mourdock: We have in our packets a contract which I think...Joe, have you reviewed, regarding the Fidler & Chambers with the County Recorder's new program?

Joe Harrison, Jr.: Yes, I've reviewed that particular contract and it's fine for execution and I have conferred with Betty Hermann regarding the same, so I would recommend approval of that contract.

President Mourdock: Alright. Is there a motion for approval for a contract between Vanderburgh County and Fidler & Chambers Company for a computing system?

Commissioner Jerrel: I'd move approval of the Fidler & Chambers Company contract with Vanderburgh County.

Commissioner Tuley: Second.

President Mourdock: So ordered. Tony, do you have the original in the packet on that one?

**Weights & Measures - Lease Addendum Number 6**

President Mourdock: We also have a new lease agreement that was submitted to us. Again, Joe, I'll ask for your confirmation on this. This has the whopping increase of \$10.63 per month for the Weights & Measures folks. It's a rental contract.

Joe Harrison, Jr.: It looks fine. It's a small lease. You don't really see them like this very often, but anyway it gets the point across and it would begin on January 1st of '98 and go through the end of December of 1998. Again, the rate would be \$435. 63 a month. That's a \$5.23 per square foot increase, I guess. This is for the Weights & Measures Department and they'll be leasing the same space that they have over there at the

Raddison Inn Annex, I guess that is what it is called.

President Mourdock: Just for the record that is Suite 204, 600 Walnut Street and this is Addendum Number 6 being proposed.

Commissioner Jerrel: I would move approval of Addendum Number 6 to the Lease Agreement for the Weights & Measures with the Raddison Hotel.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual wishing to address the Commission tonight? Okay.

**John Stoll - County Engineer**

President Mourdock: County Engineer, department head reports. John, you're up first.

John Stoll: First I would like to recommend that we accept streets in Keystone Subdivision and The Seasons Subdivision. The streets in Keystone are 1264 linear feet of Cobblefield Drive; 485 linear feet of Rolling Rock Drive; 518 linear feet of Keystone Hills Drive; 1188 linear feet of Flagstone Drive; and 939 linear feet of Creekstone Drive. In The Seasons it's 509 linear feet of Seasons Ridge Boulevard; 365 linear feet of Summer Valley Cove; and 340 linear feet of Autumn Leaf Cove. All these streets were built according to plans that were approved and it is recommended that they all be accepted.

Commissioner Jerrel: I'd like to move approval of the list of streets recommended by the Engineer to be placed in the record and that these be accepted.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

John Stoll: Next I would like to request to transfer \$45,000 from the Heckel Road Bridge to the Oak Hill Bridge to cover upcoming change orders on that project. We've got approximately a \$12,000 overrun on deck repairs as it stands right now for the east half of the bridge and the west half of the bridge is even in worse condition than the east half so we are estimating that it will cost about \$18,000 for a grand total of \$30,000 in additional deck repairs. The plans that were prepared also neglected a median curb that was out there that has also deteriorated and the cost of that is estimated to be about \$15,000, so we'll have an upcoming change order to cover those items, but as it stands now there is not enough money in the account and that is why I am requesting to go before Council to cover those additional items.

President Mourdock: The money that you are shifting is from something on Heckel did you say?

John Stoll: Yes, that one will not be designed or constructed this year.

President Mourdock: Okay, originally it was our intent to do so--

John Stoll: Right.

President Mourdock: --but for whatever reason it didn't get done so we've got money there?

John Stoll: Right. Tim has been working on that, but the design is not completed as of yet, so that money won't be used in '97.

Commissioner Jerrel: I'd like to move approval of the Engineer going before Council for a transfer from the Heckel Road line item to the Oak Hill line item and for your information at the end of that motion I asked him to send a letter to the engineer who underestimated or didn't estimate accurately and require this much in the way of change orders.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Tuley: John, that's pretty bad, I mean, they're off by quite a bit of money there.

John Stoll: I agree. The estimate was for about 25% of the deck would need patching and the plans were originally done starting in 1992, so I don't know if that 25% was an accurate estimate of repairs back in 1992 or whether it was just a ballpark estimate that they always used. But for whatever reason it is way off and it is costing us a bunch of money to do the repairs and there is no point in us spending \$600,000 and ignoring this \$30,000 because we would end up having deck problems again here in the future, so it's unfortunate--

Commissioner Tuley: Yeah, I'm not disagreeing with your recommendation, I just--

President Mourdock: The total overrun at this point is five percent?

John Stoll: Pardon?

President Mourdock: The total overrun for the whole project is five percent? You just said \$600,000 project and this is basically \$30,000.

John Stoll: Right, well this will be \$45,000.

President Mourdock: Okay, so it will be seven and a half percent.

John Stoll: The exact dollar figure of that contract was right around \$584,000 so it will be more than that.

President Mourdock: It will be about nine percent.

John Stoll: Right.

Commissioner Tuley: Is there any "norm" in the industry?

President Mourdock: I don't know that there is a norm. I mean, it's the old story of the

man who drowned in the stream whose average depth was six inches. You know, it just depends where you want to look.

Commissioner Tuley: Okay.

John Stoll: The bad part about this is there is no where to make up the difference in the other items on the bridge. We can't delete something. It all basically needs to be done. That's what was called out on the plans plus all this extra that we're finding out, so it's not that we can make up the difference by cutting this item or that item. It all basically needs to be done.

President Mourdock: Are we still using the engineer that made this estimate? It was one of the consultants that we used back some time ago.

John Stoll: Yes.

President Mourdock: I presume they're not one of our current--

John Stoll: No, that is the only bridge that they were hired to do. I understand some of their problems with the rehab projects are hard to estimate. We had even worse problems out on Stringtown, but especially the median curb. There is really no excuse for that. That was just ignored.

Commissioner Tuley: That was the reason for my question because it is somebody we haven't used very often and this contract was let several years ago, I guess, but they've been calling. Calling on you and calling on me and I don't know about you two more recently than they have been in the past.

President Mourdock: Right.

Commissioner Tuley: This is not good for future business. I'm trying to be nice to a certain degree, but that's exactly what it boils down to. They might want to be looking somewhere else right now.

John Stoll: All in all these plans were better than Stringtown, but still we've got substantial problems there too.

President Mourdock: Okay.

John Stoll: The next item I've got, I've got a request from Ziegler property development for a sidewalk waiver for the Phoenix Commerce Center. This would be for Phase One and the replat of Phase One. The waiver would be consistent with what we've done with other industrial parks. We typically have waived sidewalks and it is recommended that their waiver request be approved.

Commissioner Jerrel: I'd move approval of the Phoenix waiver for sidewalks.

Commissioner Tuley: I'm only hesitating...Phase One will be the industrial area because I know they plan on doing some retail in there and we may need to look at that a little closer.

John Stoll: Yes, this is all the industrial area.

Commissioner Tuley: Second.

President Mourdock: Okay, so ordered.

John Stoll: Next, also on the Phoenix project, we needed to establish some additional wage scales to cover highway construction. Originally, the wage scales that were set only covered building construction so in order to correct that we need just to establish new wage scales and I've spoken to Commissioners Jerrel and Tuley last week about this and sent a letter to the Department of Labor requesting that they set a new meeting. In that letter I requested that Jack Tubbs represent the owner, that Jerry Ramsey represent the County Commissioners and that Tim Spurling would represent the awarding agency, so that meeting has been set. I don't know if you need to vote on it to retroactively approve it or if that--

Commissioner Jerrel: I think we need to approve the appointments.

John Stoll: Okay.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The next item I've got is to establish a right-of-way for Eickhoff Road. On Eickhoff, the west side of Eickhoff Road north of Hogue Road, there is no record of right-of-way that we can find anywhere. We received a request from the Water Department through their attorney Kevin Winterheimer to establish a right-of-way based on Indiana's apparent right-of-way laws which I have been working with Cedric Hustace in Joe's office to find out what we had to do with that and how to follow that law. In the correspondence that Cedric sent to me he said that the Commissioners would need to authorize me to prepare what we feel is the county's apparent right-of-way on that road which is basically the county's maintained portion of that road which may be back of a ditch or it may be the edge of the pavement depending on where we are on that. At this time I am asking for your approval to authorize me to establish what the apparent right-of-way is and then later on once we've got a description of that right-of-way then there would be hearings for the adjacent property owners to come in and either agree or disagree with our findings on what that right-of-way would be.

President Mourdock: Joe, do you have any comments about this? This thing could be strewn with bear traps.

Joe Harrison, Jr.: That's exactly what you have to do. It's kind of an obscure law, but it is on the books and when this request is made the only way we can comply with it is to have him try to come up with where we think it is and he needs your approval first to begin that process.

Commissioner Jerrel: I would like to move approval to authorize the Engineer to determine the right-of-way for the west side of Eickhoff Road.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I've got a Notice to Bidders for VC97-11-04, the Old State Road sanitary sewer. This is the Barrett Law project which will be rebid as a result of the overruns on

the last round of bids that we got. The bid opening would be on December 1st. We'll have the revised plans by the end of the week, so hopefully the bids will come in within the estimates this time around.

President Mourdock: Last time we had a brief discussion about Mr. Buford Clodfelter's comments.

John Stoll: That was next on my list.

President Mourdock: Okay, alright, because these two are related.

John Stoll: Based on what Joe found the parcels of ten acres or greater are excluded from Barrett Law projects, so the vacant property that we are talking about is 11.3 acres. Technically according to law it's excluded and this property would not be assessed through the law, but a person who is working with Andy Easley who is proposing to develop the property has stated that he would potentially voluntarily contribute towards to project which would help reduce Mr. Clodfelter's cost. He would either...he may pay into the project through paying some of the engineer fees to Easley or maybe he could participate in some other way, but right now he, by law, is not assessed as part of the project.

Commissioner Jerrel: Pardon me, that was like one of the kids in the class.

Commissioner Tuley: I apologize. I didn't realize there wasn't any paper in there to deaden the sound.

Commissioner Jerrel: It was a good shot!

President Mourdock: Okay, so the best that can happen is the developer will voluntarily get involved with this and hopefully Mr. Clodfelter will be pleased with that and the other folks out there.

Joe Harrison, Jr.: Yeah, essentially if that would happen he would be better off than he would probably if, in fact, this guy could participate in the Barrett Law if, in fact, this tract was included because then they would only be assessed as one just like everybody else.

President Mourdock: Oh, at this point because it isn't fully set up as a subdivision.

Joe Harrison, Jr.: Right, right.

President Mourdock: Ah! I see.

Joe Harrison, Jr.: This would be a much better deal even though he doesn't--

President Mourdock: Depending upon the level of voluntary participation.

Joe Harrison, Jr.: Whatever, yeah.

President Mourdock: Yeah, it always comes back to dollars.

John Stoll: According to what Easley said this developer recognizes the benefits to him of getting the sewer down to that site so he is willing to participate, but no dollar figure has been assigned to that or how he would participate has been established, but I'll get in touch with Mr. Clodfelter and let him know that is kind of where it stands right now.

President Mourdock: We do need a motion then to bid on December 1st the Oak Hill Barrett Law sanitary sewer.

Joe Harrison, Jr.: Old State.

President Mourdock: I'm sorry, Old State.

Commissioner Jerrel: I would move approval of bidding this project.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all I have.

President Mourdock: Okay, any questions for John? Okay.

**Rick Dickinson - County Garage**

President Mourdock: Rick, you're up. County Garage report.

Rick Dickinson: I don't have too much other than that paving list, we've got Camelia and April, I think, left. Camelia was...well, they've both been ground down and Camelia today was dug out and we're going to fill in the bad spots tomorrow and we'll probably pave it Thursday or Friday.

President Mourdock: Okay, I'm sorry which one is that for, Rick?

Rick Dickinson: Camelia.

Commissioner Jerrel: I think they've started on the other one, too. Haven't they a little bit?

President Mourdock: On April?

Rick Dickinson: All the milling is done.

Commissioner Jerrel: Yeah.

Rick Dickinson: It was done last week. April has a couple of bad spots that we have to dig out, but we'll do that probably Thursday or Friday.

Commissioner Tuley: What is the weather predictions for this week? Is that...I mean, rain and mix is that going to mess you up I guess?

Rick Dickinson: If it rains we can't do it.

Commissioner Tuley: They're talking rain, I think, Thursday.

Rick Dickinson: A little bit of snow tomorrow.

Commissioner Jerrel: It's going to be warm next week.

Commissioner Tuley: Next week is it?

President Mourdock: El Niño?

Commissioner Jerrel: El Niño--

Rick Dickinson: As far as it being cold ain't going to hurt us. The rain is going to stop us. The only reason the rain stops us is because...if we get the oil down before it rains it doesn't matter, but you can't put oil on top of rain.

Commissioner Tuley: Water, yeah.

President Mourdock: For the record, there was submitted the Vanderburgh County Highway Department for activities and progress report from October 31st through November 6th and also we have in our charts the county paving and drainage updates. The circles are getting smaller or larger depending on how you want to look at them.

Rick Dickinson: That ditching ain't getting any smaller. We're not...some of the ditching that we're doing we had to pull off of the lifts that we originally had on a lot of stuff because the people, flooding their houses and stuff, but I mean we turned in a lot of miles. As far as the miles we should be completed on that, but the ditching should be more than 120%. I turned in six miles a couple of weeks ago on Old State.

President Mourdock: Well, it sounds like we have a breakdown in communications here if John is doing charts and you're turning in miles.

John Stoll: When it's not on that list though, basically when it gets put in the percentage won't change the total length will change.

President Mourdock: Oh, you added to it.

John Stoll: Right, we'll add to the list so it won't show anymore percentage-wise being completed. It just shows greater mileage completed.

President Mourdock: So have you added to that?

John Stoll: Yes.

President Mourdock: So is that one current then? Is that what you're saying that you've already added to it so the percentage hasn't changed?

John Stoll: That should reflect that. It's current.

Rick Dickinson: I wasn't paying any attention to miles. I was just paying attention to the chart--

President Mourdock: The color and percentage.

Rick Dickinson: I was looking at the colored pie.

President Mourdock: That's good. We know you're looking. That's the point.

Commissioner Tuley: He is either looking or it's a CYA, I'm not sure!

President Mourdock: Well, either way. It gets you where you want to be. Okay, any other questions for Rick? Okay, thank you, Rick.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, do you have your bids ready?

Joe Harrison, Jr.: Yeah, why don't we start with the bids on VC97-11-01. This is for the culvert replacement on Green River Road. There were four bids submitted. They are as follows:

1. CCC of Evansville, Inc.  
\$34,313.20
2. J.H. Rudolph & Co., Inc. of Evansville  
\$54,945.00
3. Southwest Engineering, Inc. of Evansville  
\$29,780.00
4. Koberstein Trucking, Inc. of Princeton  
\$36,740.00

I would ask that you take these under advisement and have the County Engineer review the same and get back with us with a recommendation.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. You had another bid?

Joe Harrison, Jr.: Um, I think that's it.

President Mourdock: Oh, that was right. I'm sorry, I was thinking of the one we were advertising.

Joe Harrison, Jr.: A couple of other matters that I have, the County Engineer last week, I believe, provided me with documentation in order to initiate a condemnation action regarding the piece...the little strip we need there at Williamsburg on the Lake there at Burkhardt and Lloyd. We were hoping we wouldn't have to do this, but it looks like we're going to have to file that and I have been doing some research. I'm needing some more information before I file that, but anyway hopefully I'll get that on if not this week early next week. The next thing, I've been working with the County Auditor and Lynn Ellis regarding the Kronos time accrual contract. We're still negotiating that particular contract with Kronos and hopefully we'll have something worked out either next week or the week after that can be brought to the Commissioners for their consideration. The next thing I have is you all may remember when I came to you a few weeks ago or months ago there was a person by the name of Lowell and Belinda Weber who received a Quitclaim Deed from the county. Way back when, I think it must have been about four or five years ago, this particular deed was issued to them and then there was a correction deed that was done for one reason or another. There was a description error a while back, so we gave another one. Come to find out in the survey that was provided

to us there is somewhere along the line the survey says that the last coordinate and deed description should read west 2838 instead of west 2038 as shown in the original deed of 1991 and carried over into the replacement Quitclaim Deed delivered to you all for consideration earlier this year which was delivered to the Webers. Somebody picked this up, thankfully, so now I have a...hopefully, this will be the last time this is ever done...a Quitclaim Deed to these people that have the correct coordinates at this time and we will then deliver it to the Webers' attorney after it has been recorded.

President Mourdock: Okay. John, do you recall is this the property that was right at the end of the widening of Green River Road where there was a ditch or there was going to be a pipe and then a ditch and they widened it out?

Commissioner Tuley: Theater isn't it?

John Stoll: This is at the corner of Theater and Green River.

President Mourdock: Okay.

John Stoll: The southwest corner of that intersection.

Commissioner Tuley: Just a little pie shaped piece. It was pretty small.

John Stoll: Yeah, a third of an acre that was to be given to Weber in exchange for property that we needed along the front of his property along Green River.

President Mourdock: Okay, well is there a motion that we execute this deed on behalf of the Webers?

Joe Harrison, Jr.: Yes.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered. This is not the original, I presume.

Joe Harrison, Jr.: Yes, that is the original. I didn't tell Tony I was even bringing this over. It was kind of a last minute thing. So I am hopeful that we won't have this come up again.

President Mourdock: Okay.

Joe Harrison, Jr.: The last thing I have is last week there was the Indiana Air Pollution Control Board who had their meeting here in Evansville. I believe it was on Wednesday or Thursday of last week. At that time two of the four ozone reduction remedial measures were considered by the Indiana Air Pollution Board. The two that they had jurisdiction over at the time one of which was the gasoline dispensing regulations and the other had to do with automobile refinishing, these two measures were actually preliminarily approved by the Indiana Air Pollution Control Board. The one dealing with the lower vapor gas was not considered by the Indiana Air Pollution Control Board. It was their feeling that they could not act upon that request and the county could not impose such a regulation at this time in that it would be illegal for us to do so. So they couldn't do it, we couldn't do it, but at some point it may be something that the federal government may require, but not at this time.

President Mourdock: Do I understand that correctly that the reason the state says we cannot impose that, in fact, I think it's kind of a trickle down from the feds, we can only impose it if we were strictly in non-attainment?

Joe Harrison, Jr.: That's correct. The feds are saying since...or the state is saying and the feds are looking at it that since we are going off non-attainment hopefully real soon, hopefully at the next meeting, that there is not a need for this and there must be a need for it in order for it to be imposed. At this point--

Commissioner Tuley: Close the gate after the cow gets out?

President Mourdock: Yes.

Joe Harrison, Jr.: But at this point it is not something that the federal government is going to require and they must consent to such a regulation and it's not something that they would impose upon the state and the state wouldn't let us do it at this time. The last of the four ACORN measures that was imposed was the prevention program and that is something that the state encourages that the city and county and Town of Darmstadt initiate. It's not something that they have jurisdiction over, but it is something that they strongly encourage. That is a voluntary measure on our part, on the county's part and the city's part, and that is included in the ordinance. The only thing that has dropped out of the four ACORN suggestions is the lower vapor gasoline.

President Mourdock: Originally when we went into this with the original proposal there were three enforceable segments.

Joe Harrison, Jr.: Right.

President Mourdock: One being the lower Reid vapor pressure gasoline and the other being the VLVRP pressure nozzles and the other one being Stage 2 or whatever they call it, Stage 1 recovery.

Joe Harrison, Jr.: Right.

President Mourdock: So they took away one of our enforcement items, but we still have the other two. I guess I am a little disappointed that once again the feds and the state can tell us what we can do here locally. I almost fear if we did try to do anything to enact the lower Reid vapor pressure gasoline it might actually work against us.

Joe Harrison, Jr.: Yes.

President Mourdock: In any kind of argument.

Joe Harrison, Jr.: Sure.

President Mourdock: Even to say that maybe we shouldn't come out of marginal non-attainment to go to attainment because we adopted the measure. One other point I would make that just for the coming year I know the members of the ACORN group have worked hard making those recommendations are rather deflated by this and I think we need to spend some additional effort during the coming year to make sure that the Pollution Prevention Task Force gets some real attention because for their projection they were saying of the ozone reductions 65% of them was going to come from that one segment which meant 35% that we could enforce obviously was the lesser part of that. Now we've taken the 35% down to some smaller number and I think it does put a lot more

emphasis on what we can do with pollution prevention. We need to find a way to make that work. I think this Board needs to really emphasize that.

Joe Harrison, Jr.: The thing is...I think Betty Lou was there, but the state is requiring that another task force committee be established soon after we're redesignated. It's a requirement of the Indiana Air Pollution Control Board and hopefully, you know, many of those same people will be serving on this committee.

President Mourdock: That's always a challenge because we saw this in the Solid Waste Committee meeting just before this. You get people who volunteer to work on those committees. They put in a lot of time, a lot of effort and a lot of sincerity to make recommendations and then when it seems they don't happen they feel like what was the use. That is precisely my reason for feeling like we really need to emphasize more activity with pollution prevention.

Commissioner Jerrel: Another item that I don't think has ever been said out loud, but I think it's a factor in this lower Reid vapor pressure. When you purchase that gasoline and you are the metropolitan area we would automatically cause all these little surrounding areas to probably have to buy it also during those summer months.

President Mourdock: That's true.

Commissioner Jerrel: I think, though that has never been spoken, I think that is an undercurrent that exerts pressure on the feds to keep us from imposing our will because that would happen. I met with the gasoline distributors and some of the small community people because they were concerned about it and yes it would happen.

President Mourdock: Yeah, that is an excellent observation. I'm sure it would happen and isn't it amazing that IDEM will kind of with a wink and a nod say yeah it's a regional problem, but when we locally start to deal with it regionally they say oh no you can't. I mean the irony can't be missed there.

Joe Harrison, Jr.: Well, I do have a draft, a final draft, of the county's ozone ordinance that is ready for consideration by the Commissioners. I've given the Auditor's Office a copy of the draft regarding the ordinance and I think it would be appropriate if there is a motion to advertise the same. I believe it should be advertised and published. Maybe, is it the 1st of December and what's the other...?

Charlene Timmons: The 8th.

Joe Harrison, Jr.: The 8th. The 1st and 8th of December, possibly, to have a first and second reading.

Commissioner Tuley: I have a question before we go. Joe, I thought at some point you had indicated that maybe we should make this beginning July 1 or something. I've got this on the brain. This ordinance still says, unless I am in two different areas, it still says May 1.

Joe Harrison, Jr.: I changed it and I did make a couple of changes regarding that. The one thing that does say May 1 is when an annual fee would be required to be paid beginning on May 1st.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: But as far as the actual requirements the state has suggested that July 1st be the date and that is in here. Really I kept the May 1st in here so we can--

Commissioner Tuley: On page three where it says July 1, I just now saw it.

Joe Harrison, Jr.: Okay.

Commissioner Jerrel: Actually, it is a shame that we have to wait until July 1 because we need to have it in place because it's the hot weather that generates the VOC's along with these products that feed them and if we're going to do anything about it, I mean, I understand, but again it's just one more of the--

President Mourdock: In a sense that makes the point though, Bettye Lou, we can do this and maybe none of these things will go into effect until July 1st, they may not be truly enforceable until July 1st, and depending on what the weather is maybe we will be in attainment and maybe we won't.

Commissioner Jerrel: Exactly.

Commissioner Tuley: I misread. They're talking about something entirely different.

Commissioner Jerrel: Well, I would like to make a motion that we advertise this ordinance that culminates ultimately in a hearing this year.

Commissioner Tuley: I will second.

President Mourdock: Since it is an ordinance for first...well, for advertising we'll still call a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I vote yes, so we will advertise. Anything else, Joe, with your report?

Joe Harrison, Jr.: I think that's it.

Commissioner Jerrel: I'd like to move approval of the consent items.

<b>Burdette Park</b>
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President Mourdock: Oops, wait a minute. We've got two others.

Commissioner Tuley: Tony and Burdette.

Commissioner Jerrel: I didn't see anybody out there and I just--

President Mourdock: We don't. It's just packet material here.

Commissioner Jerrel: Okay.

President Mourdock: We have for the record to submit the Burdette Park activity sheets, the work from October 31st through November 6th.

**Superintendent of County Buildings**

President Mourdock: We also have Tony. Anything on Superintendent of County Buildings side to report, Tony?

Tony Greubel: Just something real quick. The county work group infrastructure meeting will be held on Monday, November 17th since the county had the holiday yesterday...or today...or yesterday and the city had the holiday today.

President Mourdock: What time on the 17th?

Tony Greubel: It's 3:00 p.m. if that is okay with you since you are probably going to preside?

President Mourdock: I will be there.

Tony Greubel: I had to move it to this room.

President Mourdock: Okay, would you send me an E-Mail to make sure I get it on my calendar?

Tony Greubel: Yeah, I'll do that. Also, last Wednesday the Council approved several transfers that I requested on behalf of the Commissioners and one of them included additional funding for the ASAP Transportation so that funding is in place now at the new level that they wanted and I'm going to talk...today their person was on vacation, their contact person, but we'll try and have a contract this month. Hopefully next week.

President Mourdock: Very good. Anything else?

Tony Greubel: That's it.

Commissioner Tuley: I have a question before we get out of here.

President Mourdock: Sure.

Commissioner Tuley: With reference to the Commissioners Conference I noticed when I was going through that routing stuff that the fee changes if you don't register until after the 15th, I think, so if anybody is wanting to go they need to get their reservations in.

Commissioner Jerrel: What do we do? Do we send the reservations in with money or how do they...? I've not gone and I don't know what--

Commissioner Tuley: I think you can send them in and have the county billed. Tony, I mean--

President Mourdock: A credit card?

Tony Greubel: Yeah, I can go right now and get that information.

Commissioner Jerrel: I plan to go, but I will not need any...it's out on the north side at

the Raddison.

Commissioner Tuley: The Raddison, yes.

Commissioner Jerrel: So I'll stay at Cindy's, but I'll, you know, just need, you know, per diem and registration and mileage, but--

Tony Greubel: Will that be two out of three Commissioners attending?

Commissioner Tuley: I probably won't be attending.

Tony Greubel: You won't be?

Commissioner Tuley: It would probably be a day long thing and I think I could go up there without them--

Commissioner Jerrel: It's the...actually--

President Mourdock: Fourth and fifth?

Commissioner Jerrel: --4th and 5th. The 3rd, 4th and 5th.

Commissioner Tuley: Right.

Commissioner Jerrel: But I think the 4th and 5th are the--

President Mourdock: Give me a call tomorrow on it, Tony. Let me check my schedule. That's always a very good meeting. I always enjoy that meeting.

Commissioner Tuley: It is a good meeting if you don't have trouble with...I'm basically about out of time at school.

President Mourdock: Yeah.

Commissioner Tuley: At school.

President Mourdock: It always works out that both those days at the same place is both the Indiana Coal Council Meeting and the Association of Commissioner Meeting, so it has always been kind of handy. I will try, but let me check tomorrow.

### Consent items

President Mourdock: Okay, consent items.

Commissioner Jerrel: I'd like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### Scheduled meetings

President Mourdock: Scheduled meetings are listed. Tony just mentioned one. Just for the record next Wednesday evening, a week from tomorrow night, is the Welfare to

Work meeting as well which I will be attending. Any other meetings to be mentioned?

**Old business**

President Mourdock: Under old business we had the ozone listed which Joe just spoke of. Any other old business?

Joe Harrison, Jr.: On meetings I think tomorrow the Building Authority Board is meeting at 2:00 and again it was the recommendation when they came before us last week to reject...the architect's recommendation was going to be to that Board to reject the construction bids and then have new bids let out and I think publication of those new ones will go out as soon as possible, assuming it's approved yesterday...I mean tomorrow.

Commissioner Tuley: That is some old business.

President Mourdock: Yeah. To my knowledge and I am going to say this with great confidence, Mike Shoulders said last week when he was here that the rebid would take place three weeks from last Monday.

Commissioner Jerrel: Award the contract the middle of December, I remember that.

President Mourdock: Right. Either the 15th or 20th of December and I don't recall which.

Commissioner Tuley: That was because of holiday scheduling or something that he wanted to get that out.

President Mourdock: Right.

Commissioner Tuley: Speaking of holiday scheduling unrelated to the Auditorium, but Burdette, the \$500,000, do we need to get a request?

Commissioner Jerrel: We'll go in the 15th of...actually we were going to do it the 15th of December for the January meeting to ask for--

Commissioner Tuley: Did that cut off date change at all in the December for the requests in January because of the holidays?

Commissioner Jerrel: I don't know, but I'll make sure that--

Commissioner Tuley: It did change?

Commissioner Jerrel: What is it? Well, we want to do the December meeting because we want to request that it be reappropriated from the 1998 money. That was the concern. It will roll over. It's going to roll over normally, so whenever the deadline is...well, whatever it is we're going to get it in. We're going to ask for it to be reappropriated.

Commissioner Tuley: Okay, just to keep it on the table since it is near the end of the year. I know those dates all change because of the holidays and everything else.

Commissioner Jerrel: I had it down though to do it. It has to be done December not in November.

President Mourdock: Just so you know I need and will sometime in the next couple of weeks get with Joyce and Steve out there. Nothing particularly urgent to talk about, but I have been trying to stay in contact with them.

Commissioner Jerrel: Did you talk to them about the trailer park?

President Mourdock: That's one of the things on the list. I have not yet, but I certainly want to talk about it.

Commissioner Tuley: You need to talk to them about that request. I think you'll get some interesting information.

President Mourdock: On the trailer park issue?

Commissioner Tuley: The outgoing--

President Mourdock: Oh, okay.

### New business

President Mourdock: New business?

Commissioner Tuley: I have none.

President Mourdock: Okay, I have one item that I had Tony copy for you. It was in my stack of things on Saturday. Perhaps you have already gotten it, but the Association of Indiana Counties has sent out an RFP for counties interested in hosting the AIC 2001 Annual Conference.

Commissioner Jerrel: Oh, yeah.

President Mourdock: I think since a county I know of will have a new Visitors and Convention Center at about that point it might be good for us to begin the wheels turning here.

Commissioner Tuley: Really.

Commissioner Jerrel: We ought to get...we ought to do the official letter, but we ought to have Dolli and have them put together something.

President Mourdock: Yeah. What I was going to suggest is that we forward this on. In fact, maybe I already told Tony to do that. Did I put that on the note Saturday?

Tony Greubel: Yeah, you did.

President Mourdock: Okay. We need to have some contact with the Visitors & Convention Bureau. Pat reminded me at the start of this meeting that apparently the last time this was in Evansville it was actually...there were actually some dollars appropriated.

Commissioner Tuley: I think...Bettye were you...I think you were on the Council on that time.

Commissioner Jerrel: Yes.

Commissioner Tuley: I think there was money set aside for--

Commissioner Jerrel: Right. That was in 19--

Commissioner Tuley: Eighty-nine?

Commissioner Jerrel: I didn't go on the Council until '91. I think it may have been in '90, but I know the Council...I wasn't on the Council, but they were very interested and they did help. Wasn't it at the Executive Inn?

Commissioner Tuley: Yes.

Commissioner Jerrel: Yeah.

Commissioner Tuley: It was a very successful conference.

Commissioner Jerrel: I do have some old business.

President Mourdock: Okay.

Commissioner Jerrel: I would like to request that we seek an application from the Visitors & Convention Bureau for perhaps application for a grant in connection with the Auditorium.

Commissioner Tuley: If that's a motion, I'll second.

Commissioner Jerrel: It's a motion.

Commissioner Tuley: I'll second.

President Mourdock: I will say so ordered. Do we need to formally appear before that Board?

Commissioner Jerrel: I've asked that it be sent to you.

President Mourdock: So they have a...once we get that grant then there will be a scheduled date obviously and we can go from there.

Commissioner Jerrel: Yes, and I asked that it be sent to you.

President Mourdock: Okay, fine. Alright. Any other new or old business? Motion for adjournment?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. We've done it! It's not even 6:30 and we started late!

The meeting was adjourned at 6:28 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Bill Fluty  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
John Stoll  
Rick Dickinson  
Those unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
November 17, 1997**

The Vanderburgh County Board of Commissioners met in session this 17th day of November at 5:45 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting of the Vanderburgh County Commissioners for November 17, 1997 to order. I see the pretty normal list of faces here, so I'll forego much of our normal thing with the agenda. For the record in attendance our Office Administrator, Tony Greubel; County Attorney, Joe Harrison, Jr.; County Commissioner, Pat Tuley; County Commissioner, Bettye Lou Jerrel; County Auditor, Suzanne Crouch; and Charlene Timmons, our Recording Secretary. Please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: The first item in our packet we have minutes from November 11th.

Commissioner Jerrel: I'd like to move approval of the minutes of the previous meeting on November 11, 1997.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Do we have, Suzanne, yes, we have our minutes from our Executive Session.

Suzanne Crouch: Oh, I was so engrossed.

President Mourdock: Yes. Our Executive Session began at approximately 4:00 and was completed at 5:40 this afternoon. At that session we discussed county personnel matters and the initiation, litigation or pending or threatened litigation against the county. I would ask for a motion to accept the summary minutes.

Commissioner Jerrel: I move approval of the minutes of the Executive Session.

Commissioner Tuley: Collective bargaining.

President Mourdock: Oh, yes, and we also discussed collective bargaining negotiations. Thank you, Pat.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

<b>Open Bids:</b>	<b>VC97-14, Weights &amp; Measures vehicle VC98-01, Printing of 1998 tax bills</b>
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President Mourdock: Next on our agenda items we have Lynn Ellis with the... regarding a vehicle for Weights & Measures.

Lynn Ellis: Well, I have two bid openings this evening. One for either a car or a van for Weights & Measures and then the second one is to print the 1998 tax bills. I would ask that you grant permission to open those bids and then I'll pick them up from Charlene in the morning.

President Mourdock: Alright, and for the record the first is VC97-14 and the one for the tax bills is VC98-01. Is there a motion to open the bids?

Commissioner Jerrel: I move approval to open the bids.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Mike Shoulders - Veazey Parrott &amp; Shoulders</b>
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President Mourdock: Mike Shoulders with an Auditorium update.

Mike Shoulders: Commissioners, I wanted to update you tonight on the discussion we had two weeks ago on November 3rd. We are implementing pretty well verbatim the steps that were discussed with you two weeks ago. The City/County Building Authority met last Wednesday, the 12th, in a special meeting, a special session. They rejected the initial bids on the construction of this project. They took the furniture and furnishing bids under advisement and they issued the instructions to us to rebid the construction of this project. The revisions and editing for the documents on this project will be ready to go one week from today on November 24th. The first legal ad will run next Monday, November 24th. The second ad will then run one week later which would be two weeks from today on December 1st. The only change from the report that I gave you two weeks ago is that the bids will be due on Tuesday December 16th in the afternoon as opposed to Monday the 15th. We understand bidders prefer a Tuesday to a Monday is the only reason. So we are on target. We are on track. We feel quite good. We have had communication with the four bidders. We have told them after the action taken by the City/County Building Authority that between last Thursday and next Monday, one week from today, we will accept any thoughts or ideas from the bidders. We will entertain them if they carry water. If they have merit we will incorporate those, but we'll do it on an equitable basis. It will be a part of the documents for all bidders not just for the one who suggested it. We are optimistic that we're going to have a good competitive bid climate and as you know we have over five pages of editing to this project that we think will bring this project down by several million dollars. Are there any questions at this time?

President Mourdock: Pat?

Commissioner Tuley: No thanks.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: In discussing with the four bidders what your plans are to accept any value engineering type of comments or forwarding to you, are you getting the feeling that you will get four bids again?

Mike Shoulders: We're getting the feeling that we will have four interested bidders. The same four bidders. There is even a potential...some inquiries of new bidders. One or two new bidders. I've still got that thing.

President Mourdock: There was some discussion--

Mike Shoulders: It's better, but...

President Mourdock: There was some discussion in one of the meetings I attended with the Building Authority regarding the steel and the lead time to get the steel ordered. Anything new on that?

Mike Shoulders: Well, no. We feel like that the schedule is just going to move as we mentioned from July 15th as we indicated to September 1st and that there will be a commiserate move in this little delay that we've had, the rebid, but we're still...we still feel confident that these contractors, and we've kind of got the feeling back from them, the feedback, we feel pretty confident that the convention that is booked for September 22nd of '99 is still safe. Now, we won't know that for sure until we get the bids from the low bidder and sit down and have a preconstruction conference and be sure that their time charts will bear that out.

President Mourdock: Is Dolli Kight going to be involved with that meeting? Let me rephrase that. Make sure Dolli Kight is involved in that meeting.

Mike Shoulders: In the preconstruction meeting?

President Mourdock: Yes.

Mike Shoulders: Yes, we'll have several agencies represented there at that time.

President Mourdock: Okay, anything else?

Mike Shoulders: Okay, thank you.

President Mourdock: Thanks, Mike.

Commissioner Tuley: Thanks.

<b>Extension of Bids:</b>	<b>APA016-97, Liquid asphalt APA050-97, Gatekeeper services</b>
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President Mourdock: Next item, Lynn Ellis. All I have on my sheet says extension of bid numbers, Lynn, I'm not sure what that means.

Lynn Ellis: Okay. I have a request to approve the extension of bid number APA016-97 for liquid asphalt. The vendor is J.H. Rudolph and that extension would be through

December 31st of `98 and also to approve the extension of bid number APA050-97 for the Gatekeeper services to Phil Lieberman and that would also be through December 31 of `98.

Commissioner Jerrel: I'd like to move approval of the extension of APA016-97 to J.H. Rudolph through December 31, 1998 and to APA050-97 for Gatekeeper service to Phil Lieberman through December 31, 1998.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

**Award bid - APA027-97, Handicapped and elderly transportation**

President Mourdock: Regarding handicapped and elderly transportation we have an award recommendation? That was a question.

Lynn Ellis: Right. The County Council approved the transfer of monies into the line item to pay for that contract and I would request that the Commission approve the bid to ASAP Transportation Limited. They are the low responsive and responsible bidder meeting specifications and the option is the option amount of \$66,656.16. This would be with a co-pay of the rider of \$1.50 and the services would be provided Monday through Friday, 8:00 a.m. to 5:00 p.m.

Commissioner Jerrel: I'd like to move approval of the transportation services for elderly and handicapped to ASAP Transportation in the amount of \$66,656.16.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Letting of Bids:           APA008-98, Batteries  
                                  APA025-98, Fuel**

President Mourdock: Lynn, batteries and fuel.

Lynn Ellis: Right. The next item is just to give me permission to bid the batteries. No advertising is required there. Commercial fueling, advertising would be required with bid openings of December 10 for both.

Commissioner Jerrel: I would like to move approval of those two recommended items.

Commissioner Tuley: Second.

President Mourdock: So ordered. Okay, thank you, Lynn. Okay, thanks. I'm going to talk about that in a bit.

**Tony Flittner - Torian, Hofmann & Dillow Insurance Agency**

President Mourdock: Next on our item, Mr. Tony Flittner with Torian, Hofmann & Dillow, our insurance carriers.

Tony Flittner: Good evening. I just have a few items I want to bring before the Commission here. As an agent with the Torian, Hofmann & Dillow Insurance Agency we work as the consultants for the employee insurance plans for the employees of Vanderburgh County. Our objective has been to enhance the plans at any time possible and at the same time achieve the best premium rates available. We have ...I've put together a manual here, so to speak. I won't labor across every page of it unless you ask me to. I'll hit the highlights and go from there. The first page is a summary of what we have here. Moving on to the second page we have listed the premium rates with Physicians Health Network effective January 1, 1998. We have achieved a rate reduction of approximately three percent from Physicians Health Network. Moving on to the next page with regard to the Welborn Health Plan we have worked with a local organization called the Tri-State Business Group On Health. They market the Welborn Health Plan and we feel that it might be or it would be advantageous to work with them for the employees of Vanderburgh County. There would be some plan enhancements that would come along with this and also a rate reduction. As you will see at the upper portion of the page there is an annual membership fee to Tri-State Business Group On Health of \$1,800 per year. Moving on down is a list of the plan enhancements. In other words, benefits that are not in your current Welborn plan. They include chiropractic services, prescription drug benefits at a 90 day supply with a \$20 co-pay. We have added facilities including the MEC Medical Centers as well as some expanded provider areas such as chiropractic, psychiatric, psychological and counseling. Based on the census from September of 1997 we should be able to achieve a reduction in premium per month of about \$4,728 which would more than pay for the cost of the membership fee with Tri-State Business Group On Health and at a pretty handsome savings as well. I would at this time like to request your approval to move to the Tri-State Business Group On Health plan and achieve the plan enhancements and the rate reductions that come along with it.

Commissioner Jerrel: I'd like to...well, I would like to commend you first of all. Any time you come in here and tell us we're going to get some reductions in health insurance it's a positive. I would like to approve the management recommendations you have made as well as the addition of the Deaconess plan and the new dental plan.

Tony Flittner: Okay, great.

Commissioner Tuley: Okay, second.

President Mourdock: So ordered. Just to summarize this a bit, this in effect is giving the employees of the county a fourth choice.

Tony Flittner: That's right. That is correct.

President Mourdock: They've had three choices for health care coverage and now they have a fourth.

Tony Flittner: This will add Deaconess as a hospital choice and an HMO plan to go along with it. I think one of the other few things that we might want to touch on briefly would be with regard to the current Blue Cross/Blue Shield plan, the traditional plan, that is in force at the present time. They have notified me by letter that to bring the plan up to compliance with the HIPAA regulations that we set forth or approved in 1996 that will be mandated to come effective January 1, 1998 we have to bring the mental health benefits up to a certain level somewhat equal to the health benefits. There are two options that are listed and that is in your material. I've kind of gone forward. If you'll page forward

just passed the PPN, the Preferred Provider Network, Bettye Lou, I think if you go a page more or two you'll be there. It's a letter from Acordia address to myself and the Torian, Hofmann, Dillow Insurance Agency. It talks about the HIPAA requirements and cites a couple of options available. Option number one would give mental health benefits on an inpatient basis limited to 20 days, but not limited to a dollar amount such as your plan has today. It offers outpatient limitations of 30 days without a price limitation as your plan does today. The next page does show in the grid what your current benefits are and what the new benefits are on the right side of the grid.

Commissioner Jerrel: I have a question.

Tony Flittner: Okay.

Commissioner Jerrel: Would the savings that you've negotiated cover this addition without...?

Tony Flittner: We've negotiated a savings with every carrier except the Blue Cross/Blue Shield traditional plan. We did achieve a zero percent rate increase. This would lay in on top of the current rates that you have today.

President Mourdock: But I think what Bettye Lou is asking as far as the bottom line to the county are the savings that we're accruing in one area going to more than cover the total costs?

Tony Flittner: By far.

President Mourdock: Yeah, okay.

Tony Flittner: By far, that's correct. Okay. This is a requirement of the federal government. There is really--

Commissioner Tuley: Don't have any option.

Tony Flittner: We don't have any options.

President Mourdock: Is there any applicability...there are some rules and regulations that come down to us that as county government or a government entity we have a little bit different way to go about that than a private business. Do we have any other options in this one, Joe? Is this something that effects us just exactly as private business?

Joe Harrison, Jr.: Not with regard to HIPAA. There are certain exemptions, but unfortunately it doesn't apply here. I attended a seminar one day and thought that originally, then as I went into it I found that we're not exempt. We do have one of the two options though to choose from. I am assuming you're wanting some direction from the Commissioners as to which option you want to proceed with for the county. Is that...?

Tony Flittner: That's correct.

President Mourdock: Okay, before we head down that road, right now in doing new employee hiring do we have any exemptions for preexisting conditions?

Joe Harrison, Jr.: Each particular policy would have that in there. I don't know if it's a 60 day or a 90 day, but there are HIPAA...and Tony can probably expound upon it, but

there are HIPAA guidelines which if there is a preexisting condition requirement, which I think we have, HIPAA would affect...kick in after those preexisting dates, whatever they are for the policy.

Tony Flittner: Right, what it amounts to is the preexisting conditions are dealt with depending on what kind of coverage the new enrollee had prior to coming onto your plan. So if they had coverage prior to coming onto your plan that covered preexisting conditions then they are going to be covered from the onset of the new plan or the Vanderburgh County plan. If they didn't have any coverage at all then there is the opportunity that they could have some preexisting condition limitations for no more than nine months.

President Mourdock: Then they are covered as if they had no preexisting condition?

Tony Flittner: Right.

President Mourdock: Okay.

Joe Harrison, Jr.: That would also apply to...it could apply to their family. I mean, it would be their spouse and--

Tony Flittner: That's correct.

Joe Harrison, Jr.: --dependents, etc.

Tony Flittner: I think--

Commissioner Jerrel: Could we give you a recommendation?

Joe Harrison, Jr.: No, I think he needs to know...or are you recommending that option one is sufficient?

Tony Flittner: I would recommend option one as sufficient. Actually, it's a plan enhancement. It makes the plan better than it was before. It keeps our cost as close to where it was before we had this surprise introduction of information, so I think it should do the job well.

Commissioner Jerrel: Well, I'll make a motion to that effect that we authorize option one.

Commissioner Tuley: That's his recommendation, I'll have to second it and that is what we are paying him for.

President Mourdock: I'll will say so ordered and we need to make sure Charlene gets a copy of this for the record, or do you have one, Charlene? Okay.

Tony Flittner: Okay, I apologize. If you can back up three pages in your booklet from the HIPAA information that I just covered. I did pass up one area that I want to touch on briefly. Right now you have a Blue Cross/Blue Shield traditional plan that allows the insured to go anywhere they want for medical care and the benefits are the same as anywhere else. Your other plans are all HMO plans which tie you to a certain provider list provided you're near the network at the time of an injury. I think at some point we need to explore what would be called a PPO option that could be layered into your

Acordia plan. PPO meaning Preferred Provider Organization that would allow you benefits such that if you went inside of a network or a certain list of doctors you would get certain benefits. If you go outside of the network which is certainly an option you get other benefits. Those benefit structures are on the pages...the two pages following this page that has the rates on it. There would be some advantages to using a PPO network plan. Number one, there would be a little bit of a rate reduction from the onset. Number two, you end up getting some benefits that a lot of people really like and the PPO plans are very popular today. As time goes on your current health insurance plan with Blue Cross/Blue Shield gets a little more outdated in that it's not moving along with the plan designs of today. The PPO plan would give you a \$10 physician office co-pay. With your current plan today if you go to the doctor, any doctor, you first incur a \$100 deductible. With this plan if you go to one of the doctors in the network you'll pay \$10 and leave. It also would layer in a prescription drug card which is a very sought after benefit today. It would allow an insured to go pick up a generic prescription and pay an \$8 co-pay. They can pick up a brand name prescription with a \$15 co-pay. There are no claim forms, no hassle regarding that. You can mail order prescription drugs and get a 60 day supply for the cost of one co-pay. That's a nice benefit. There hopefully would be some claims savings throughout the year by using the provider network. One of the big advantages of a provider network is that those providers in the network have agreed to negotiated pricing, so in other words they have reduced their prices for their services. The end result is at renewal time when we start to look at all the claims experience and add everything up, hopefully a lot of the claims come from those providers where you've gotten discounts on all those claims and we end up with lower claims experience therefore we can hopefully end up with better renewal rates for 1999. One other benefit is that there is no balance billing for those who go in network. So in other words, if you go in the network to one of the doctors on the list when the insurance company and doctors settle up there is no argument as to whether or not the doctor got what his price was in comparison to what the insurance company calls usual and customary. If you go anywhere today, if you go to a doctor under your current plan, there is always the opportunity that the doctor of the provider will charge higher than what is considered to be reasonable and customary and the insured can be balance billed. In network there is a benefit there because there is no balance billing.

Commissioner Jerrel: Are you suggesting...you're wanting some kind of authority to do that now?

Tony Flittner: Well, yes, if that would be possible. What I have negotiated with Acordia is to add this plan in addition to your other plan, so in other words--

Commissioner Jerrel: How would you educate the...I mean, I'm looking at the logistics of this.

Tony Flittner: Right.

Commissioner Jerrel: Because you are now getting into an area that would be very, very touchy with people who do not want to be given a list of doctors--

Tony Flittner: That's right.

Commissioner Jerrel: --and you couldn't just spring this on anybody. That would not be appropriate, so how are you going to explain both plans to them? How do you propose to do that?

Tony Flittner: Well, first of all the people who have the current Blue Cross plan don't have to move off of it, so they can keep it. Only the ones who want to change to the PPO plan would have to do that. My first move to move the material or the information would be to bring this forth to the committee meeting that we have every third Tuesday of the month with a number of the department heads and get them to take the materials back to their departments and distribute them. In addition to that, I have talked with Kevin Kain down in the Auditor's Office and he has agreed to help me get the materials out among the different departments.

Commissioner Jerrel: But you're thinking of doing that in this window?

Tony Flittner: Right, that is correct.

Commissioner Jerrel: And then it won't be done again until--

Tony Flittner: The next anniversary period, that's correct.

Commissioner Tuley: This would only effect, Tony, those that are on the Blue Cross/Blue Shield if they so desire to change to PPO within, is that what I am understanding or not?

Tony Flittner: Well, theoretically, if you have the Welborn HMO plan you could move onto this.

Commissioner Tuley: Okay, so it has the ability then to effect anybody--

Tony Flittner: Anyone who wants it.

Commissioner Tuley: --employed with our insurance.

Commissioner Jerrel: Until the middle of December.

Commissioner Tuley: Right.

Tony Flittner: They would have the opportunity within this time period to enroll. The insurance carrier has required a certain amount of participation. We would have to meet that requirement, but other than that we shouldn't have any problem. This is just another way to maybe bring some benefits to the employees that they can get their hands on and maybe save some money in the premiums, save some money in claims and get ourselves set up for a renewal rate next year that is acceptable. We had to work real hard to achieve a zero percent renewal rate this year and I'm not so sure we're going to be able to do that next year leaving everything the same.

Commissioner Jerrel: Well, if you would like for us to approve being able to present one other option, so then that will be actually five.

Tony Flittner: Correct.

Commissioner Jerrel: Well, I'll move approval of that, but with the caveat that you're going to try to educate the employees.

President Mourdock: Yeah, what your motion is, is simply to have Mr. Flittner deal with the insurance group...what's the formal name of the committee again?

Commissioner Tuley: Insurance Committee or whatever.

President Mourdock: Yeah, Insurance Committee.

Tony Flittner: That's what it is.

Commissioner Jerrel: That's kind of like Christmas.

President Mourdock: Yeah!

Commissioner Jerrel: I'm going to move approval that we accept that.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: That's an in-house joke.

Tony Flittner: Okay. I didn't know if it was something I said or what.

Commissioner Jerrel: No. I apologize, I couldn't resist it.

Commissioner Tuley: It was appropriate.

President Mourdock: A week or so ago I made the startling realization...someone asked what day Christmas fell on and I said in all seriousness, let's see, I think it's the 25th.

Tony Flittner: Okay. Just a couple of other things and I will be done. If we can page past the Mental Health Parity information and the Deaconess information and then you'll come to a page that has Health Resources, Inc. on it. That's the only colored page in the whole presentation. We don't need to discuss that do we? The Health Resources...we've already--

Commissioner Jerrel: We've approved that.

Tony Flittner: --approved that? Okay. Just beyond that is a page that says YOUR PRESCRIPTION at the top. I don't think you're to it yet. It's a copy. It's Cancer America and not to confuse things I've had at various times throughout the year when I meet with the Insurance Committee they have either spoken with someone or someone has gotten in touch with them regarding another insurance plan maybe that might want to be introduced to the employees of Vanderburgh County. This happens to be one of them. This is a cancer plan that I was asked to evaluate in addition to your American Family Life Assurance Company's cancer plans. I am bringing this to you tonight because it does have some merit in that it covers not only cancer, but 30 other diseases which is somewhat unusual or is more encompassing than your AFLAC plan is today. There is a list of the 30 other disease on the second page past the initial page that says Cancer America. In the right-hand there is a list of them. I won't take your time with reading through them, but that makes this plan unusual. The carrier is good, the plan is good. I would...you know, if there is room for it I would see no reason not to put it in. I don't know whether or not there is an issue of how many plans we can have--

Commissioner Jerrel: Well, the only--

Tony Flittner: --available.

Commissioner Jerrel: --issue you get into is if you have too many plans and you spread your membership out and then they begin to...there aren't enough to make it viable enough for them to even have it, then you're going to have some employees who will feel like they've been slighted because they've been told that they can join a plan and then we really can't continue it.

Tony Flittner: Right.

Commissioner Jerrel: I never have felt like it was valuable to offer a complete cafeteria selection, but rather to give good...some really good benefits. I think more than anything else our employees appreciate the fact that our county benefits are good ones.

Tony Flittner: Right.

Commissioner Jerrel: I wouldn't want to water them down.

Tony Flittner: I think there is a point where, you know, you kind of over saturate.

President Mourdock: But you used the phrase a moment ago, Tony, whether we could slide this in, add it in. Add it in how? As just another--

Tony Flittner: Just make it in addition to all the plans that you have offered today.

Commissioner Tuley: So it would just be one more option.

Tony Flittner: Right. One more option and just to take you to the final phase of all of this there is another plan that I was asked to review and it has to do with life insurance coverage. Right now you have group term life through AFLAC...I'm sorry. Group term life through Colonial. This is a plan through APL Insurance Company. It's a life insurance plan. It does have one characteristic to it that your current plan doesn't and that is that it pays an accelerated benefit upon diagnosis of one of the listed conditions that is listed in your material there on the second page. Those being the diagnosis of heart attack, stroke, life threatening cancer, MS and a number of other things. That makes this plan somewhat unique to what you have right now.

Commissioner Jerrel: What are we going to do though if there are...I know there are 25 or 30 insurance companies and if we start doing this I'm afraid you're going to have, you know, you're going to be faced with if they are exactly the same why can't we have access to 750 employees?

Tony Flittner: Right.

Commissioner Jerrel: I think...I just think we're getting...we don't want to get in the insurance business.

President Mourdock: I agree with that.

Commissioner Jerrel: I think we offer good benefits and you manage them, but I think otherwise we're going to have them...the insurance companies are going to be lining up at the door.

Tony Flittner: Well, that could certainly be a problem. You're right. I guess, you know, there is some point where enough is enough or you move a plan out and put another one

in.

President Mourdock: Okay. Well, the last couple, I think, we'll kind of take under advisement then, but you do have...or we did have the motion to go ahead with the idea of--

Commissioner Jerrel: Putting this in the Acordia.

President Mourdock: Yeah, but I meant regarding the Insurance Committee getting in front of them and some of those other options too.

Tony Flittner: Okay.

Commissioner Tuley: Did I second that motion?

President Mourdock: I don't think you did actually.

Commissioner Tuley: I will now.

President Mourdock: Okay, and I'll say so ordered.

Tony Flittner: Thank you.

Commissioner Jerrel: Thank you.

Commissioner Tuley: Thanks, Tony.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual wishing to address the Commission that isn't on the agenda. Faye Gibson was here.

Charlene Timmons: She is standing in the hallway.

President Mourdock: Does she...

Joe Harrison, Jr.: John is going to--

Commissioner Tuley: Take care of it.

**John Stoll - County Engineer**

President Mourdock: Alright, we'll go ahead and get started with our department head reports. John Stoll.

John Stoll: The reason Faye was here was the bids that were received on the Old Courthouse air conditioning a couple weeks ago you had asked that I look into them and one thing that we found that wasn't in there was the prevailing wage requirements, so since it was over \$150,000 that law would have kicked in and it should have been in there. On that basis it is recommended that the bids be rejected and that it be rebid with those prevailing wage...common construction wage requirements in the next bid.

Commissioner Jerrel: I'd like to move approval of the rejection of the Auditorium air conditioning bids and the addition...what did I say?

Joe Harrison, Jr.: Courthouse.

Commissioner Jerrel: Excuse me.

Commissioner Tuley: Yeah, Old Courthouse.

Commissioner Jerrel: Old Courthouse, I'm sorry. The Old Courthouse and when they are rebid to include the prevailing wage clause.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: On the establishment of the wage committee--

President Mourdock: Excuse me. Faye, while you were in the hallway there we just voted to reject the Old Courthouse bids for the air conditioning units and start over because of the prevailing wage issue. I don't know if you had anything else to add to it.

Faye Gibson: That was my Board attorney out in the hall wanting to know why I was here again. No, we have a Board meeting Wednesday night. I have question (inaudible comments not made from microphone).

President Mourdock: You need--

John Stoll: I haven't got that far yet.

President Mourdock: Okay, go ahead, John.

Faye Gibson: I'll stay.

John Stoll: We had a few questions about that from this point on since the bids won't be awarded until after '98 begins I discussed previously with Tony about encumbering money and since we won't have a contract to encumber it, it sounds like we probably need to reappropriate that at the January Council meeting, but I didn't know if that was the way you wanted to approach it or what and Faye and I were discussing that a while ago.

Commissioner Jerrel: Could you repeal it December 5th and turn in a request to encumber it the same day and then it will be repealed, but, you know--

Commissioner Tuley: Reappropriated.

Commissioner Jerrel: --reappropriated at the January meeting.

John Stoll: Okay, is that something Tony would take care of?

Commissioner Jerrel: Yeah, he can do that.

John Stoll: Okay. The other thing on the rebid of that, the Wage Scale Committee would need to be established. I didn't know if there were any specific people you wanted to put on that whether you wanted somebody from my office, Faye, Lynn Ellis or just who would take care of that. I guess we would have--

Commissioner Jerrel: Can't we use any committee we have or do we have to do a new one?

Joe Harrison, Jr.: Jerry Ramsey would be one of the Commissioners' appointments, but there is someone to be like the owner technically of the project, so someone from the Engineer's Office would probably be appropriate.

President Mourdock: John would be appropriate?

Joe Harrison, Jr.: Or a designee, I guess.

John Stoll: Then we would have the other one representing the awarding agency, so really the Commissioners would have two more. Well, a total of three, but one is already on there and if somebody from my office takes care of one that leaves--

Commissioner Jerrel: What about Faye.

John Stoll: That's what I was going to say, Faye to do the other one.

President Mourdock: In that case I'll formally ask for a motion to that effect then because we need to designate that.

Commissioner Jerrel: Okay, I would like to formally recommend that we have Jerry Ramsey, Faye Gibson, John Stoll...

President Mourdock: That's it.

Commissioner Jerrel: On the Prevailing Wage Committee.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Okay. The next item I've got, we have received two requests for counteroffers on the Burkhardt Road Phase 2 right-of-way. United Consulting has forwarded those requests for increases to us. Basically, the Hirsch and Underwood right-of-way parcels are the ones that we are talking about. The buyer has requested that we increase our offer by \$3,018.75 on the Hirsch parcel and \$958.00 on the Underwood parcel. Given the fact that it would cost more to condemn the properties rather than increase these offers by that amount, it is recommended that these revised offers be approved.

President Mourdock: Those are flat numbers not per acre numbers correct?

John Stoll: Right, those are--

Commissioner Jerrel: What was the Underwood amount?

John Stoll: It would increase \$958.00. It would go from \$10,325.00 to \$11,283.00.

Commissioner Jerrel: Two eighty-three?

John Stoll: Yes.

Commissioner Jerrel: How much would the Hirsch go to?

John Stoll: It goes from \$20,125.00 to \$23,143.75.

Commissioner Jerrel: No offense to the legal, but it would cost us more than that to go to court. I would like to move approval of the Hirsch buyout at \$23,143.75 and Underwood at \$11,283.00.

Commissioner Tuley: Is there one more?

John Stoll: There is one more parcel, but we don't have any counteroffer on that yet.

Commissioner Tuley: Okay. I'll second.

President Mourdock: So ordered.

John Stoll: Hopefully we'll get the third parcel underway sometime soon. We haven't received any response from that person as of yet. The final item I've got is a Stop Sign Ordinance revision that needs to be advertised. This would add 35 new intersections to the stop ordinance and this covers the new intersections that have been constructed as a result of new subdivisions.

President Mourdock: Just as long as they are not stop lights, right?

Commissioner Jerrel: What kind of a motion do we need for that?

Commissioner Tuley: To advertise.

Commissioner Jerrel: To advertise. I'd like to move approval that we advertise.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all for my report.

Commissioner Tuley: I've got a question for you. It was raining the other day so guess who I got a call from?

Commissioner Jerrel: Ah-oh.

Commissioner Tuley: John, are we able to do anything in terms of effect down the road?

John Stoll: Not much as of yet. Now we've finally got the Maasberg Bridge right-of-way resolved that's what we are working on now, so, no we don't have anything resolved as of yet.

Commissioner Tuley: We're working on it?

John Stoll: Hopefully we'll get it resolved before Valerie has her baby.

President Mourdock: Knob Hill?

Commissioner Tuley: I'm sorry?

President Mourdock: Ward Road and Knob Hill?

Commissioner Tuley: Yeah. Okay. When it rains it rings.

President Mourdock: Bettye Lou, did you have one?

Commissioner Jerrel: No.

President Mourdock: Did you have any others? Go ahead.

Joe Harrison, Jr.: Westwood Hills, do you think they'll be done this month?

John Stoll: I hope, but I am not sure as of yet with the weather we've had in the last couple of weeks it has slowed them down again.

Joe Harrison, Jr.: Okay, I spoke with the bank today. They were wanting to know. I said I didn't think that they would be done this month.

John Stoll: If they don't get done this Friday they won't be done this month. The holiday is next week and they won't probably work a whole lot then.

President Mourdock: Okay, thanks, John.

John Stoll: Thanks.

President Mourdock: Milton.

John Stoll: One other item that we were discussing earlier was the condition of the railroad crossings out on Mill Road and St. Joe and Boonville-New Harmony. The crossings are owned by what we think is Rail America which used to be Indiana Hi-Rail and the crossings are in terrible shape and the people who have to travel them every day remind us of that regularly. Now that CSX is doing the work out there on constructing their spur along their track we're getting calls on the road closure associated with that plus the condition of the other tracks. I have sent a couple of letters to Rail America in the past requesting that they address their crossing and to date we haven't received a response from anybody at all.

Commissioner Jerrel: Could our attorney send them a letter?

John Stoll: That's what I was going to suggest next.

Commissioner Jerrel: I think that's what we ought to do.

John Stoll: I can get you copies of the letters that I have sent to this point and see if we can maybe get some action out of them because they haven't responded as of yet. Thanks.

President Mourdock: I don't know that we need a motion on that. Joe, if you would just--

Joe Harrison, Jr.: No problem.

President Mourdock: Be lean, be mean--

Joe Harrison, Jr.: No problem.

President Mourdock: --be a litigating machine.

### **Milton Hayden - County Garage**

President Mourdock: Okay, Milton, your turn.

Milton Hayden: Good evening. I've got a cold. Of course you all have the regular report in front of you.

Commissioner Tuley: Yeah, we sure do.

President Mourdock: We have the report from November 7th through November 13th, the progress report for the County Highway Department. Any specific comments on that, Milton?

Milton Hayden: No. On my two roads I just haven't had the type of weather to finish those. They're grinded and they're ready. I just need the warm weather to get to them. I am hoping that I may get that done between now and next week if we can keep the weather right.

President Mourdock: We're supposed to be back in the lower 50's at the end of the week aren't we?

Commissioner Tuley: Yeah.

Commissioner Jerrel: Wednesday and Thursday.

Milton Hayden: Wednesday and Thursday, but if it continues to be, you know, a little warmer in the afternoon I may be able to do it.

President Mourdock: Okay, speaking of paving real quickly I know one of your nice newly paved sections out there on Burkhardt got cut by SIGECO.

Milton Hayden: Yes.

President Mourdock: Our infrastructure working group had a meeting before our Executive Session today and it seems we've got pretty good cooperation with everyone right now, however we've still had that problem with SIGECO as far as getting feedback to know what their emergency cuts have been and also trying to work with us a little bit. We had a discussion about that with Bob Golec and we're hoping that they get their map. The map that everyone is working on has been forwarded to the City Engineer and Area Plan. By the first of December that will go to SIGECO and SIGECO committed today to get their act...let me restate that. To get more involved with the problem solving process.

Milton Hayden: Well, that's what they stated.

President Mourdock: Yeah, that's the way I'll state it, so hopefully that problem--

Commissioner Jerrel: That would be wonderful.

President Mourdock: --won't happen again. It's pretty ridiculous to make a new paved road and then have a major utility come through and cut it ten days later.

Milton Hayden: Well, I didn't know about it until Higgs just told me about it. It was such a small cut they must have done it, you know, during an emergency time, but even though we still need to know about them.

President Mourdock: That's right. That's one of those cases where it really is the principal of thing, I suppose, that makes us all look pretty dumb. Okay.

Commissioner Tuley: Milton, could we get someone...I got a call Saturday on 11th Avenue and Allens Lane potentially a storm sewer cave-in along there. It would be not too far from the Garage. It would be on Allens...I think it is 11th or 12th there.

Milton Hayden: It's 12th Avenue.

Commissioner Tuley: Is it 12th Avenue maybe?

Milton Hayden: I know where it's at.

Commissioner Tuley: Is there something that we should be doing? They said they called in at one time and we came out and put a barricade up, but that's been a while back.

Milton Hayden: Well, that's...let's see. I've looked at the problem before, okay?

Commissioner Tuley: Okay.

Milton Hayden: There is more to it than just the drain there. I think we're going to have to have Waterworks down there with us.

Commissioner Tuley: Okay.

Tony Greubel: If I can interject a moment. I think I talked with the same person that you did last week and I talked to Stan Lutz about it, too, I think on Friday and he is aware of it.

Milton Hayden: Yeah.

Commissioner Tuley: Was it Joe Chittenden that you talked to?

Tony Greubel: Yeah.

Commissioner Tuley: That is who called me Saturday.

Milton Hayden: Well, I've looked at it and Waterworks still has some parts in there so I'll go into that tomorrow and look at that and if it's Stan Lutz's problem I am quite sure it will be done tomorrow.

Commissioner Tuley: Okay.

Milton Hayden: I have a reason for saying that. Is there anything else?

President Mourdock: That's it. Thank you, Milton.

Milton Hayden: Thank you.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, do you have a report on bids?

Joe Harrison, Jr.: The two bids that were submitted this evening, the first was VC97-014 and that bid award relates to vehicles for Weights & Measures. There were two bids submitted to the county. They are as follows:

1. Kenny Kent of Evansville  
Option 1: \$16,800.00  
Option 2: \$18,100.00
2. D-Patrick, Inc. of Evansville  
Option 1: \$16,499.25  
Option 2: \$17,499.25

I would ask that the Commissioners take these under advisement and consider the same for their responsiveness and come back down the road to the Commissioners for an award.

Commissioner Jerrel: I move that we take the bids for VC97-014, the two options by D-Patrick and Kenny Kent, under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The second bid was from...it's VC98-001. They relate to the printing of 1998 tax bills for the Treasurer's Office. There were two bids submitted. There was one no bid submitted by Evansville Print Specialists, but the two actual bids submitted are as follows:

1. Moore Business Forms & Services of Evansville  
\$25,000.00<sup>1</sup>
2. Standard Register Company of Evansville  
\$37,650.00

I would ask that you take those under advisement as well and consider their responsiveness.

Commissioner Jerrel: I recommend that we take the two bids by Moore Business and

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<sup>1</sup> See page 22 for correction.

Standard Register under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: That's it. That's all I have this evening.

**Steve Craig - Burdette Park**

President Mourdock: Burdette Park, Steve Craig still in the audience here.

Steve Craig: Steve Craig from Burdette Park. The only thing outside of the report that they sent in is that Lang Brothers is supposed to start the roofs the first week of December, the week following Thanksgiving. He should have them done by Christmas he said if the weather permits. The other thing that I needed to, I guess, ask Joe was about the leases and the contracts that we had sent you earlier. With the approach of January 1st and us like renting several hundred buildings, you know, for the year that if you would have any--

Joe Harrison, Jr.: Yeah, I have been looking at them and I have had them on the back burner, but I'll get with you all in the next two weeks.

Steve Craig: Yeah.

Joe Harrison, Jr.: There was another issue I needed to talk to you about as well regarding the playing of music out there. I need to talk to you all about that. I've done some research, so I'll get back with you on those and give you some new contracts to look at and then I want to bring them before the Commissioners for their consideration first, but after I get them drafted I would like to let you look at them first before I bring them for formal approval by the Commissioners.

President Mourdock: Is the issue here kind of a standard form contract?

Joe Harrison, Jr.: Yes.

President Mourdock: A standard form lease for the chalets and for the buildings?

Joe Harrison, Jr.: Yes.

Steve Craig: I gave him copies of them, I think, last summer so that he could, you know, go over them and get some of the literature out that nobody understood, I think, because we all got lost reading them.

Joe Harrison, Jr.: Right.

President Mourdock: So that's a guarantee that there won't be any legalese?

Joe Harrison, Jr.: I can't guarantee that!

President Mourdock: Everyone who reads them will understand them.

Steve Craig: A question to ask you on this playing of the music. Do we have to pay

people other than ASCAP and BMI? I mean, I just got two letters today from somebody, too, and I had somebody call me from Nashville last week wanting to know, you know--

Joe Harrison, Jr.: Let me talk to you more about that. I just need to find out what you're doing. It's my understanding that the music you play out there is essentially just the radio.

Steve Craig: Right.

Joe Harrison, Jr.: Okay.

Steve Craig: Because we used to have the rink, then we had to have BMI and ASCAP--

Joe Harrison, Jr.: Right.

Steve Craig: --but now everybody in the world is trying to charge us.

Joe Harrison, Jr.: I think that is really what they were...I think a lot of them think the rink...that this is being played in the rink whereas you're only playing music in your office or at the pool.

Steve Craig: Yeah, and over the telephone.

Joe Harrison, Jr.: The pool is only open a few months a year.

Steve Craig: Right.

Joe Harrison, Jr.: So that's what I want to talk to you about.

Steve Craig: Okay.

President Mourdock: Okay, and for the record we do have for the period from November 7th through November 13th the building and grounds maintenance record for Burdette Park. Any other questions for Steve? Okay, thanks, Steve.

<b>Bid recap correction</b>
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Joe Harrison, Jr.: I have one...I had a mistake, I'm sorry, on the bid made by...which one was that?

Commissioner Tuley: Moore.

Joe Harrison, Jr.: Moore. Moore Business Forms & Systems. I said \$25,000.00. It's \$25,500.00 and I would ask that you make that correction. I'm sorry, I didn't read it right.

Commissioner Jerrel: I would like to amend my motion to reflect the \$25,500.00 amount for Moore.

Commissioner Tuley: Second.

President Mourdock: So ordered. That's why we take them under advisement.

**Superintendent of County Buildings**

President Mourdock: Okay, Superintendent of County Buildings. Tony, do you have anything to report this evening?

Tony Greubel: Today, this afternoon, I talked to Commissioner Roger Myers, I believe, of Gibson County and he said that he was going to attend next week's meeting when Dennis Faulkenberg is here. I expect to hear from some other Commissioners this week.

President Mourdock: Are you calling them in addition to the mailing I know that we sent out? Are you calling them as well?

Tony Greubel: I was planning on calling them probably on Tuesday or Wednesday this week. We sent out the mailing last week so they should know about it.

President Mourdock: One issue we might talk about with them as well, this came up again during our infrastructure meeting prior to this, we would like to have Dennis Faulkenberg or one of his designees from the district indicate on the map as well what the state is going to be doing because that can certainly impact what timing the sewer people might have or whatever.

Commissioner Jerrel: We really need to kind of get those things that we would like for him to bring with him or be prepared to speak about. We need to send that information to Dennis.

Tony Greubel: That's it.

Commissioner Jerrel: He knows that we are asking others, but it might be a good idea to send him a letter describing who we've invited and that we'll have people from EUTS and different ones here.

President Mourdock: We don't want him to feel ambushed.

Commissioner Jerrel: No. I've got an overhead of the formula. If he wants to bring the most recent distribution formula it might or might not be of interest.

President Mourdock: Okay, so, Tony, if you'll put that together as well.

**Consent items**

President Mourdock: Alright, we have in our consent items this evening employment changes, travel requests and also a vehicle being declared surplus by Weights & Measures. I think the last I saw of the packet the pink slips and such, they were all in order.

Commissioner Jerrel: Yes, I'll just call attention to the two that are being changed. The corrected amounts on the Innkeepers...Visitors & Convention Bureau's two employees and the Officer Kelley buyout with the corrected amounts. I would like to move approval with those corrections.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### Scheduled meetings

President Mourdock: Item seven, scheduled meetings is attached to our files as always. There is a Welfare to Work meeting this Wednesday if anyone is so inclined.

### Old business

President Mourdock: Old business this evening?

Suzanne Crouch: I have an agreement to provide professional consulting services to Vanderburgh County, Indiana. That's between David M. Griffith and the Commissioners. It's for 1998. The cost is \$15,750.00 and the county is not billed that amount until they have recouped that from us. Over the last three years we have receipted in more than \$100,000.00 into the General Fund as a result of their services, so I would like to recommend that the Commissioners look favorably upon that agreement. I believe that County Attorney has also reviewed it.

President Mourdock: Okay, are the renewal terms basically an extension? I mean, this was bid for a multi-year with the option of annual renewals?

Suzanne Crouch: No, it's...yes, it is just an annual renewal.

Commissioner Jerrel: I would like to move approval of the David M. Griffith Consultants to do our special audit work.

Commissioner Tuley: I'm going to second, but did you have someone else that you were looking at at one time or something, Suzanne? It seems like to me--

Suzanne Crouch: Yes, it was a company called Liske and Brusich and they have done work and provided references in Ohio and in Michigan, but they have not--

Commissioner Tuley: Done any in Indiana.

Suzanne Crouch: --done any counties in Indiana and that was probably what caused hesitation on our part.

Commissioner Tuley: I'm familiar with this operation and don't have any problem with it, so I'll second your motion.

President Mourdock: Joe.

Joe Harrison, Jr.: One thing, and this is Option 1 that you're selecting which would be just for 1998, is that correct? Okay, they had two options. One, I guess, for a couple of years.

President Mourdock: Okay, with the motion and a second then specific to a one year renewal for the David Griffith contract I will say so ordered. Other old business?

Commissioner Jerrel: Yes, I would like to just refresh everybody's memory first. When Replas or Matrixx was developing their program we did approve doing some

infrastructure work and now that they're getting ready to move on it we need to approve the amount so that Metropolitan Development can encumber that money from our infrastructure account, so I would like to move approval of the \$60,000 toward the road, the access road, be approved and encumbered in our infrastructure line item.

Commissioner Tuley: Second.

President Mourdock: So ordered. I'm glad you brought that up. I had that one on my list here. We didn't even communicate on that one, but you had it. Any other old business? I have one item, Joe, regarding ozone. We advertised the Ozone Ordinance...when was it? Probably appearing this week and it will be back up next week, is that right?

Joe Harrison, Jr.: Charlene might know for sure when the Ozone Ordinance is going to be advertised?

Charlene Timmons: That will be advertised this Friday and next Friday for the first reading on the 1st and the second reading on the 8th.

President Mourdock: I met with the Mayor over the weekend and he asked that he get a copy of our latest if you had not already communicated that to Toby Shaw or Christine and I think you told me you would send it to both of them, but I just wanted to be sure.

Joe Harrison, Jr.: I had given a copy to Christine, but not to Toby and I'll give him a copy and I have given a copy to Tom Bodkin in the Town of Darmstadt. He is their counsel, but I will send one to Toby.

President Mourdock: Okay, thank you. Any other old business?

<b>New business</b>
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President Mourdock: New business this evening?

Commissioner Jerrel: I don't have any. Oh, I do, too.

Commissioner Tuley: For that move.

Commissioner Jerrel: That's right. I'd like to ask Charlene, I think that might be the best way to start, to take a look and see if the moving of offices requires or has previously been given approval by the Commissioners. We're talking specifically about the movement of the Election Office. What was next?

Commissioner Tuley: I think I want to go on record as being opposed if there is such a plan to move the Election Office from the second floor of the Civic Center to the County Clerk's Office, then I want to go on record as having been opposed to such a move.

Commissioner Jerrel: I think it might be appropriate if we could just mention some of the things that--

Commissioner Tuley: Sure.

Commissioner Jerrel: The reasons rather than just arbitrarily--

Commissioner Tuley: Sure, sure.

Commissioner Jerrel: One would be the security guards, for one thing--

Commissioner Tuley: Right.

Commissioner Jerrel: --that we would be...the security guards would have to be maintained because of the court system. That's just an additional cost.

Commissioner Tuley: The integrity of the court. I mean, the whole idea behind the money that was spent on that security system and having those guards over there was to preserve the integrity and the security of the Court Building, the judges and what have you, with all the things that we all know about that have happened all over. I'm not saying by any stretch of the imagination that any of the teams...but all of our teams would have to be going...the absentee teams are going to have to be going in and out of that building and going through that process. People who want to come in and vote in person absentee are going to have to be in that building. From that standpoint I think it's a bad idea and I think someone along the line had mentioned the integrity of at least down on that second floor that Election Office has the representation of being a neutral office, but the moment we take it out of that situation and put it into the Clerk's Office there is automatic political overtones even though it is part of the Clerk's operation. I think we just need...in lieu of the recent stuff we've got going on I think we need to do everything we can to preserve the integrity of that office and I prefer to keep it down on that second floor. Not to mention, too, when teams come in with the ballots right now it is very convenient for them to park at the end of the building. The teams unload them and then they go on around. I don't know what we're going to do if they are trying to load down here unless they would maybe load on Locust Street or whatever. That is still a lot of activity going in and out of that Court Building over there.

Commissioner Jerrel: You might want to take that one step further because our discussion right here is not going to have much bearing if it is going to happen immediately if we don't...either we need to vote upon this or you write a letter and somebody sign it or whatever.

Commissioner Tuley: Well, depending on the feeling of the rest of the Board members, which I think I probably know, I would think a letter signed by all three Commissioners probably should go to the Election Board members immediately saying if you're contemplating making this move we are opposed to it. We could state the same reasons we just stated why in the letter and then I think all three of us signing it...I don't want to make it a political issue. It's not a political issue. It's an issue of integrity and logistics.

Commissioner Jerrel: Is that a motion?

Commissioner Tuley: That is a motion.

Commissioner Jerrel: I'll second it.

President Mourdock: I will say so ordered, but, again, I want to clarify what the motion was. The motion was to send a letter to the Election Board stating the concerns that both the two of you have raised?

Commissioner Tuley: Yes, and it's by no means this is directed at Marsha Abell, you know, the Clerk. This is just, I think, for all the other reasons we've stated that it needs

to stay. It's not a political issue. It's logistics, security and everything else.  
President Mourdock: Okay.

Commissioner Jerrel: Would you want maybe Tony and you to do something?

Commissioner Tuley: Yeah, I don't know...I'll get with Tony on Wednesday because I'll be gone all day tomorrow, but I'll get with Tony on Wednesday and see if we can't come up with something Wednesday morning and get it to the Board members and a copy to Marsha. She is going to read about it before she reads the letter.

President Mourdock: No doubt. Okay, well the thing that strikes me most about that as I have thought about it is we try to find ways to encourage people to vote and when it becomes...when the process itself becomes to be seen as something partisan, and I think your point is well taken it could become that, I think we have not done the service we should otherwise do and the second part is when people are coming in voting here in advance of election day or whatever I think that will make it physically harder for a lot of people to deal with going through the security. Why do I have to go through security to vote? All those issues come to the forefront, so I think it's well thought out and a good position. Any other new business?

Commissioner Jerrel: I'm going to move that we adjourn.

Commissioner Tuley: I'll second that motion.

President Mourdock: Let me make sure here and clear the desk. Any other new business? I don't think so, but a motion and a second, so ordered. We have rezonings.

The meeting was adjourned at 6:52 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
Mike Shoulders  
Tony Flittner  
Faye Gibson  
John Stoll  
Milton Hayden  
Steve Craig  
Members of the media  
Others unidentified

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
November 24, 1997**

The Vanderburgh County Board of Commissioners met in session this 24th day of November at 5:35 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: We'll call the meeting of November 24, 1997 of the Vanderburgh County Commission to order. By way of introduction, at the head table starting at our far left: our Recording Secretary this evening is B. J. Farrell; Mr. Bill Fluty, from the Auditor's Office; County Commissioner Bettye Lou Jerrel; to my immediate right is County Commissioner Pat Tuley; our County Attorney, Joe Harrison, Jr.; and at my far right, our Office Administrator, Mr. Tony Gruebel subbing as Superintendent of County Buildings as well. We've got some folks here in the audience we'll introduce. Some will be at the microphone this evening, perhaps: Dennis Faulkenberg and Rick Whitney with INDOT; Ms. Rose Zigenfus from EUTS; Mike Duckworth with the school board; State Senator Greg Server; and with I-69, John Schwartz. I don't know if I missed anyone who will be speaking, but if you would please, join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: We have several housekeeping items for this evening. For those of you who are new with us, we keep all of our minutes verbatim off of tapes, so if you wish to speak to the Commission, we do ask that you come to the microphone. Our sound system will not pick up much beyond the realm of the microphone so you'll need to go to the mike and identify yourself; state your name and address, please. We have a specific agenda which is on the table over here behind the camera if you've not yet picked one up. With that agenda you will note if your particular item of interest is not there, Item H is always a spot we reserve for any other business people wish to bring before us. We have in our packets one other item because we do have a special hearing tonight with Mr. Faulkenberg and Mr. Whitney on some INDOT reports, we're going to dedicate a large portion of this meeting to their input and we appreciate you being here from Indianapolis. The rest we will work quickly through and with that we'll move to the approval of minutes of the November 17 meeting, which are in the Commissioner's packets.

Commissioner Jerrel: I'd like to move approval of the board minutes from November 17.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Also, just prior to this meeting this evening beginning at 4:00 and concluding at 5:30 was an Executive Session. All three Commissioners were present and the issues discussed at that were the initiation of litigation or pending or threatened litigation against the county and also the purchase of certain real estate. With that, I would ask for approval of the summary minutes of the Executive Session.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

<b>Opening of bids for VC97-11-03, VC97-11-02 &amp; APA005-98</b>
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President Mourdock: Okay, we have some bids this evening.

Commissioner Jerrel: I'd like to move approval of opening the bids for VC97-11-03, which is the replacement bridge for Maasberg Road over Buente Creek; and VC97-11-02, which is the culvert replacement on Seminary; and then APA005-98, to authorize opening of the bids for surfacing materials.

Commissioner Tuley: I will second your motion.

President Mourdock: I will say so ordered for each of those three bids and the County Attorney will begin opening those and report back during his normal report.

<b>INDOT projects and effects on Vanderburgh and surrounding counties</b>
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President Mourdock: With that, Mr. Faulkenberg, we're pleased to have you with us this evening. And again, the purpose of Dennis' visit is to give us a bit of an overview and insight as to what INDOT is doing, how it might affect Vanderburgh and the surrounding counties, and we will turn the microphone over to you.

Dennis Faulkenberg: Thank you. I have a couple of handouts here that I'd like to share with you. This will summarize some of the information that I'll be talking about and I have copies here if anybody else would like one. Thank you for inviting us today to share our thoughts with you on our federal highway funding and what INDOT and the State of Indiana, is doing for federal funds in Indiana and how they affect the folks in Vanderburgh County and the surrounding areas in the Evansville area. My name is Dennis Faulkenberg, I'm a Deputy Commissioner and the Chief Financial Officer of the Indiana Department of Transportation. A part of my job duties at INDOT is to work as our congressional liaison and I've had kind of an interesting last several months working on the federal transportation legislation in Washington with Senators Lugar and Coats and I'm happy to see their office is represented here today, and Congressman Hostettler of this area, who I worked closely with on the ISTEA re-authorization legislation, as well as the rest of the Indiana congressional delegation. The re-authorization of ISTEA is a really important event for highway funding in Indiana. As you know, we at the state level approved a 600 million dollar highway bonding program, bonding and cash program in the Indiana Legislature last year that's going to go a long way toward helping on state highway projects. The other piece of that puzzle that we've been working on now for over two and a half years, I've been working at the federal level on getting the formulas changed to give Indiana a fair deal on our highway funds. On the map that I show here, and the ones that I passed out are just a little bit outdated, but I didn't have time to grab a new copy of this, they're within a penny or two, but here you can see, here's where your federal highway gas taxes go at the national level.

Every time you buy a gallon of gas, there's an 18.4¢ gas tax at the federal level that goes into the Federal Highway Trust Fund. Through the formulas in the current ISTEA, or the highway and transit legislation at the federal level, those are divided up among the states. For every dollar that Indiana sends to Washington, we get back only 78¢. We don't think that's a very fair deal and so we've been working with our congressional delegation and getting a tremendous amount of assistance from Senators Lugar and Coats and the entire congressional delegation in Indiana to change those formulas to give us a fairer deal. You can see here through this distribution of funds, the states that I have here in red are the ones who are giving away money or donor states, as we call them, to the other states in green who are getting back more than they are putting in. The states in the northeast are the primary beneficiaries of the highway formulas the way they work today. You can see another group, the large low population western states are recipient states or donee states. That's where our money is going, but to a large extent it's going to the northeast. These large western states are large, there aren't a lot of dollars going there, but the large amount of dollars are going to the northeastern states. Massachusetts, for example, getting back \$2.41 back for every dollar they put in compared to North Dakota's \$1.80 for every dollar, no comparison. That might be 50 million dollars in North Dakota, whereas it's 900 million in Massachusetts. So, those pennies mean a whole lot more in those large northeastern states. So the goal of the program that we've been pursuing has been to change those formulas to bring down the number from those donee states in the northeast primarily. Interestingly, we're using a coalition of states, of the donor states that are in red there, which we've called the STEP 21 Coalition, the Streamlined Transportation Efficiency Program for the Twenty-First Century, that's STEP 21, to work with those western states who are also recipient states to form a coalition with them to change the formulas to bring down the numbers in the northeast and bring them up to what we think is a reasonable level in the donor states and through that coalition then, we're able to have a majority in congress that we think can prevail in getting the formulas changed to a fairer amount. We've been working, as I say, on this for over two and a half years now in Washington. We have twenty-one states in our coalition of donor states and a couple of other non-donor states, and then in the Senate, in a bill that was introduced in the Senate this year by the transportation committee, we were able to bring that donor state STEP 21 coalition together with those western donee states into a majority coalition in the Senate of a substantial majority, we believe filibuster-proof majority in the Senate, that can get that formula changed. So that's the first time in years that we've been looking at a possibility of prevailing in the Senate. Over in the House, we have a natural majority, the donor states are the high population southern Sunbelt states and Midwestern states that with those states we have a majority in the House of Representatives because that's where the population is. So generally, our chances were better in the House than in the Senate. But this year, with this unique combination that we've worked so hard at coming together in the Senate, we're real hopeful that we can prevail to get those formulas changed. Our goal in STEP 21 was to bring our rate of return up to something like 95¢ on the dollar instead of, as in the past, we got 78¢ on the dollar. That would mean an additional 75 to 100 million dollars for Indiana in federal funding each year. We think that could do a lot for projects like we see around the state and especially those we saw here in Vanderburgh County in Evansville today. We did a little tour of your city and county here today and saw some wonderful projects, some great things that you're doing here locally, some with your own money, some with help from federal funds and, of course, you need more. We think this program that we're working on can help to get some of that done. Kind of where we're at with the effort on re-authorization in Washington right now, in the House of Representatives this summer, the House Transportation Committee introduced a bill

that included many of the STEP 21 principles using a 95% rate of return but it actually only calculates out to about 90. But 90 is a whole lot better than 78, so we didn't quite like their math, but we liked the end result in that it was a vast improvement over the low rate of return that we have today. Yet, the bill ran into some problems for other reasons, the spending levels violated the budget agreement and leadership in the House would not let that bill out, the committee would not let it go to the floor. So they pulled the bill back and passed a six month extension and the House intends to go to the budget process this spring, the spring of '98 and try to get the funding levels vastly increased and that's going to be a key to our success in the program, how quickly we get a transportation bill passed, and frankly, how much money is going to come to your area is how well this transportation, highways in particular, how well that does in the spring budget process in the U.S. Congress. Chairman Schuster, Bud Schuster from Pennsylvania, he's the Chairman of the Transportation Committee, is going to go to the budget committee this spring when they redo the budget resolution and say there are a whole lot of additional revenues that were not figured into the budget deal last year, the balanced budget agreement. I think both sides agree, Republican, Democrat, transportation advocates and others, that there are a whole lot of additional revenues and some spending below projected levels that create a lot of different additional monies beyond the budget agreement that can either be used for tax relief, pay down of the deficit, expenditures on other discretionary programs or whatever. And that's what the fight is going to be about. Will transportation get to spend some of that discretionary spending or will it all go to tax relief for pay down of the debt or just be left in the accounts where it's collected? Mr. Schuster of Pennsylvania, the House Transportation Chairman, would like a substantial part of that to go to transportation. The Highway Trust Fund has a surplus of about 20 billion dollars right now and at the levels that are currently being projected within the budget agreement for the Transportation Trust Fund would go up over the next five years of ISTEA to over 60 billion dollars. Sixty billion dollars of dedicated Highway Trust Fund money that's paid by gas taxes from around this country into a dedicated trust fund that can't be spent, it's being used to balance the budget in other areas of the government. We're a proponent, we, Indiana, Indiana Department of Transportation, and our governor is a proponent of spending that money on transportation. I was pleasantly surprised out in Washington working on this effort when we called back home and asked the governor to write a letter in support of spending trust fund money on transportation, that he readily agreed to send that letter to leadership in both the House and the Senate and to our entire congressional delegation saying that these monies are collected for highway purposes and ought to be spent on that. So that was an important stand for our governor to take as well as forty other governors in the country took that stand. We think that will go a long way toward helping Congress to make the right decision to spend that money for that purpose for which it was collected. So if the House prevails in this next spring when they try to change the budget resolution to increase the transportation funding, we currently spend about 20 billion dollars a year nationally, that's what is in the ISTEA bill today, it's about 20 billion a year, that number will raise to as high as 32 billion dollars a year. A tremendous increase, but from what I saw in your county today, I still don't think there's enough. It's endless. You go around the country, the needs that are everywhere and what I saw, I was telling Rick Whitney on the way back, I said wow, they just need so much. It's that way everywhere we go. So I don't think those levels are unrealistic. I think folks will find good things to spend it for in transportation. In the House, they've delayed consideration of a six month bill until they can get that budget resolution changed to get the number up to something like that 32 billion dollar level. So they passed the six month extension, kind of took a time out, and said we'll give you six months' worth of money and we'll come back

and visit the six year bill later. Then the Senate took up the bill and it got delayed into some other things, namely campaign finance reform, having nothing to do with transportation and the bill stalled on the Senate floor. Eventually, before the Senate went home for the holiday recess, they also passed the six month extension bill. Frankly, that was quite good for Indiana, we're very appreciative of Congress doing that, and since a six year bill could not be passed in the allotted time, we worked very hard to get a six month bill to just get us through the winter and spring months and we think it will be real helpful to keep our coalition together especially having a lot of southern states in our coalition with early construction seasons. They needed that shot of money to keep their contracts going. I was very fearful of our coalition states in the south and those western states that are, their highway programs are almost all federal funds. They have very small state programs in a state like Wyoming. So without federal funds, they were going to be shut down. I was very fearful of that coalition that we had worked so hard together, so hard to put together, of that coming apart because they were out of money and they'd go for the first deal that anyone offered them, even a bad deal. So the six month bill helps us stay together for a while `till we can get a good bill that's good for Indiana. Now that the Senate has failed to pass their six year bill, they promised to come back the end of January when they come back and take up the highway bill first thing on the calendar, Senate Majority Leader Lott has said repeatedly it's going to be the first thing they deal with when they come back and so they'll probably pass a bill after a couple, three weeks of debate in the Senate and sometime in February they'll probably pass it. But it's not going to go anywhere in February, I don't think. I think the House, being intent on those higher funding levels, will wait until the budget resolution is acted upon in the spring. Now the Senate, the bill that they are looking at that was introduced this fall and that I believe they will pass in February also gives a good deal to Indiana. It gives us about a 90¢ return also, a different way of doing it, and it's a little more STEP 21-like than the House bill, but it gives us about the same bottom line result as the House bill did. The dollar level, though, is within the current budget deal. It's at about the 20 to 22 billion dollar a year range, where the budget deal dollar levels are currently at. So the total dollars to the states are going to be lower in the Senate bill than they are in the House if they get through the 32 billion dollar deal in the budget. So that's going to be the big difference. You may be at a 90¢ return in both, but your 32 billion and 22 billion, there is going to be a vast difference between the two. Where Indiana stands in those two bills, currently, during ISTEA we averaged, I think it was 409 million dollars a year. Last year we got about 502 million dollars of federal funds and in the Senate bill, with its 22 billion dollar level, we got 537 million dollars a year, a substantial increase. In the House bill, in their 32 billion dollar proposal, we would get 622 million dollars a year. So there could be some huge increases in federal funding for Indiana, especially if that House funding level should prevail or something in that direction. So the combination of improving our rate of return to 90¢ on the dollar and the higher funding levels that we're looking at add up to, I think, good things for highway funding in Indiana. The problem is going to be getting it done. The House is not going to take it up, as I said, probably until the budget resolution is done, the Senate will have passed it in February. I think it will lie there until the budget resolution comes up in March. They say they'll finish the budget resolution in March or April, they never do. Last year it was June before it was finished, let's say Memorial Day, probably optimistically, but more likely it's going to be around Memorial Day before they finish the budget resolution in Congress, then the House taking up the bill in June, and that will give them July and September for conference committees, and it's going to be a long hard conference committee. Then they go home at the end of September for the fall elections and that seems to be a pretty nice, neat time schedule. It fits pretty well. That's where I'm putting my money if I were betting on

it, but maybe things will fall together and they'll get us a bill done in February. I sure have no plans in my office for getting things done under that kind of a schedule. I think it's going to be much, much later and we do have contingency plans for how we're going to weather the storm. We're making the balances of federal money that we do have go as far as we can, especially for local governments so that we can loan that money to local governments. We're using state money for all the state contracts as much as we can, and then leave the balances of federal money for locals and then we'll pay each other back when an eventual bill does pass. But it will help local projects stay on lettings, using cash balances of the state highway funds for the state projects, keeping the state projects on the lettings, that way nothing gets pulled from a contract letting because of a lack of federal funds, no contracts are canceled and no construction workers will lose their jobs. So we think it will keep everything on schedule, it's going to be a nightmare of bookkeeping, but the accountants back home are excited about that and we think we can pull it off and it will allow Indiana to wait for a good bill and keep us out of a state of panic until Congress is able to work out a bill that's good for Indiana. So that's kind of a nutshell, a big nutshell probably, of what's going on in Washington. As I said, we have been spending a lot of time on that. I've been out in Washington for most of the past three months as Commissioner Jerrel knows; she tried to schedule me in here a lot earlier. I just was not available. I've been pretty well Monday through Friday out in Washington working with the Congressional folks on the ISTEA re-authorization and was able to get back home for the Christmas recess here and get back to my real job and expect to be headed back that way in January and February because it means too much to Indiana, the dollars that are at stake here are just tremendous and tremendous help from the Indiana congressional delegation. We've had wonderful support from the Senate and House folks on this. It's been a great cooperative effort as well as, I mentioned the governor. So it's been a great Indiana effort working on this and I think we're going to see some good results out of it.

President Mourdock: Okay, thank you, Dennis. Before we go to any questions, I know we need to flip the tape. B. J., this will be a real convenient time to do that if you don't mind.

**Tape changed at 6:00 p.m.**

President Mourdock: Okay, any questions for Dennis?

Commissioner Tuley: Dennis, there's a lot of effort going on in Washington as you just walked through and told us. Could you take a few minutes, regardless of the outcome, can you kind of just briefly walk us through once the state gets that money how it is allocated to the MSA's or MPO's or what other names we want to call them, so that people understand as I understand it? I mean in our area here we have Evansville and Vanderburgh County, we have Newburgh and Warrick County and Henderson County and different groups all within our group basically, I don't want to say competing for the same funds, but there's so much for our MPO.

Dennis Faulkenberg: I'll get back to the mike.

Commissioner Jerrel: You might just want to hand that to somebody and let them pass those around. Of course I'm fascinated by formulas. If you all want to just take a copy of this and pass them around.

Dennis Faulkenberg: I have a handout here I brought. I didn't know how far into numbers we were going to get here tonight. I brought along a handout that shows

last years' funding. On the front of this, the one that says final version at the top because the numbers kept changing with the feds last year in the process, but the left column is the type of funds. At the top it says Interstate Maintenance and Bridge and so forth, that's the category of federal funds. Generally, cities and counties access STP Funds for the most part. That's where most of your money comes from, and Bridge Funds for county. On the far right there the last two columns, INDOT and Local, I think that's the essence of the question that you were asking. On the back of that is a breakdown of how the money is suballocated among urban areas in the State of Indiana. It gets down to the bottom line, I think, of your question. What happens when we get federal money, we don't just get \$502 million as we got last year. We got so much of this money and so much of that and so forth as is detailed on the front side of that sheet there. There are a lot of restrictions that go with that. Believe it or not this is a gross summarization of how the money really comes to Indiana. This was to make it simple. As I testified before the House of Representatives last spring in a hearing on ISTEA re-authorization, there are actually 63 categories of funds in ISTEA that this money ends up in. We may get in the STP category \$236 million for example. I'd love to be able to say how much do you want, Vanderburgh County? How much do you want, Evansville? But that money goes through a tremendously complex suballocation process. Ten percent comes off the top for safety projects, railroad crossings and other safety projects in the state. Another 10% comes off for enhancement, transportation enhancement, bike trails, landscaping, billboard control and so forth, transportation enhancements. Then the remaining 80% is then split among all the population areas and the rest of the state on a by population basis. For anyone who wants to actually learn more about that I do have a copy of a flow chart that details that, I could share it with you afterwards. Of 80% then there is that remainder after the safety and the enhancement comes off the top, 62.5% of that is then split by population around the state. That 62.5% then is split between the share of population that lives in urban areas over 200,000 population and other areas in the state. The way that federal legislation is written, Vanderburgh County is not an area over 200,000 in population. We call those Group I cities in Indiana. Group I cities, we have Indianapolis, South Bend, Northwest Indiana, the Gary area, Fort Wayne and the Indiana side of Louisville, Kentucky are Group I areas. So they get a share of the STP money dedicated to the large cities by law. Those large cities are defined in law and chosen by the Federal Highway Administration, it's not a decision we make. I know Commissioner Jerrel was in my office a long time ago saying how do we change this, how do we get it done? There's just...it's out of my control. It comes from Washington that way with five cities names on it. That's by the census population and the way an urban area is defined in the law that those five urban areas make it and you don't. You're what we call a Group II city, between 50,000 and 200,000 population. As you can see on the backside of that sheet there we have the dollar amounts for the Group II cities Anderson, Bloomington, Elkhart, Evansville and so forth there showing the amount of money that's dedicated to the Evansville area. Then in addition to that you are dedicated some CMAQ or Congestion Mitigation Air Quality money also as a non-attainment area. That's not just for the over 200,000 population, so you do qualify for that. So that is the way off the top monies are suballocated. Then within all of that we work out a deal with State INDOT for the State Highway projects and local projects whether they be big cities, little cities, medium, small towns, counties or whatever, that overall we split federal funds 75% to INDOT and 25% to local governments. So the Group I, II, III and the rural Group IV areas and bridges all come out of the 25% of the money that goes to local government. So those last two columns on the front of that shows how we come down to that bottom line of 75% of all money going to INDOT and 25% to local. It's our intent to maintain that sharing arrangement with whatever we get out of the new

highway bill that we share in the gain, that no one group takes it all. We've not done all the work. The Indiana Association of Counties was very helpful to endorse the STEP 21 program. They wrote Senators Lugar and Coats and the entire congressional delegation asking them to support the STEP 21 effort in Washington. We know that we need to keep counties in the mix there and sharing equally in the gain as well as the larger cities also. So we want to try to share evenly in whatever we gain out of the re-authorization effort. INDOT is not going to take it all, and frankly, we're not going to let you have it all. So we hope to treat everybody fairly by that.

Commissioner Tuley: Thanks.

Commissioner Jerrel: Would you want to just describe what makes up our MPO?

Dennis Faulkenberg: Rose, would that be...that would probably be better for you.

Rose Zigenfus: The Evansville Urbanized Area consists of the City of Evansville, all of Vanderburgh County, a portion of Warrick County, the Town of Newburgh and the City of Henderson. That's defined by the 1990 census.

Commissioner Jerrel: And we were in the 180...?

Rose Zigenfus: One hundred eighty three thousand...

Commissioner Jerrel: So we're 17,000 short of getting to the target number, but we know we're growing. Is there a chance we could be there?

Rose Zigenfus: There's a very good chance. Given the amount of construction and the growth and employment in this area, there's a very good chance we could be there by the 2000 census, yes.

President Mourdock: But we were based Group II from the 1980 census, is that what you just said?

Rose Zigenfus: From 1980 and then again in 1990 it was confirmed.

President Mourdock: Okay.

Commissioner Jerrel: Just looking at the recent numbers that we've been seeing in the paper about census growth, they are projections of course, it would seem to me that we are very close to being in Group I.

Rose Zigenfus: I feel strongly that we'll be there.

Dennis Faulkenberg: A point of interest to you might be that in both the House and the Senate bills I recall we worked real hard in our coalition to require the Federal Highway Administration to use current census estimates, not to base 1998 numbers on 1990 census data. There are a lot of growth states in our coalition. The northeast frankly would like us to use 1930 numbers that's when the formulas, some of them, were developed. They're doing quite well from it and they don't like for it to change. We think that the current census estimates 1997 information for 1998 or 1999 would be quite appropriate. So that would probably helpful for your case here.

Commissioner Jerrel: I've been keeping those clippings. You know I don't know

who initiates that, but if this begins to become apparent that we're really getting close, we're the third largest city in the state, I know Warrick and Newburgh are growing and our northern end of our community is growing, who initiates the examination of the Group I/Group II?

Dennis Faulkenberg: It's as it's defined in law by the census count. The Federal Highway in Washington looks at the census count. So in 2001 they'll begin looking at that, looking at your population figures in the contiguous area, I believe, to see whether you qualify or not.

President Mourdock: But that raises the question, Rose said that as far as our grouping, we include part of Warrick County and all of Newburgh. Might not some sort of logic say it ought to be all of Warrick County?

Dennis Faulkenberg: Actually I don't think the metropolitan planning area has anything to do with it. It's where the population is. EUTS is a planning area and what is driving where the money goes here is a population area. So you could have a population extending beyond your planning area possibly that will still bring you money. You don't have to move your planning area, the population has to be there in a contiguous manner.

Rose Zigenfus: The population density defined by the census is the urbanized area. To meet that threshold there's a boundary that includes a portion of Warrick County. We can't go beyond that in order for that population to be counted toward the overall Group II level. It's just the urbanized area, not the entire study area. I know that's sometimes unclear.

Dennis Faulkenberg: So you can move your study area boundary, but the population has to be there to match the federal requirements.

Commissioner Jerrel: And contiguous is the key, is contiguous the key? We literally have that with Newburgh and Evansville now. So that all can continue in the northern direction?

Rose Zigenfus: We're seeing that growth occur in Warrick County and we are seeing that growth occur in northern Vanderburgh County. So the chances of the urbanized area being extended to include those high growth areas is very realistic in our estimation.

President Mourdock: It probably about equals the chance that the Congress will raise the limits to 250,000 when we exceed 200,000 or something. Just by way of introduction, since the time we got started I know Warrick County Commissioner Jack Pike has entered the room. Jack, anything you'd like to ask please feel free here as well.

Jack Pike: I'm Jack Pike, Warrick County Commissioner. Thank you for allowing me to speak. We have been encouraging the EUTS area to include more of Warrick County for a good while. Basically we have been growing quite a bit. We basically have 50,000 population now in Warrick County. Most of it basically is in Ohio Township, the Newburgh area, although Boone Township is growing towards the Boonville area. So I think some of the projections need to be brought in and we've discussed it. At this point there's been no change. We do appreciate everything that we can get for Warrick County. Whatever happens good for Warrick County is good for Vanderburgh County.

Commissioner Jerrel: Sure.

Jack Pike: So we do appreciate anything that happens. Thank you.

President Mourdock: One thing that is certainly apparent I think to all of us in the last ten years since the Lloyd Expressway has opened up is that it's good news/bad news. There's a lot more traffic between Warrick County and Vanderburgh County. There's probably more people who now use Vanderburgh County roads who may live in Warrick County simply because they have easier access back and forth. I know I saw some statistics at USI how many more people from Warrick County are enrolled in USI than before. One of the reasons why is it is so much easier to get back and forth than it used to be. That ten minute drive today not too long ago was a 40 minute drive, if the trains didn't make it longer than that. Are there any other officials here from other counties that I may not recognize? I know Bob Craig who's with Congressman Hostettler's office also joined us.

Commissioner Jerrel: I have a question. Dennis, if the state legislature, and I would hate to put one Senator on the spot --

Commissioner Tuley: But he's here.

Commissioner Jerrel: But there's a possibility that Indiana is going to have a lot of money. Vanderburgh County has corralled some money and we're spending it on roads. If the legislature in their wisdom decides you know that this money is there and it ought to be used, I mean they are not in the business of getting money just to earn interest, either give it back to us, the taxpayer, or use it for infrastructure. Have you all discussed that possibility?

Dennis Faulkenberg: So you would hate to put one State Senator in that place, but you will me?

Commissioner Jerrel: Yeah.

Dennis Faulkenberg: Good choice. Last year before the budget session we talked about the surplus, folks knew about the surplus then. The numbers have changed but the magnitude of it is the same. We put forth some proposals and the Legislature did put \$70 million into the Highway Fund out of the General Fund surplus for INDOT as a part of the Crossroads 2000 project, and I believe \$100 million in the biennium for local government, cities, towns and counties to share in that \$100 million. We think that's a great place to put it and I'll stop there. There are lots of innovative things we're looking at. You know, possibilities of infrastructure banks and so forth, but we're waiting for the Legislature to come to us with ideas. We're out of the budget cycle and the bonding authority that they gave INDOT and the General Fund money takes care of us pretty nicely for this biennium. So we're kind of hands off the surplus and let them decide what they want to do with it.

President Mourdock: I'll ask you a question and I really hope that you give us a straightforward, honest answer. Don't worry about hurting our feelings. What do you see the counties of Indiana, particularly the County Commissioners of Indiana, what do they do least effectively when it comes to dealing with INDOT as far as getting road allocations? Rick you nod your head, that means you have something to say to this issue so I want to hear it.

Dennis Faulkenberg: Defining your needs as I've told transportation committees in

both the House and the Senate and the Indiana Legislature as we went before them with lists of projects and \$1.7 billion need figures for the INDOT system. I would say I think local governments have similar needs, but that's all I could say. I don't know what else to say on your behalf. I know intuitively you need it. My daughter and I went on a wild excursion around Indiana, I drove 1300 miles last year on Indiana roads in two and a half days. Most of it, not most, a lot of it was on county roads. We were looking for historic sites and strange things around the state and you had to travel county roads to get to a lot of it. The condition of some of these county roads is incredible. So I know the need is there, but I don't know how to quantify it. I don't know how to say that yours are better or worse than the average in the nation, you have this many roads in poor, fair, good condition. I can tell you that about all of our state highways. I can tell you how many dollars we are projecting we need in the next five years and how much money we have and we come up \$1.7 billion short. We got \$600 million in the Legislature. If you quantify that it goes a long way toward helping Legislators. I heard a lot of them saying in the Legislature that they felt the need, but tell us what do locals need? I'm not in a position to say. I intuitively think you do, but I think local government needs to do a better job of quantifying statewide through your County Associations. With cities and towns and the County Association, do a better job of some sort of an independent study or something of what the funding needs are for local governments on transportation in Indiana. I think it would go a long way.

President Mourdock: With due respect to all this, and I'm sure they are good people in Allen County and Lake County and Bartholomew County and all of that, the County Association, for instance the Association of County Commissioners can do certain things. If you were on this side of the desk, if it was your name on this plate instead of mine and you knew as a County Commissioner what you know in your position with INDOT, how would you address INDOT differently than we are doing?

Dennis Faulkenberg: I would probably clone Rose Zigenfus, she is very effective, creative. I call it creating money for you. She's done some pretty innovative things, some I've talked to her about this evening. I just am amazed that some of the things were approved by the federal government, things that I think are wonderful with what you are doing with CMAQ funds, some of the bridge funding that you've got here in the county, that the other large urban areas have not been able to do. Bridge money generally just goes to the rural counties and Rose is pretty effective at that. But to do what she does, constantly calling and showing up, a presence of telling us what your needs are, inviting us down here today. I saw Fulton Avenue. I saw Lynch Road. I saw it stopping at I-164, at Burkhardt Road. Those really crystallize that need to us, so I think you're doing the right things.

President Mourdock: Have you ever put together a map within Indiana showing allocations back to the individual counties in a similar way that you show allocations to the state from ISTEAA?

Dennis Faulkenberg: No, I'd like to. I always try not to. Actually we have tried that. There is no data on where fuel is sold in Indiana by county. It's been very frustrating to us because we have had proposals in the legislature to restrict certain types of fuel sales in certain counties, non-attainment and so forth, and we are wondering what that would do to fuel revenues. So we are trying to find out how much fuel is sold in Lake and Porter County. If you can't sell readily available fuel will they go over to Chicago, how much is that going to affect our revenue? I don't know how much we sell in Lake and Porter Counties to know how much might be going over across the Illinois line and so forth. It depends on the distributor and they sell across

county lines. According to the Department of Revenue records aren't kept as to the location from which the fuel was sold. So I've been frustrated in doing that myself.

President Mourdock: I say this with the risk of knowing that it might fully backfire against my preconceived notions, but it might be an interesting legislative initiative to have the legislature act to require that kind of bookkeeping just to see how individual counties rank within the state. I wear a little lapel pin occasionally, it's a little red circle with a slash that says whining in the middle. I don't mean to whine, but southwestern Indiana, particularly Posey, Warrick and Gibson Counties and Vanderburgh for a long time always felt like we look far, far away to the northeast. It would be interesting to use your words of a few minutes ago to quantify our needs. That would seem to be an essential way that we could begin to quantify what our needs are.

Dennis Faulkenberg: We can tell you what we spend by county and we do reports on that. But we don't know where the money comes from by county on gas taxes and that's why I'm not able...the fuel dealers would have to take on the additional record keeping burden.

President Mourdock: That's why it may backfire against what I expect it to say, but I know you have the reports as to how much you put out per county, but it would be interesting to balance that out with what the county had contributed.

Dennis Faulkenberg: Yeah, where it comes from, yeah.

President Mourdock: Anyone else in the audience wish to address Dennis or Mr. Whitney? I'd be glad to yield the microphone to you, good issue tonight.

Dennis Faulkenberg: One other quick thing since no one else mentioned I-69 --

President Mourdock: I was kind of surprised that happened.

Dennis Faulkenberg: I can't imagine that coming to this part of the state. Seeing Mr. Schwartz reminds me there was a provision I meant to mention that's being considered in the Senate that could be very beneficial for projects like that. There is a move in the Senate called the Byrd-Gramm Amendment to spend an additional 4.3 cents of a gas tax that used to go to balance the budget that was recently moved into the Highway Trust Fund, back in August it was moved there. It's under Bird from West Virginia and Gramm of Texas. They have written an amendment to increase spending in the Senate bill that I told you about, that we get 90 cents on the dollar, an additional \$6 billion a year from that 4.3 cents. One of the provisions of their amendment is there is an off the top dollar amount for trade corridors such as I-69. We think that would be real good for the project. We think that an additional \$6 billion a year for the program will be very...and it's got a little side bonus of the Trade Corridors Program so we will be working real hard on that provision and hope you can do what you can to help it also.

Commissioner Jerrel: Just in closing, one thing that we did learn today in the discussion when they first arrived and I'll just share this with you because John Stoll is in the audience, I don't think Herb Butler is here now, but he and John took you around to see. I think the important thing for us to remember is when there is something we can have ready in the likelihood that money is available, discretionary INDOT money and there's no project ready, it behooves us to have ours ready on the front burner so we can be waiting.

Dennis Faulkenberg: Absolutely, give the cue and you're likely to get funded. We have that same dynamic going within the Department of Transportation. We have six districts around the state and they all fight over the INDOT money. One of our districts always has projects ready for letting and on Rick's desk just in case he finds an extra dollar. Inevitably somebody else's project will fall through before the fiscal year ends and we lose that money to another state. Rick goes wow how convenient, I've got one I can just slip right in its place. So it never hurts. Don't get them in so early that the plans become stale and you have to have it redesigned. Use common sense about it, but it's always a good idea to get them in quick.

President Mourdock: Which district is so effective?

Dennis Faulkenberg: Fort Wayne.

President Mourdock: I thought you might say that.

Commissioner Jerrel: Well it's a good lesson for us and we've learned a lot. We appreciate your helping us.

Dennis Faulkenberg: Thank you.

President Mourdock: Thank you Dennis and Rick.

**Tape changed at 6:25 p.m.**

Commissioner Tuley: Okay. Irregardless of the district that we are in, Rick, you are the contact. Is that correct? On those plans.

Rick Whitney: Yes.

Commissioner Jerrel: Tony, give Rick your mike.

Commissioner Tuley: What I was saying Rick, irregardless of what district of those six that we are in you are more than likely the person that we need to stay in contact with.

Rick Whitney: Yes. I deal with all of the MPO's state wide, state projects as well as the local projects and I fund it all. There is one point in Indiana for all federal funds and that would be INDOT.

President Mourdock: Okay, again we appreciate you making the long trip today and look forward to working with you in the future.

Commissioner Jerrel: Thank you, Rose.

**First Reading - Ordinance Amending Title 153.168 of Code of Ordinances**

President Mourdock: Thank you, Rose. Okay the next item on our agenda this evening, moving into our normal business. We have an ordinance regarding the setting of fees for the Area Plan Commission for their filings that is in your packet and I believe that you have had a chance to review it.

Commissioner Jerrel: I would like to move approval of Ordinance Title 153.168 of the

Vanderburgh County Code of Ordinances. In this particular one it deals with and shall be amended to read as follows: The Area Plan Commission shall establish and collect a schedule of reasonable fees associated with processing and hearing administrative appeals, applications, issuing permits and other official actions taken under I.C. Title 36. The fee schedule shall be posted in a prominent place within the Area Plan Commission Office, where the fee schedule is readily available to the public. I would like to move approval of that ordinance.

Commissioner Tuley: Approval on first reading?

President Mourdock: Yes.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered.

**Approval of Resolution authorizing appraisal contracts - Flood Mitigation**

President Mourdock: Next item that we have this evening is approval of a resolution authorizing contracts for appraisals on certain pieces of real estate through the Department of Metropolitan Development.

Commissioner Jerrel: I would like to move approval of the resolution authorizing appraisal contracts. Proposals were received from the following appraisal firms: Crane Appraisal Company; Larry Farmer Appraisal Company, Inc.; and David Matthews and Associates. This attached resolution is to engage the appraisal services of Larry Farmer and David Matthews to initiate appraisals for the flood mitigation applicants that have been qualified for the program. The engagement of these services will be contingent on the official release of funds by IHFA.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Let me correct and add that also there should be a contract approved with the two companies, the two lowest.

**Authorize letting of bids for server - County Assessor/Township Offices**

President Mourdock: The next item on our agenda this evening, and I don't know that Lynn Ellis is here, but I think that she has submitted for our review the letting of bids for a new server for the County Assessor and Township offices. These would be advertised November 28 and December 4 with bids to be opened on December 15.

Commissioner Jerrel: I would like to move approval of authorizing the letting of bids for the new server for the county.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Approval of VC-97-14 - Vehicle for Weights & Measures**

Commissioner Jerrel: I would also like to approve the award of Bid VC-97-14 for a car for Weights and Measures for D-Patrick Ford in the amount of \$16,499.25. D-Patrick Ford is the low responsive and responsible bidder meeting bid specifications which we did open previously.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Approval of rejection of bid - Printing of 1998 Tax Bills**

Commissioner Jerrel: Approve the rejection of the one bid received for the printing of the 1998 tax bills from Standard Register Company in the amount of \$37,650.00. The bid from Moore Business did not have the required 5% bid bond and could not be accepted and it should not have been read into the record. The Treasurer requests permission to be given, to rebid the project and receive bids on December 8 and award on December 15.

Commissioner Tuley: Second.

President Mourdock: So ordered. I believe that is all of our bid packages this evening. Next item we have is basically our open mike. There is quite a group here this evening. Some of you may be here for the Drainage Board Meeting which will immediately follow the Commissioner Meeting. If you have an issue other than, other than drainage which was not on the agenda, you are free to go to the microphone. Anyone so interested? Okay, we will conclude our normal business meeting before going to drainage then.

**John Stoll - County Engineer**

John Stoll: The first item that I have is I would like to recommend that we award the Green River Culvert Replacement to Southwest Engineering in the amount of \$29,780.00. Southwest Engineering was the low bidder on the contract.

Commissioner Jerrel: I would like to move approval of the awarding of the bid to Southwest in the amount of \$29,780.00.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next, I would like to recommend approval of a change order on the Slate Road Culvert Replacement. This was contract number VC97-08-03, the change order results in an increase of \$2,805.66. The increase was due to some slight changes in the project limits in regard to paving and that was the majority of the over run.

President Mourdock: I'm sorry, John, I didn't hear the project name or the contractor.

John Stoll: It was the Slate Road Culvert Replacement and the contractor was CCC

of Evansville.

President Mourdock: Okay.

Commissioner Jerrel: I move approval of the change order in the amount of \$2,805.66 to CCC for the Slate Road Culvert.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item that I have is for the acceptance of storm sewers in the Seasons Subdivision Section 1. This is 381 feet of 12 inch concrete pipe, 96 feet of 18 inch concrete pipe and 10 feet of 36 inch concrete pipe. Grand total of 487 feet of pipe at \$2.00 a foot for \$974.00 and we received the check so it is ready to be accepted.

Commissioner Jerrel: Okay, I did not hear where the project...?

John Stoll: It was Seasons Subdivision Section 1.

Commissioner Jerrel: Okay, I would like to move approval of the acceptance of that project in the amount of... and it came in at \$974.00.

Commissioner Tuley: Second.

President Mourdock: So ordered. That is the standard \$2.00 a foot. Okay, any questions for John? Okay, thanks John.

<b>Milton Hayden - County Garage</b>
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President Mourdock: Milton Hayden was here but I think that he left. We have in our packets the weekly progress report for the record for the week of November 14 through Thursday, November 20, which includes work on Baseline Road, Inglefield Road, Green River Road and Oak Grove Road for paving. Also, we have the update on ditches completed in 1997 and roads completed. For the record, as of November 20, we are showing up there on our pie chart, we have 4.47 miles remaining of roads paved. Thus far they have completed 25.4 miles or 85% and for our ditching progress, 6.8 miles of ditching remaining with, I'll call it 12 miles completed, so their goal is 18.17 miles. So they are about two-thirds of the way through and with a little bit of the year left, they are probably not going to make the goal on that one.

<b>Joe Harrison, Jr., County Attorney</b>
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President Mourdock: Okay, next is the County Attorney report. Joe, have you had a chance to get through all of the bids?

Joe Harrison, Jr.: Yeah. I will start out with the bids that were authorized for opening and the first is, VC97-11-3 Replacement of Bridge 1300 on Maasberg Road over Buente Creek. There were four bids submitted, they are as follows:  
CCC of Evansville, Inc. \$108,979.25; Deig Brothers Lumber and Construction Co., Inc. of Evansville, that particular bid is \$148,270.44; CLR Inc. of Vincennes,

**Vanderburgh County  
Commissioners Meeting  
November 24, 1997**

17

\$118,109.70; and Sam Oxley and Co., Inc. from Jasper, \$198,954.12. I would ask that the County Commissioners take these four under advisement and review the same for their responsiveness.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The next batch of bids was from the, regarding the Replacement Culvert on Seminary Road, VC97-11-02. There were seven bids submitted: CCC of Evansville, Inc., \$31,846.67; Deig Brothers Lumber and Construction Co., Inc., \$34,588.00; Koberstein Trucking, Inc. of Princeton, \$ 32,142.00; Martin Woodward Backhoe Service of Poseyville, \$ 39,223.00; Phoenix Construction Co. of Evansville, \$37,807.00; BMB, Inc., of Evansville, \$41,19.41; J.H. Rudolph, Co., Inc., \$40,745.00. I would ask that the County Commissioners take these bids under advisement and review the same for their responsiveness.

President Mourdock: Is there a motion to do so?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The final batch of bids was relating to, I guess it is bid APA-005-98 for Surfacing Materials for next year's projects. Three bids were submitted and they are as follows: Gohmann Asphalt and Construction., Inc. of Clarksville, Indiana, \$ 540,100.00; Jerry David Enterprises, Inc. of Evansville, \$566,050.00; E & B Paving, Inc. of Evansville, \$ 532,505.00. I would ask that the County Commissioners take these under advisement and review the same for their responsiveness.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Just a couple of questions with that last one, Joe. Is that the supply contract that is normally done on a unit price?

Joe Harrison, Jr.: John, do you know? I am not too sure.

President Mourdock: I know that normally about this time of year we bid on unit volumes and it just bid so much prettier.

John Stoll: I thought that is what Lynn called me about, but I am not positive. I didn't see the final bid specs on that. Because one of the things was talking about availability and making sure that the County crews weren't dead last in line when it came to picking up asphalt. So, I thought that was the bid.

President Mourdock: Well, we are taking it under advisement, so we will know. Okay.

Joe Harrison, Jr.: I have a contract for consideration for the Commissioners relating to storage tank removal over at the Auditorium. This particular project was awarded, I think, on November 3 to American Enviro Services, Inc. I have a copy of the contract relating to that project for execution by the Commissioners. Is there a motion to that effect?

Commissioner Tuley: I will so move execution of that contract as outlined by Joe.

Commissioner Jerrel: I would like to second that.

President Mourdock: I will say, so ordered.

Joe Harrison, Jr.: Lastly, I have a letter to the Indiana Department of Labor regarding two recent projects awarded by the Commissioners, one of which is the one just referred to and the other is Liberty Environmental Specialists regarding the asbestos abatement over at the Auditorium. I would ask that this letter be signed.

Commissioner Jerrel: I would like to move that the Commissioners sign the letter to the Deputy Commissioner of Planning and Administration from us regarding the two improvements that are taking place at the Auditorium now.

Commissioner Tuley: Second.

President Mourdock: So ordered. That was for the Liberty Environmental, right?

Commissioner Jerrel: Yes, and American Enviro, both.

President Mourdock: Okay, thank you. Anything else?

Joe Harrison, Jr.: That would be it.

<b>Superintendent of County Buildings</b>
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President Mourdock: Tony, anything from Superintendent of County Buildings point of view?

Tony Greubel: Nothing new, I just had a typical week in the office.

President Mourdock: Okay, I will not pursue that, although it sounds intriguing.

<b>Steve Craig - Burdette Park</b>
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President Mourdock: Okay, Burdette Park, we have a report that was filed, for the record, dated November 21, 1997, and Steve Craig is here to address us as well.

Steve Craig: Steve Craig from Burdette Park. That list I gave you, I intended on discussing tonight, but it got separated somehow and didn't get in your packet and I don't know if you want to look over it and we can discuss it next week?

President Mourdock: I would suggest that is probably appropriate, Steve, since we haven't seen these numbers. For the record, what Steve handed us is a sheet of recommendations from the Burdette Park Advisory Board and it is entitled Burdette

Park Advisory Board Proposed Rates for 1998. It looks like pretty well all of the facilities, all of the activities are listed with pricing suggestions for the 1998 season. Is that right?

Steve Craig: Yes.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move that we take this under advisement.

Commissioner Tuley: Second.

President Mourdock: So ordered. We will, Tony, be sure this is on the agenda for next week and we will review it.

Steve Craig: Okay.

President Mourdock: Also, Tony, I have a feeling that you may perhaps get a few calls this week. Every now and then people want to know what is on the plan for Burdette, so feel free to give them this as an Advisory Board issue. Anything else, Steve, for us?

Steve Craig: No, not other than what is in the packet.

President Mourdock: Okay. We have the employee report and the activities report.

<b>Consent items</b>
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President Mourdock: Our consent items this week include a listing of Vanderburgh County Employment Changes, Travel Requests from the various departments and also some fund transfer requests on behalf of the Health Department.

Commissioner Jerrel: I would like to move approval of the consent items.

Commissioner Tuley: Second.

President Mourdock: So ordered. We also have attached our list of scheduled meetings which we will not go over in detail. We will move instead to Old Business. Do we have any?

<b>Old business</b>
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Commissioner Jerrel: I have one item. Last week, earlier in the evening you received from Greg Hofmann and Tony Flittner, their recommendations for the additional offerings to our employees that they are going to be presenting within the next couple of weeks. When I reviewed the minutes from last week, I failed to mention, we included all of the plans, I included the new dental plan but I didn't include the fact that there are, there is a dental/vision and a vision stand alone plan. I would like to, at this time, indicate that the dental/vision and vision stand alone will also be offered.

President Mourdock: Okay, I don't know that we need any action on that other than

to note it for the record.

Commissioner Jerrel: Right.

President Mourdock: Joe?

Joe Harrison, Jr.: On the asphalt materials there were some estimated, there are some prices that we quoted and I thought that maybe I should read those in on those three projects with a couple of the bids. What I would like to do is go back, if you don't mind, to those three where there was some quantities that were specified and then a price if they gave a price.

President Mourdock: Okay, if you think that would be prudent.

Joe Harrison, Jr.: Okay, the first, if we can go back to Gohmann Asphalt and Construction, Inc., the description would be cold patch- bituminous coated aggregate cold patch (containing crushed limestone only) says that estimated quantity 3000 tons, price - no bid. The second quantity description would be hot patch - asphalt concrete hot mix patch material, 100 tons, the price quoted is \$25.00 per ton. I hope that is what they meant. The next one is hot patch for paving - asphalt concrete hot mix for paving (over 130 tons per day), estimated quantity is 25,000 tons, the price is \$21.50. The last category, pothole patch, the estimated quantity is 300 tons, no bid. Let me go to the next one here.

President Mourdock: While you are going to that, for the folks that just walked into the room, I suspect that you are here for the Drainage Board and it is going to be another fifteen minutes before we get to that. You are welcome to stay here, but if you like, you might be more comfortable out there.

Joe Harrison, Jr.: The same scenario again for Jerry David Enterprises, Inc., cold patch - bituminous coated aggregate cold patch (containing crushed limestone only), estimated quantity is 3000 tons, the price is no bid. Next category is hot patch - asphalt concrete hot mix patch material, estimated quantity is 100 tons, price is \$ 24.00 a ton, the next category is hot patch for paving, asphalt concrete hot mix for paving (over 130 tons per day), estimated quantity is 25,000 tons and the price is \$22.25 a ton. The final category, pothole patch, estimated quantity of 300 tons, bid price is \$24.00 per ton. Then the last one bidder, and I will go through those categories for that one as well, E & B Paving, Inc., cold patch - bituminous coated aggregate cold patch (containing crushed limestone only), estimated quantity is 3000 tons is no bid. Next category is hot patch - asphalt concrete hot mix patch material, estimated quantity is 100 tons and the price is \$25. 05 per ton. The third category for hot patch for paving - asphalt concrete hot mix for paving (over 130 tons per day) the estimated quantity is 25,000 tons, the price bid is \$21.20 per ton. The last category pothole patch, the estimated quantity is 300 tons and there was no bid. I would ask that you take these particular proposals, bid proposals and review the same for their responsiveness.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Thanks.

President Mourdock: Going back to our spot in the agenda we were at Old Business. Bettye Lou, you started something, did you finish it?

Commissioner Jerrel: Yes, I finished it. It was on the insurance.

President Mourdock: Any other old business? Just as an update I attended the Welfare to Work meeting the other day. Here are some numbers to throw at you, the program thus far, through the end of October, had received 414 applications, 224 had been returned. Most of the requests for services continue to be in the area of child care services, and they have served or met 76 requests, taking care of 128 kids of people who are successfully coming off of welfare and they are providing services so that these folks can continue to work during the day. Twenty transportation requests have been made and the interesting one there is the GED programs at night at Central High School and there is a lot of requests for them because people can get some buses to get there during the day but by the time the classes end in the evening they have no way to go home. So, they weren't signing up for GED's. So, they are making a special effort to target some of those folks to help them get through the GED program, which I think is a good idea. I thought that you may be interested in those things.

<b>New business</b>
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President Mourdock: New business? Okay, I look for a motion for adjournment before we go to the Drainage Board.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Meeting adjourned at 6:52 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Tony Greubel  
Joe Harrison, Jr.  
Bill Fluty  
B.J. Farrell  
Dennis Faulkenberg  
Rose Zigenfus  
Jack Pike  
Rick Whitney  
John Stoll  
Milton Hayden  
Steve Craig  
Members of the media  
Others unidentified

**Vanderburgh County  
Commissioners Meeting  
November 24, 1997**

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice-President

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Patrick Tuley, Member

Recorded by:  
Transcribed by:

B.J. Farrell  
B.J. Farrell  
Teri Lukeman  
Todd Hochstetler

**Vanderburgh County  
Board of Commissioners Meeting  
December 1, 1997**

The Vanderburgh County Board of Commissioners met in session this 1st day of December in the Commissioners' Hearing Room of the Civic Center Complex at 5:36 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting of December 1, 1997 to order. By way of introduction this evening starting at the far left, Charlene Timmons is our official Recording Secretary; Suzanne Crouch is the County Auditor; Bettye Lou Jerrel, County Commissioner; Commissioner Pat Tuley; County Attorney, Joe Harrison, Jr. ; and at the far, far left right now but quickly heading behind the table to the far right is Tony Greubel who is our Administrative Assistant in the office. There is an agenda for the meeting on the far table if you have not yet picked one up. Because all of our notes are recorded verbatim, if you wish to address the Commission we ask you to please come to the microphone and begin by stating your name and address. We have several different issues I know there are folks here to speak to this evening. We would ask that if you address us on a specific issue and someone or some prior speaker talks about what you were going to discuss we would ask you not to just rehash that but continue to present new issues before us. As we always do, we would ask you to join us in the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: Okay, the first item on our agenda this evening is the approval of minutes from our previous meeting on November 24th.

Commissioner Jerrel: I'd like to move approval of the Commissioners' meeting of November 24th.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Also, just prior to this meeting we had a meeting of the Vanderburgh County Commission in Executive Session. That meeting began at 4:25 and concluded at 5:30. Specific items addressed were collective bargaining negotiations and also county personnel matters and present were the three Commissioners and Mr. Harrison and Ms. Crouch. I would ask for approval of the summary minutes.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Open bids: VC97-16, Computer equipment  
VC97-11-04, Old State Road Sanitary Sewer project**

President Mourdock: We have a bid opening this evening for VC97-16 for certain articles of computer equipment. Joe, have those been submitted to you?

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: I would like to move that the attorney be authorized to VC97-16 and may I also say VC97-11-04 which is the Old State Sanitary Sewer.

Commissioner Tuley: Second.

President Mourdock: So ordered. We'll take those under advisement then waiting for the report later in the evening.

**Mike Buente - Veazey Parrott & Shoulders**

President Mourdock: Mr. Mike Shoulders. I see Mike Buente here.

Mike Buente: (Inaudible comments not made from mike.)

President Mourdock: Okay, Mike Shoulders is out of town with Veazey Parrott & Shoulders, so Mike Buente will give us an update on the auditorium project.

Michael Buente: As Mr. Mourdock, Commissioner Mourdock, indicated my name is Mike Buente with Veazey Parrott & Shoulders. I have little to report other than the project has been repackaged and placed out for bids. I've had several phone calls already from the contractors. The bids will be due on December 16th, so in the next couple of weeks we'll have a better feel for what kind of activity we'll have on it. As you may be aware after the previous bids were received we sent a memo out to the plan rooms and to plan holders to retain their existing construction bidding documents. The new bidding documents supplemented the ones that they had already had in place. We did this to expedite the bidding process.

President Mourdock: Okay.

Michael Buente: If there are any questions I would be happy to answer them.

Commissioner Tuley: No.

Commissioner Jerrel: Nothing.

President Mourdock: Just one question, Mike. In the event that the bids this time again come over our permissible limit Mike Shoulders at one point reported during his weekly report or bi-weekly report that we would be aiming for 90 days to turn the project around in a significant downsizing, down scale...I mean, I'm playing worse case here. Are you giving any thought now in the interim as you are waiting for bids working on that as a contingency plan?

Michael Buente: I have not.

President Mourdock: Would you please do that just in case? Because if we have to go down that road obviously time is going to be very critical for us. Our bond is such that we must have a project out there and we are collecting funds for that. I mean, I hope, I hope, I hope we don't have that happen, but I think we need to use what time we have just to prepare the contingency for it.

Michael Buente: I'll have a discussion with Mike about that.

President Mourdock: Okay.

Michael Buente: To start preparing a contingency plan.

President Mourdock: Okay, one of the two of you or both of you if you would you might give me a call or give Steve Utley a call too and just let us know what is happening with that.

Michael Buente: Sure.

President Mourdock: Again, I don't want to have to look over our shoulders and see time that has disappeared. Okay.

Michael Buente: Thanks.

President Mourdock: Thank you.

### **Rose Zigenfus - EUTS 2020 Transportation plan update**

President Mourdock: Next on our list we have Ms. Rose Zigenfus with EUTS on the transportation plan for what looks like perfect vision but is really a year. Hopefully it is perfect vision towards that year, right?

Rose Zigenfus: We think it's perfect vision! We come from a different perspective. My name is Rose Zigenfus. I'm with the Evansville Urban Transportation Study, commonly known as EUTS. As you know, we're the designated Metropolitan Planning Organization for the urbanized area. The MPOs were given their formal impetus by the Federal Highway Act of 1962 which was created then by Congress as the cornerstone of the Kennedy administration's transportation policies. The Highway Act focused on planning in urban areas rather than cities thereby directing attention beyond current municipal boundaries to the larger metropolitan region. The Act required that transportation projects be properly supported and coordinated long-range plans with due consideration to their probable effect on future development of the urban area. The Highway Act of 1962 provided the basis for development of a comprehensive, coordinated and continual planning process at the local level. To ensure that planning was carried out with the cooperation of states and local jurisdictions the transportation planning legislation required the creation of Metropolitan Planning Organizations capable of carrying out the required planning process. Such agencies are required in every urbanized area over 50,000 as a condition for receiving highway and transit funding. The Intermodal Surface Transportation Efficiency Act of '91, or commonly know as ISTEA, contains those same requirements. As part of the requirements the MPO must develop a 20 year transportation plan and a three year transportation improvement program. The process to date has taken this draft, and I emphasize draft, transportation plan to several EUTS Policy and Technical Committees, four Citizen Advisory Committee meetings. Three Freight Advisory Committee meetings and finally to you, the elected officials of the

jurisdictions that we serve in the EUTS area. The 2020 recommendations are designed to provide a network that would help alleviate existing and future capacity deficiencies. These recommendations cover 19 projects in total and that includes those in the City of Evansville, Vanderburgh County, Warrick County and for the City of Henderson. These recommendations are partially based on the socioeconomic data projections for the study area. With that I mean population, vehicle ownership, employment and household dwelling units. When the data are converted into vehicle trips it provides a measure for future travel demand on the street network. However, it must be noted that a plan designed for the project for the projected set of socioeconomic data is subject to change if the projections are shown to be inaccurate therefore monitoring the socioeconomic data must be done on a regular basis to confirm their validity and we do that on an ongoing basis. That in turn may reaffirm the need for road projects included in the recommended 20 year plan. Socioeconomic data projections are not only determinate of the feasibility of this plan, but there are other factors that we need to consider such as funding, energy, environmental questions, governmental policies all play an important role in implementing the plan. Funding is always a critical issue since inflation, appropriation changes, legislative changes and local policy changes can all effect the available funds. ISTEA provides that federal funds for these projects expire in 1997. It expired in September. The new highway legislation which may differ significantly in the level of funding could also mean an increase in local match required of the local entities, therefore the funding of these projects will remain one of the most constant issues in implementing the 2020 recommendations. It is essential that EUTS and the local government entities working together plan their transportation projects within a financially constrained budget and I think you heard that from Dennis Faulkenberg last week. In addition to the funding questions there are other factors affecting the plan. The energy and environmental issues raise questions about future automobile usage and future transportation services. Governmental policies include federal government's commitment to highways and transit as well as a commitment to the locally elected officials to implement this plan. All of the factors indicate that the recommended transportation plan is a program of highway improvements that can be altered. The project list for the year 2020 is found on page 12 of your packet. The total cost for the 2015 projects and the 2020 projects are estimated to be somewhere in the neighborhood of \$200 million. These projects include major capital improvements such as those on the Lloyd Expressway and US 41. Let me emphasize that's all not going to be expected to come from the locals. The state projects are funded by the states. The socioeconomic, environmental and transportation related evaluation of these projects was completed as part of the alternative sections in the plan and this evaluation of alternatives was important in identifying the potential problems that would result in delays in the implementation of the projects. With all of that said, we're going to jump right into the projects. I think your packet includes demographic information, but I don't feel like we need to do that. If you look on page 6 you'll notice that there are four county projects and these are the list of committed projects for the county. Burkhardt Road between State Road 66 and 62 was recommended back in 1994 to widen that to four lanes and I think the county is already in the process of doing that. Eickhoff-Koressel from 62 to 66 and also from 66 to I-64 is also in the plan and you see that connector, it ties in with I-164 where 65 intersects. Green River Road from Lynch to Heckel. We've gotten the part done from Morgan to Lynch and we must proceed with the next phase. Also, Lynch, which is under construction, it is critical to get that from Burkhardt on over to State Road 62 in Warrick County and interchange with I-164. Those are the committed projects in some phase of implementation. Like I said, in 1994 you adopted the 2015 plan and that is found on page 8, the list of projects for the county and there are six of them. Burkhardt Road from Newburgh to Lynch; Darmstadt from Kratzville to Boonville-New Harmony; Hogue Road from Eickhoff-Koressel to the Tekoppel area; Old State Road

from Campground to US 41. Oh, I've skipped one. Mount Pleasant Road from Darmstadt to US 41 and Red Bank Road from Claremont to Upper Mount Vernon. On page 10 we're recommending that there be some changes to the 2015 plan. For the county, Burkhardt Road...initially we had only looked at two lanes from Newburgh Road to Lloyd and now we are recommending that it be four lanes. On Oak Hill Road we are recommending that the four lanes begin at Virginia Street and go to State Road 57. That's a big change. On Red Bank we're recommending that it be extended, or that it be improved down to Broadway from Upper Mount Vernon/Claremont. For the 2020 transportation plan there are nine county projects. Baseline Road from Eickhoff-Koressel to State Road 57. We think that needs to be improved to a two lane facility. By two lane facility I mean even though it is already two lanes I am recommending that you upgrade it to standard 12 foot travel lanes and 10 foot shoulders. Boonville-New Harmony Road from Eickhoff-Koressel Road to St. Joe improved two lane facility. Twelve foot travel lanes and shoulders. Boonville-New Harmony Road from St. Joe to I-164, the same cross section to 12 foot travel lanes and shoulders. Heckel Road from Oak Hill Road to Green River Road. We think that needs to be improved given the growth and development that is occurring in that area. Green River Road from Heckel to Boonville-New Harmony also needs to be upgraded. Mill Road from Eickhoff-Koressel to St. Joe, but I think St. Joe is not where the county line is. It's a little bit beyond that. We're suggesting that it also be two lanes with shoulders. Millersburg Road from Oak Hill to Green River Road also needs to be upgraded to two 12 foot travel lanes and shoulders. Schenk Road from Darmstadt to St. Joe is also narrow and needs improvement. St. George from Oak Hill to Green River. That's a new alignment, but our model shows that there was a definite need for another east/west connector in that area. St. Joseph Avenue from Boonville-New Harmony Road to Baseline Road needs to be upgraded to standard 12 foot travel lanes and shoulders. In addition to those projects we are required by ISTEA to look at non-motorized transportation. In doing so we're looking at bicycling and walking as essential components of the changes in the transportation planning that we are required to do. With looking at that, EUTS is committed to supporting...continuing to support the planning and construction of the 42 mile Pigeon Creek Greenway. We also will revise and expand the 1981 Evansville Bicycle Master Plan to incorporate the entire study area rather than just Evansville. We also support an extension of the Henderson River Walk over in the city of Henderson. EUTS shall review all proposed design plans for new road and bridge construction, widening and reconstruction projects in the study area to determine if they meet the AASHTO standards for accommodating bicycles. I think that any time we do any new improvements to the transportation system we need to be looking at that and the feasibility of bicycle lanes. EUTS encourages each local government in the study area to add a requirement for sidewalks into the local land development regulations so that plans for new residential and commercial developments will include adequate pedestrian facilities. We think that is really critical in large subdivisions and commercial developments. Perhaps if there were sidewalks or a means to getting from one shopping area to another they wouldn't get in the car and drive. We also encourage the local governments in the study area to require developers to connect streets within the proposed subdivisions to the streets of the adjacent subdivisions whenever possible. We've been a proponent of that for a long time with a lot of success. Also, we are proposing intermodal transportation recommendations in that we will assist the Evansville Regional Airport in analyzing the feasibility of developing the airport into a regional intermodal passenger center. We also will investigate the possible locations from park and ride lots. We think that will reduce vehicle trips if we could get people to car pool or van pool and provide park and ride lots which are convenient. Proposed freight related recommendations are listed on page 14 and there are a series of those that we'll be looking to implement. I don't think I need to read them. That's the 2020 draft

transportation plan. I guess your role at this point is to provide input to us, eventually adopt it for implementation. We're looking to have this approved by our Policy and Technical Committee...our Policy Committee on December 17, so if that would work into your schedule to have it completed by then I would appreciate it. Questions?

Commissioner Tuley: No, but I think it's important, I mean, you know from our meeting the other night there are concerns already about some of the plans, particularly Boonville-New Harmony Road, so I think it's important for us to take this for at least a week.

Rose Zigenfus: That's fine.

Commissioner Tuley: To look at it and hear from the residents and what have you before we vote it one way or the other.

Rose Zigenfus: No problem.

Commissioner Jerrel: I just have a curious question. A lot of times you learn from looking at what has happened in the past before you look at what is going in the future. I went through the 2015 plan to see how the changes that have been recommended and I notice that the funding at the state level was \$132 million through the year 2015 and now you say it's \$200 million. Is that the way it normally goes up?

Rose Zigenfus: No, I'm not saying the funding--

Commissioner Jerrel: No, the state's...no, I understand that is what you anticipate would be our--

Rose Zigenfus: That's what the total cost of the construction is.

Commissioner Jerrel: Yes and \$50 million was what could be expected from INDOT in 2015. What do you expect would be their participation?

Rose Zigenfus: We haven't run those numbers yet.

Commissioner Jerrel: Okay.

Rose Zigenfus: It's really unclear, Commissioner, because we don't know what ISTEPA is going to provide for us.

Commissioner Jerrel: Right, I understand, but I thought it was...I mean, I am interested in the dollar amounts and that's one area. I agree with Commissioner Tuley. I think that as you and I have discussed it would be a good opportunity for us to take input from people in the community in this week's time rather than have something presented.

President Mourdock: There may be some others wishing to address this tonight, but before we open the mike to that though I just have two questions. Almost all of the county improvements that you addressed with a couple of notable exceptions like Eickhoff-Koressel, almost all of them are upgrades of existing roads. Do you give as much study to new possibility for new types of way as the others? Pat mentioned Boonville-New Harmony. I heard one comment saying that absolutely...a citizen's comment absolutely it shouldn't be there it ought to be Baseline. Well, I'll guarantee you the people on Baseline will say, no, it ought not be Baseline either. Quite honestly, just

looking at the mileage up there maybe there should be a new (inaudible comments, mike not on).

Rose Zigenfus: Are you talking about a north/south connector?

President Mourdock: East/west.

Rose Zigenfus: Well, we haven't looked at that. We really haven't.

Commissioner Jerrel: The one aspect of our plan that is different from what has happened in the major regions around the state is we do not have a significant beltway.

President Mourdock: Right.

Commissioner Jerrel: If you look at a 1975 map of Indiana and a 1995 map it's clear that they didn't have any in '75. They all have them in '95 and we don't have any. If you had to tell us what was the priority that is most important for us as Commissioners to be targeting because realistically there is going to have to be a funding source before we do anything, what would be the most important thing you think we ought to do, Rose?

Rose Zigenfus: After the Lynch Road project?

Commissioner Jerrel: After Lynch and Burkhardt.

Rose Zigenfus: The Eickhoff-Koressel. That gives you your belt. That gives you your connection there on the west side. That's the most critical, I believe. That's new alignment for the most part.

President Mourdock: Right. I don't necessarily disagree with that. I guess maybe because I do make the trip across Boonville-New Harmony so often from where I live to the east side I recognize...just me personally recognize, yeah, we've got to have something to go east/west more conveniently. I guess in my own priorities I have to balance that against where Eickhoff-Koressel is. What if just for the sake of argument if we knew I-69 was going to be built and the loop around Evansville for I-69 went on the west side instead of the east side. If we knew that today would we be talking about Eickhoff-Koressel? It almost seems to me that we could let the Feds build a big part of that for us.

Rose Zigenfus: You're envisioning the Eickhoff then to be I-69? Is that it?

President Mourdock: Well, instead of Eickhoff-Koressel I am envisioning a four lane somewhere along the Vanderburgh/Posey County line perhaps just going that way. I mean, correct me if I am wrong, but I think a reason that we're looking at Eickhoff-Koressel and why it is important is because new roads lead to new development and if we did that we would help spread out the development and get away from the most common criticism we always have for planning which is everything is jammed together. Well, if we're going to spread things out why not let the Feds spend some of their money for I-69 on the west side and help to develop that in a longer term? Just something to think of. The other issue I would throw out there is it seems from everything I've heard if I-69 were to use the I-164 loop that we might still need new bridges crossing the Ohio?

Rose Zigenfus: Yes.

President Mourdock: If that's the case why build a brand new bridge right adjacent to an existing bridge. Let's go down the other side and see what happens.

Rose Zigenfus: If I could...

President Mourdock: Take the mike with you if you would. There is plenty of cord there, I think.

Rose Zigenfus: This is I-164, this is Green River Road. In the 2015 plan it showed the bridge coming across the Ohio in this area and connecting into a beltway around Henderson. If you bring it somewhere here in Posey County, I-69, tied into the port perhaps and then come across there isn't any real good way to tie it into this system, so we need this just to handle the demand because this bridge is going to be over capacity by 2015 is what our model is telling us.

President Mourdock: But is it over capacity because of additional throughput from I-69?

Rose Zigenfus: Well, I don't know. Just given the traffic that we have without I-69 I guess the answer is no, I-69 has no role in that. Yeah.

Commissioner Jerrel: My question is really more obtuse than any of them. If we're talking about real far future which is what you're talking about because I don't know when anyone will be driving on concrete on a highway in the near future, so if you're looking at Eickhoff-Koressel you're looking at...my question was more what is important for us to set as a goal for our county's funds.

Rose Zigenfus: Okay.

Commissioner Jerrel: You know, we need to plan. You know, we know what we're doing with Lynch and Burkhardt in relation to I-164, but what about the county now? I'm thinking about the air quality in relationship to the truck traffic that is going to be coming from Posey County.

Rose Zigenfus: Those are tough questions. You know, I don't know. If I-69 were to straddle the line or even go into Posey County to the port that would take a lot of the truck traffic off of the Lloyd and 41, but if it's not placed strategically I think it would have to be almost to the port area direct for them to take it and get up to 64, but that still doesn't negate the truck traffic that has to travel Lloyd to go east or south at this point.

Commissioner Jerrel: Yeah.

Rose Zigenfus: It's really an iffy situation and I believe Wilbur Smith & Associates are studying the river crossing and will make that determination as to where they put I-69. I can't believe that the state would spend additional dollars to build I-69 when they built I-164. I mean, that's what they've told me in the past.

President Mourdock: I understand that in the sense of short term logic. I guess I don't understand though why...well, I know what would happen. We would have what we now call the twin bridges and we'd have the twin twin bridges which seems kind of crazy, too. I just...I'm trying to find a way or just thinking from the point of view of very long term planning and where do we get the most bang for our buck. What we don't want to have happen and I think what this report says very clearly is we don't want to make the

mistakes we've had in the past where we end up being criticized for bad planning and generally the more we spread things out now the better development we get, so that's just the point of view of the question and everyone...this is one of those issues where everyone has an opinion.

Rose Zigenfus: We also get criticized for not planning.

President Mourdock: That's true, yeah. Is there anyone in the audience who wishes to address this particular issue since this is a public hearing? Sir, please come forward.

Ken Krasavage: Good evening, my name is Ken Krasavage. I'm here representing Bishop Gerald Gettlefinger and the Catholic Diocese of Evansville. I would like to speak to just one portion of the plan which was presented and we certainly appreciate the difficulty associated with developing these plans. We understand that the Mill Road improvements in the county are part of a larger project to connect Mill Road as a major thoroughfare to US 41. In 1994 the Catholic Diocese and numerous Mill Road residents strongly objected to that plan because of the very severe disruption that implementation of that would have to homeowners, businesses, churches and schools along Mill Road and we wish to make that objection known again tonight. Thank you.

President Mourdock: Okay, thank you. Anyone else. Yes, Randy.

Randy Rohlfer: My name is Randy Rohlfer. I live at 4200 Williamsburg Road in the city. I would just like to echo what Mr. Krasavage has said regarding Mill Road. Some of you know I am involved with the I-69 project and probably know enough about highways to be dangerous, but one thing I have learned in the course of our work on I-69 is you need logical termini for a road. Studying Mill Road from Eickhoff-Koressel to St. Joe Avenue to me doesn't make any sense. If you're going to go east into the city then I think that you're dealing with other issues and those would be addressed at the City Council of course, but I just think it's a poor idea to commence study on this project if it doesn't have, as we say, logical termini at either end. Certainly existing roads can be improved to provide access to the North Park shopping area if people to the west desire that. Intersections can be improved and perhaps Allens Lane could even be improved to provide access to First Avenue. With that I'll close and thank you very much.

President Mourdock: Okay, thank you, Randy. Anyone else wishing to address? Yes, Councilman Tee Tiemann.

Mary Tiemann: Good evening, gentlemen and ladies. Mary Tiemann, resident of the north side and also Evansville City Council. Without taking too much more of your time on the same considerations that the past two gentlemen have already mentioned to you, I would just like to say as a resident of this area I glanced down at this project and a lot of these things to me in here, I'm not going to criticize, I'm not going to pick on. I know we need this work done. We are on the north side definitely in favor of an east/west passageway of some sort. However, I look down here and I see also another area, number 17, St. George Road - Oak Hill Road to Green River Road. St. George Road also goes into the Mill Road area crossing Highway 41 by Atlas Van Lines and then swinging around into our general area. We would like to protest this widely. We do not consider Mill Road a viable way to make an east/west highway or four lane passageway for truck traffic going by three schools and maybe four to five churches to the west side of the city. We think that this is shortsighted planning and a lot of this is patchwork in trying to cover people's trails for not planning in the past. We need to go out further or

to once more consider Boonville-New Harmony Road in making an east/west thoroughfare and would like your consideration on thinking about this and maybe when you all take your vote, if you are adopting this plan tonight, to possibly deleting this portion that even though we are included this is a city consideration. This St. George Road - Oak Hill to Green River Road, I travel that way all the time and there are ways to get to Green River Road from Oak Hill. Many different ways. I think this is one more step in moving over into a very highly populated residential area that does not need high volume truck traffic. Thank you.

President Mourdock: Thank you, Tee. Okay, anyone else wishing to address the issues in the EUTS report or, Rose, do you wish to respond to either of those? Last chance. Okay, thank you. Do we then have--

Commissioner Jerrel: I'll make a motion that we take this under advisement until the 8th.

Commissioner Tuley: Second.

President Mourdock: Okay, so moved until a week from this evening then and I guess I would ask of my fellow Commissioners here if you have any correspondence with EUTS that we put that in writing and circulate that among ourselves so that we all know what has been happening in the meantime before the vote of next week.

Commissioner Jerrel: That would be fine.

### **First reading - County Ozone Ordinance**

President Mourdock: Okay, the next item on our action list then this evening is the first reading of our County Ozone Ordinance. That is in the packets. I look across the audience here and see several familiar faces and I suspect there will be several who wish to address that issue. Before we get started with that, do either of you wish to make any comments about that?

Commissioner Tuley: No, let the public go first.

President Mourdock: Okay. Let me just make a couple of comments and then we'll open it up for public discussion. The Ozone Ordinance as we're having it presented this evening like many things in government is somewhat of a compromise from where we started to where we finally are. The ACORN group many of you will recall presented basically four different issues for the county to address. Of those four issues one of them which was to account for the largest reduction in ozone was the creation of a Pollution Prevention Task Force and that specific task force is still to be done. It is not in this ordinance simply because it did not need to be in the ordinance. That is something that can be done outside the ordinance. The other issue which was presented by ACORN as one of the four was the use of lower Reid vapor pressure gasoline during the ozone season. That was removed from this and perhaps, Joe, you wish to address that, but very succinctly they told us we could not include that because the Feds would not allow that to be included because in a great irony a nonattainment area would be inflicting economic impact on attainment areas which is to say the surrounding counties. Because of the way the gas market works we would in effect be, by incorporating lower Reid vapor pressure gasoline, causing other counties to be forced to buy it when it wasn't their problem. Of course...pardon?

Joe Harrison, Jr.: And the fact that we would be hopefully going off nonattainment real

soon, they didn't think it was necessary.

President Mourdock: Yeah. Again, the irony of the situation is everything is a regional problem. Even the state will admit that and yet something that we tried to enact that would have some regional impact they say we can't do. With those two items removed we did continue to include the Stage I Recovery at gas filling stations and also the spray nozzle issue that had been addressed by the ACORN group. I would also just note by way of background that I have asked Tony to prepare a letter to the ACORN members and see if we can reconvene that group just to get them involved to keep this process moving even after the implementation of this ordinance. Given that as background, I would ask for anyone from the audience who wishes to address this issue this is your time to do so. Dave.

David Coker: David Coker. I live at 1601 Western Hills Drive. I think it is very interesting that you brought up the undue economic burden that this would place upon outlying counties particularly when you take into consideration the pending permit which is on desks in Indianapolis at IDEM for the ConAgra project in nearby Posey County. According to their consultants the hexane loss breakdown...as I understand it hexane is the six carbon chain. It's a component of gasoline. It's an extremely volatile substance that is used to wash the soybean oil prior to its packaging because to remove organics like phenyl, benzene and other nasty stuff that will come out with hexane and their total source VOC emissions is 1,510 tons per year. Now according to my math these two measures that we are including in this ordinance only goes after about 600 tons a year according to ACORN's figures. This to me demonstrates how woefully inadequate this ordinance is particularly in light of the fact that the ACORN group ostensibly agreed by consensus that we were going to try to go for about a 30% reduction of VOC emissions in Vanderburgh County. I mention this only by virtue of the fact that I and some of the other people that were involved with ACORN feel like we've been used. We feel like you're in a sense being used as well by a state agency and a federal regional agency that really seem to be at cross purposes to one another. The final...the last thing that seems to be of most concern to people is public health. Are we really going to improve the quality of our air? That's all I essentially wanted to convey to the Commissioners. In light of this, this really isn't a very good ordinance. Thank you.

President Mourdock: Thank you. Anyone else wishing to address the ordinance? Yes.

Valerie West: My name is Valerie West. I was on the ACORN committee. I am also president of Save Our Land and Environment located in Posey County. We also have Vanderburgh County members.

President Mourdock: We need your address, too, Valerie. I know you live in Posey--

Valerie West: I live at RR1, Overpass Road in Posey County.

President Mourdock: Thank you.

Valerie West: I've heard the term woefully inadequate. I would say this ordinance is too little, too late. At every bend in the road to work on this problem as a regional problem we have had blocks in the way. I think maybe it would be just as practical if Vanderburgh County would adopt an ordinance to put a glass bubble over Vanderburgh County, then what is produced in Vanderburgh can be dealt with in Vanderburgh and you won't have to deal with anything that comes from the other counties. This ordinance, if it makes any improvements at all it is going to be far outweighed by the next

permitted polluting industry that comes along, that opens its doors. As David Coker said, I think this woefully inadequate.

President Mourdock: Thank you. Anyone else wishing to address the ordinance? Yes, sir.

Lyle Granger: My name is Lyle Granger. I live at 6000 West St. Joe Road. I guess the question that I have is I don't understand in the ordinance the \$100 fee. The reason I address that is I am a gasoline station owner, the St. Joe Mini Mart out there, and in reading what I read in the newspaper all I saw was a \$100 fee and I really don't understand what it is for, where it comes from and who is supposed to pay it and that type of thing. If it is for the service stations to pay, why? Why do we have to pay?

President Mourdock: Joe?

Joe Harrison, Jr.: Let me address your concerns here.

Commissioner Jerrel: Page 3.

President Mourdock: Page 3, Joe.

Joe Harrison, Jr.: I've got a copy of the ordinance, or we've got an extra copy up here.

President Mourdock: Do you have a copy, Mr. Granger? You're welcome to have one.

Joe Harrison, Jr.: Essentially, beginning on July 1, 1998 any owner or operator of a facility under Section 2, which is a gasoline dispensing facility, would be required to pay an annual fee of \$100 to Vanderburgh County. The fee...certain people are exempt. I don't know how old your facility is. It is something you're going to have to check on, but certain facilities that had gasoline tanks in place before July 1st of 1989 may be exempt. I don't know if that is you. If it is, this may not apply to you, but I think you're going to need to look at it and see how you fit in, but certain owners of facilities are going to fall under this particular ordinance. The city is going to also adopt a similar ordinance. The Town of Darmstadt is going to adopt a similar ordinance and this ordinance that they are going to be considering here for a first reading this evening only relates to the area within Vanderburgh County outside the city limits of Evansville and outside the town limits of Darmstadt.

Lyle Granger: Right.

Joe Harrison, Jr.: I think that is where you fall into.

Lyle Granger: Right.

Joe Harrison, Jr.: I think the question about the storage tank...how old your tanks are, etc. will determine whether or not, in fact, you do have to apply or pay the annual fee.

Lyle Granger: What is the fee for?

Joe Harrison, Jr.: Well, the fee is going to go to assist with the training and the prevention of Section 4 of this particular ordinance that deals with pollution prevention and education. Obviously, one of the things that the city wants to do and the county and the Town of Darmstadt they want to assist in making sure there is compliance with the

requirements set forth in this ordinance, so the fee will go to assist in the compliance of the provisions in the ordinance, so that is where some of the money is going to be going to. Again, I don't know if you will actually fall under this or not. You're going to have to assess your own situation.

Lyle Granger: It was my guess that was where the fee would be, but we have so many fees now simply for selling gasoline from both state and, you know, you have a fee for octane testing, you have a fee for this and a fee for that and now you have, fee for you giving us something else to do to be able to sell gasoline and then we also have to pay for you to come and see if we do or are in compliance with that. I just don't understand why we have to keep paying fees whenever the EPA is also looking over our shoulder at everything we do in the first place. I thought it was kind of excessive, \$100. We only pay \$25 to the state for octane testing. So I was wondering why the \$100 and where the figure came from and how you came up with that and why we were even having that? I mean, we will be in compliance.

Joe Harrison, Jr.: Sure.

Lyle Granger: We will have to make changes to--

Joe Harrison, Jr.: Well, the fee was a figure that was arrived at between the city and the county and the state. It was a figure that was suggested and that's the recommendation made.

Lyle Granger: Aren't there EPA requirements already that we have to do these by a certain time federally anyway?

Joe Harrison, Jr.: There are some requirements that you have to comply with, but this is something that you're going to have to do in Vanderburgh County if, in fact, you fall under those parameters.

Lyle Granger: I'm not arguing because I do, I'm just saying that it seems like everybody is...I mean, the federal mandates, the EPA laws that we have to make in compliance with our tanks, our pipes, our pumps and then we get local level and we're paying fees to all these people and we also have all these people looking over our shoulder. How many people do we need looking over our shoulder and paying fees to? I mean, there are federal guidelines that you have to have by 1998 and by 1999 etc. A lot of this falls into it. Believe me, I understand about the air quality. I was born and raised in southwest Louisiana. I lived there 33 years and I have breathed yellow air. The air here is tremendous. Because that is where all the gas industry is. I see a need for it, but I guess I get tired of seeing, you know, someone else coming and giving me something else to do and them looking over my shoulder and paying them to look over my shoulder when I've got someone else who says they're going to come by and ask me the same questions. So I guess you wonder, you know, the tree keeps growing and do we need all these people and all these different things? I understand the ordinance is needed, but I just was wondering about why we have another fee tacked on again for this.

Joe Harrison, Jr.: Essentially the answer is to help someone else to watch over you. That's where the money is going.

President Mourdock: That is an answer that you don't want to hear, but that is an honest answer. Where the money is going it is to implement the plan. If I may add something to it, I've said this to other people before that when the ACORN group first came together

the first time I walked in that room and saw the group of people that was there I said this isn't going to work. There will never, ever be any type of consensus reached among this group of people because you had people who view themselves as very ardent environmentalists on one side and people who view themselves as very pro industry, we don't need one more regulation in this country, on the other side. They came together to make this series of proposals, I think, based on two fundamental things. Number one being the point Mr. Coker made is, what is it going to take to have better air quality for health reasons and the second one being, how can we avoid as a county the situation of having the federal government look over our shoulder as a county to say that we are not going to have any longer any economic development because if we do not make the attainment status for air quality the federal government has the right to come in and basically stifle any new economic development in the county by not issuing any new types of permits. I think as a business owner you would be the first one to say let's have economic development.

Lyle Granger: True.

President Mourdock: So we are, somewhat as you are, having someone over the shoulder dictating to us what we're going to do. The long and the short of it, this is the first step towards making some of those things happen. I realize for you it is not particularly tasty, but I think it is something--

Lyle Granger: I understand it. Like I said, I grew up in Louisiana--

President Mourdock: Sure.

Lyle Granger: --and believe me the air here is tremendous compared to what I grew up and breathed for 33 years. It is literally yellow where my hometown is and that is where the gas is made that is coming up here. Or a lot of it. I don't disagree with that aspect of it, but I guess I just disagree being a small business man just owning the store myself that I continue to see the fees coming where people who want to adopt these things for the general public. I don't disagree with that and this is good for the general public, but yet they want me to pay for that where if the general public wants that then shouldn't it be shared by the general public for me to attain that for them and not just continue to make me do this and then also make me police myself and pay for the police to do that, I guess, is my point.

President Mourdock: The bulk of it is being paid for by the general public. For instance, the person who will be looking over your shoulder, to use your terms, that person's salary is already coming out of general revenue funds for the county. You are not paying 100% to have this done. The public is participating.

Lyle Granger: Oh, I agree. I agree, but I guess you can see my point of view. I mean, how many fees can you keep having even though we know that the Stage One, Stage Two, etc., is needed but we didn't realize that we were going to have to continue to keep paying for those types of things individually as a business. I mean, you can only handle so many fees. Thank you.

President Mourdock: Alright, well thank you for your comments. Anyone else wishing to address this issue? Yes, Dixie.

Dixie Wagner: Dixie Wagner, 8444 Kneer. I really didn't plan to speak, but I feel...I forget the gentleman's name. I also agree that the ordinance is inadequate and one of

the major problems I have with it is it appears to me that and the problem that he addressed is once again the burden is being placed on the small businessman. You mentioned you were surprised that people were able to reach consensus in the ACORN process. I opted out of that process after the second meeting because it appeared to me that it was designed in a way that industry would protect themselves and that is exactly why a consensus could be reached because any of the recommendations that came out protected the major polluters and the burden has once again been put on people like this gentleman. I think we need to look where we can get the most improvements in the shortest amount of time and maybe look at people's ability to pay. In Vanderburgh County it is unlike other parts of the country where our problem is not all from automobile exhaust. We have a high concentration of power plants and I don't think the ordinance puts the burden where it justly belongs on the major polluters. It puts the burden on small businesses and these people are going to be deeply affected trying to meet the mandates of this ordinance when if we would not have allowed the major polluters to compromise the process to their own benefit maybe we would see larger improvements and the burden would be where it belongs on the major polluters.

President Mourdock: Okay, thank you, Dixie. Anyone else? Yes, sir.

Chuck Webster: My name is Chuck Webster. I own Exclusive Body Works. I beg your indulgence on my ignorance of your ordinance, but I've never had the opportunity to see a copy of it.

President Mourdock: Here is a copy you may have. We have several other copies for anyone else who would like to get them and if we don't have one here we can make them for you in just a couple of minutes.

Chuck Webster: I really don't know what we're up against here, but I am sort of like the gentleman with the gasoline. We already have EPA standards that we're meeting and state and federal and we are well within them in my particular case. In the last year alone I spent over 30% of my income on better air buying machinery and what have you. I think any responsible businessman is going to try to spend a fair amount on cleaning up his act, so to speak. I don't understand why we need a bigger burden. I don't really think every body shop in the area probably doesn't amount to five tons total in whole place when you've got industries out here that are putting out 1,000 or 1,500 tons a day and stuff. I think it's a burden that is sort of unfair. I implore you, I've been through this with a state law once where they literally took half a million dollars in sales from me back in '89. It took me five years to recover to make a profit again. Please don't go ahead with something you don't really understand and burden the small business, whether it is a body shop or gasoline or whatever, but thoroughly understand what it is going to do to them because it is going to force prices up. If it has to raise, phase it in slowly and give it a chance that we can raise the rates slowly so that we don't price ourselves out of business and run our customers off because it's a hard market out there. Small business is what makes this world. There are a lot of big giants, I know, but by the same token there is a whole lot of small businesses that makes a lot of bucks to keep us all going, you know.

President Mourdock: You heard to comment made during the road hearing...I think you were sitting here, the phrase was we don't want to make the same mistakes we've made in the past with the road planning. You just made reference to something you said the state government took away half a million dollars of your revenue. Without personally getting into your business can you tell us what that mistake was?

Chuck Webster: It was to do with the salvage law and to be frank there was never enough investigation. There was never enough looking on the small side to see what was going on. In 1989 I did 96 late model vehicles, a half million dollars in sales. I've never had a recall. I've never had to buy one back, I've never been sued. I mean, I do things by the book and I train all my people. I send them to training and everything. I try really hard, you know, to make it right and I've never had a problem yet they didn't consider that. The real problem was that they should have licensed body men, they should have licensed shops on a state level or whatever. They should license the people that are working on your car, you know, because you license a plumber don't you? You know, I mean, if a frame man doesn't do something right on your suspension it could kill you. A plumber might drown you, but that would be a slow death, you know! To me it would have made sense. I've been trying since the '60's. I've just about gave up all the way around, but if they would have done that, you know, because if the car is repaired properly I don't care. I mean, give me a fender and I'll build you a nice car if you pay enough money. That's where it is really at. The bucks are the whole thing. They made the law in such a way that it literally took our sales away. We all had to back up and rebuild more retail to make it up. It took me five years to get back where I was, but they did that law in less than 60 days and introduced it and rammed it through. Of course, dealers lobbied big for it and spent a lot of bucks, but then we were out. That's how easy it is to choke somebody to death in a small business.

President Mourdock: Just because I realize you don't deal with this everyday, the way this process is set up to work, and I realize you've not had a chance to look through this ordinance, but the way this process works our ordinance this is a first hearing. We normally have the second and final hearing a week to two weeks down the road, but more importantly what is in the document says it would go into effect January 1, 1998 but none of the provisions would be enforceable until July of '98. To correct something I misstated at the outset, I mentioned there were only two of the four things from ACORN that were in this. The Pollution Prevention Task Force is in this ordinance as an integral part of the ordinance it's just not an enforceable part of the ordinance because it is a voluntary method.

Chuck Webster: I would like to say I am for clean air.

President Mourdock: Sure, we all are.

Chuck Webster: I think, sure, tighten up on us, you know, that's cool, but just don't tighten so fast you choke us to death and we have to buy equipment that is \$250,000 and we can't afford or something, you know.

President Mourdock: You mentioned that last year you had to put \$30,000 into your business--

Chuck Webster: I didn't have to, I did.

President Mourdock: Oh, okay.

Chuck Webster: I put new air filters in and stuff.

Commissioner Jerrel: Would you look this over carefully and get back to us?

Chuck Webster: Sure.

Commissioner Jerrel: Because I think that is the kind of input we're looking for.

Chuck Webster: That's why I'm worried. I want you to get input wherever you get it, you know, but I don't want to have happen what happened there in a sense. I was a victim real quick and didn't have a prayer, you know.

President Mourdock: Okay.

Chuck Webster: I literally just about lost it all together, you know. I had to really scramble for a long time and work hard.

President Mourdock: Okay.

Chuck Webster: Thank you very much.

President Mourdock: Thank you, Mr. Webster. Phil.

Phil Hoy: I'm Phil Hoy, County Councilman. Commissioner Mourdock, you mentioned that you want to reconvene the ACORN committee. Is that correct?

President Mourdock: Yes.

Phil Hoy: What do you see them doing in the future? What direction?

President Mourdock: Well, obviously I don't direct nor does any elected official direct the ACORN committee, but my point of view in trying to get that group back together is to see if number one they can help provide information to the county that would get us what all of us want which is an economically sustainable type of development and also to make sure that air quality as a health issue continues to be reviewed. I see them doing it to the county level. I also see it having an important role in continuing to voice the argument that this is a regional problem beyond a county problem. Several of the speakers this evening have talked about all the things that are out there. I think it was Valerie that made the comment that autos in themselves are not our major source of emissions. Unlike most counties that are in nonattainment, I think we are pretty unique in that. I mean, most cities that are in nonattainment it is automobile emissions. With us it isn't. It means it's a bigger problem and perhaps even expanding beyond the local group of ACORN and getting more people like Valerie who is from Posey on it. That's my thoughts.

Phil Hoy: Good. That's what I had hoped you would say because...I have a bad throat--

President Mourdock: It's the air.

Phil Hoy: --and I don't think it's the air, but I'll blame it on that. The emissions coming from three new plants coming in three separate counties they're going to, you know...AK Steel in Spencer, Toyota in Gibson and...I can't think of the one in Posey.

Commissioner Tuley: ConAgra.

Phil Hoy: You know, they are just going to impact us severely and what I would encourage ACORN to do and all of us to do is to even get beyond...I think we need to take some giant steps because if we're continuing to play catchup we're not going to get our county in line for economic development and worse than that we're going to continue

to negatively impact the health of our residents and I think that's an issue that we need to keep before ourselves because when we talk about costs and I sympathize with the gentleman who spoke here, the small businessman, because I grew up in a small business and I understand that aspect of things and I think we need to go back for bigger fish as well, but when we talk about costs the medical costs, aside from the suffering, the human suffering, the medical costs for our air are just astronomical. We have one of the highest health costs in the whole country and I think that is tied to the quality of air that we do not have. Thank you.

President Mourdock: Thank you. Anyone else wishing to address this issue?

John Blair: My name is John Blair. I am here representing Valley Watch Incorporated. Our purpose is to protect the public health and environment in the lower Ohio Valley. First of all I would like to say congratulations. It only took you about 18 months to get to this point. It was May 25, 1996 when ACORN made its recommendations. If I recall, we came out with a nice booklet even dated May 30th. I was wrong. In that on page 1 it said that implementation of the remaining two contingent remedial measures are recommended if air quality measurements are not improved by at least 15% by 1999. This isn't even going to take effect until July of '98. Well, that's going to be a rush to get it done isn't it? Then our recommendation was to have it by 25% by the year 2001 and that was our goal to have 25% reduction of the total VOCs in the county by the year 2001. Now, I don't know what we've done in the last 18 months, but if this ordinance is what we have done in the last 18 months I pity us all because this is sure a meager approach. I think it was characterized by Valerie as too little, too late. In fact, this ordinance should have been adopted in 1991 when we were first notified by the Feds that we were nonattainment. This should have been done immediately these things are so meager. In fact, the one thing which takes up, I marked it here, from here to here of an ordinance that runs from here to here which is just about two-thirds of it is devoted to Mr. Webster's business which is auto refinishing and it's the slightest decrease in VOCs that we have. One hundred and forty-one tons a year is what ACORN projected two-thirds of this ordinance would do. Five hundred and twenty-four tons a year are coming from this section of the ordinance. From here to here. I realize that it's not the volume of words that counts, although it seems in government that maybe it is the volume of words that counts because 65% of the ACORN recommendations come from the Pollution Prevention Task Force. Oh, let's see here. The Pollution Prevention Task Force, that part of the ordinance is this much. You're right, Richard, it is voluntary. There are, in the other two things, there are penalties, there are fines, there are fees. In the Pollution Prevention Task Force it's required that everybody push paper. Write a plan. There is no enforcement for that plan. There is nothing in the plan that says you've got to do anything. As long as you write the plan you accommodate the purpose of the ordinance. Planning is fine. I'm all for planning, but it takes more than generation of paper to reduce ozone and that's all this ordinance is really doing. You know, what gets me too is that the penalties are imposed against the smallest level of business enterprise. The people like to two gentlemen from business that have talked here. There are no penalties proposed for the big VOC emitters if they don't reach their reduction goals or I can't call them promises because they aren't promises. It's a plan, you know, and we recognized early on in the ACORN process we talked a lot about enforcement and how we were going to get to this thing and as other speakers have alluded the reason we were able to come to consensus on the four measures that we have was because we thought we were going to get a pretty large total of emission reductions. In fact, I think that the ACORN proposal was going to total something like...let me figure it up here. Thirty-nine hundred and thirty-two tons a year. What we're getting actually, and I don't know how else to do this, but ACORN recommended a budget of \$500,000

for the Pollution Prevention Task Force, \$500,000. What we've got so far in the ordinance as I can see it is a \$35,000 position in the Department of Health that is going to do the job that ACORN recommended would be commensurate with about ten people. Therefore, if you take the \$35,000 and divide it into the \$500,000 and take that as a percentage of the reductions of 2,846 tons per year that the Pollution Prevention Task Force was going to be responsible for you end up with 199 tons a year as a reduction if you use money...if money can be a function of the reduction. I don't know if that is a legitimate statistical method or not, but we played loose and fast in the ACORN process with legitimate statistical deductions anyway, so I don't feel bad about that. One hundred and ninety-nine tons a year plus 141 tons a year plus 524 tons a year makes 864 tons a year versus what ACORN called for of 3,932 tons a year reduction. Now there is one that is missing that we could do if the state hadn't been so Orwellian in their doublespeak or was it Adolph Huxley that talked about doublespeak? One of those two visionaries. Lower Reid vapor pressure gasoline. Now let me get this straight, we can't do it because we're going to be attainment, but the reason we're going to be attainment is because we were supposed to have a plan to reduce emissions? No, wait a minute. Something is wrong here. I wonder what that could be? Could it be because the Indiana Petroleum Council called on IDEM last month and said, oh, please don't do this to us? They have a lot more clout than any of us in Vanderburgh County because they're right there everyday. They can go call them and pester them, be right there. That was going to be 421 tons a year or about half of what we're presently proposing to do. Four hundred and twenty-one. In any case what this does if you use my figures and, you know, my figures like I said I think are as good as anyone else's figures, we're approximating 22% of the reductions that ACORN recommended. Twenty-two percent. One-fifth. We're at less than six percent of the total of VOC that is emitted in this county.

President Mourdock: Excuse me, John, let me clarify something. You're making that assumption by assuming that the Pollution Prevention Task Force that is designated here has no affect whatsoever is that right?

John Blair: I am assuming that it is going to have affect in direct proportion to the money that is spent compared to the money ACORN recommended--

President Mourdock: Okay, I see what you have done.

John Blair: --which is 199 tons a year. I don't know how else you might do it. I mean, because it is all conjecture anyway. It's all grabbing figures out of the air and saying we can do this or we can do that, but I know this, that this was all done, if you'll recall, back in 1995, it was December of '95 when the ACORN fell to the ground and started to take root as Bill Brown always liked to metaphorically talk about and that was in December of '95. Then we went about six months, up to May of '96 and made these discussions. At that time there was only a little discussion about a new national standard. The new national standard is .08 parts per million figured over an eight hour average with the fourth highest exceedence being averaged over three years, so basically you have nine exceedences of that standard available to you now over three years before you even get into one that counts, so the fourth highest exceedence over three years averaged together over eight hours and if it is over .085 parts per million you're in nonattainment. Well, in Vanderburgh County's situation if you go by previous data every monitor in our entire region violates the new standard by almost a full tenth of a part per million. Instead of .085 both the monitors in Vanderburgh County that we have are, if you look at that standard, are at .96, .97, .097 parts per million. We're well over the new standard. This whole thing is predicated on us being made attainment, too and I hate to tell you quite frankly people that is not a given. In fact, how many times can the Evansville Courier run

the headline, Vanderburgh County due to be taken off the ozone list? Well, is it Dixie and Valerie and Dave Coker and I, are we that powerful that we can keep that from happening?

President Mourdock: Just as an update and you may be aware of this, but as of today our designation which was supposed to be voted on today was pushed back until again at least February.

John Blair: Gosh, we're more powerful than we ever thought we were. You know, it's not going to happen any time soon I don't think. Now there is a scenario that it could happen under. The EPA is required to publish a list of cities that meet...that don't meet the new standards, but met the old standard that were formally in nonattainment of the old standard and they are due to publish that some time soon. They were supposed to do it by October 17th. It didn't happen. One of the reasons it may not of happened is because in order to say to a county or a city or whatever that you are now attainment when you have been nonattainment there are certain things that the administrator of the EPA has to determine that are directly out of the Clean Air Act. Section 7407 of the Clean Air Act it says very clearly that if the administrator is going to make you attainment when you have been nonattainment that she has, in this case she, has to prove that the reductions in the level of ozone were a result of the implementation of permanent and enforceable reductions in the chemical that makes up ozone and that this came about as a result of a plan. Well, you know what the plan is that the EPA is going to use in their rationale for designating Vanderburgh County? Plant closures back in 1990. Plant closures in 1990 is what they are going to say are the permanent enforceable reductions in ozone. They said that we're going to get 590 tons a year out of those plant closures and that's permanent enforceable. Five hundred and ninety tons a year. ConAgra out here is 1,510 tons a year. I understand today that they are looking at the old BASF site and the Scott site because Consolidated Barge & Grain don't want them out there at the port for whatever reason. They've sued and won the first round of court on that, so if they are looking there it's going to be directly upwind of our monitors, 1,510 tons a year blowing over our monitors outside, you know, just right adjacent to the county line. Lower Reid vapor gasoline when Janet McCabe was down here early this...I guess it's December now, so last month and her rationale for that whole thing about lower Reid vapor pressure gasoline was just amazing to me. Instead of taking the logical approach when EPA and IDEM and everybody says it's a regional problem instead of taking the logical approach and answering the criticisms of the Indiana Petroleum Council and saying that okay we're going to put lower Reid vapor pressure gasoline on a whole area, instead of taking that approach they are taking the other approach. I don't know how you read the law there, Joe, but when I read the Clean Air Act it says that any county that impacts on a nonattainment county is subject to sanctions the same as the nonattainment county is. I can guarantee you that everybody knows that Posey County and Warrick County and Henderson County and Gibson County impact on our air quality. It's just another dodge on behalf of IDEM, you know. IDEM has not done its job. IDEM didn't do its job in developing a plan for us to deal with this back in 1991 when it was required--

President Mourdock: Excuse me, John. I ask you to wrap up in two minutes please.

John Blair: Okay. They haven't done their job in 1997 with any of this. It's just a bunch of hooley. Okay, I want to answer the gentlemen that have been up here, you know, talking about their businesses. I understand their plight entirely. In fact, I would be really up here angry if I was going to have a fee imposed upon me of \$100 a year when somebody down the street that is responsible for 50 or 100 or 1,000 times more pollution

is off the hook because they happen to be powerful people. You know, I would be really angry about that. I would be angry, too, when I am being told that I've got to carry the burden by getting this high volume low pressure paint gun. I don't know how much they cost, but I would be angry if I was going to be expected to carry the burden for 141 tons a year reduction. I really think that we are in a situation here where this, oh, yeah, it's a step in the right direction. Pass it and our air quality will no doubt get worse at a reduced speed, but we're getting our air quality worse. We're never going to meet the new standard. Never in my lifetime will we meet this new standard as long as we continue to take measures like this. All these people in business bitch and moan all the time about regulations and that sort of thing and how bad they are, but you know the regulation in Indiana and in this particular issue in Indiana has only been pushing paper. There haven't been any other regulations that anybody has to even accommodate. So I guess I'm for this ordinance, but I don't know what the point is. Frankly, as a member of ACORN and I don't know what the rest of the people in here that were with ACORN think, but I think what we recommended was a good start. This is a poor start.

President Mourdock: Okay, thank you, John. Charlene, if you would, please change our tape.

#### **Tape change**

President Mourdock: Is there anyone else to speak to this issue now that we have a new tape in the machine? Okay. Comments, Bettye Lou, do you have any at this point? Pat, do you have any comments or questions?

Commissioner Tuley: I was just...well, I was just asking Joe did we seek out...I mean there are some people out here sitting here talking as if this is the first time they saw this ordinance. I'm going to assume that it is. It seems like ACORN and different ones did spend a lot of time on this and I am uncomfortable passing this in its final version, I realize tonight is first reading, without having giving them the opportunity to come back and make the comments. There is a lot of information that came here tonight that is up here as far as I am concerned.

Unidentified: Could you speak up?

Commissioner Tuley: You can't hear? What I was saying was I feel like people like ACORN put an awful lot of time and effort into this and if they are just now getting exposed to this ordinance in this form tonight that's unfortunate and I feel uncomfortable, although we are passing on first reading maybe tonight, this coming back in its present form. There was so much information thrown up here tonight that I don't understand and I don't know that I would feel more comfortable talking a little bit longer with John and Dixie and different ones may before we get this thing to final vote. I mean, if we pass it on first reading I still would like not maybe rush into this week. Give us a little more than a week to look at it.

President Mourdock: Just for the record the ordinance was initially advertised November 21st and November 28th of this year. If I may, Pat, to that comment, too, let me address a couple of issues.

Commissioner Tuley: Okay.

President Mourdock: Number one I heard the comment from several of our speakers this evening that this document doesn't go far enough which even in John's closing remarks

I didn't hear him say no, don't do this. It's just this may not get us as far as what the original ACORN group submitted. I have to agree that it does not for some reasons that we have already spoken of. The second issue regarding the operator's point of view, Mr. Webster's point of view, don't go too fast on this. Let's make sure everything is done properly. I guess the one question that raises in my mind is between the initial reading and the final vote how significant if any changes would be allowed.

Commissioner Tuley: That's a good question.

President Mourdock: Joe, I would throw that question to you. Is there room for any change whatsoever?

Joe Harrison, Jr.: Yeah, there could be a change. The thing is the ordinance would have to be published again if there are changes from what has already been published. Again, the regulations imposed in the ordinance would not begin until July 1 of '98. The state also has published two of the features set forth in the ordinance. The gasoline dispensing regulations and the automobile refinishing regulations in the Indiana Register. They conducted a public hearing here last month, the Indiana Air Pollution Control Board and there were members from the ACORN group here at that public hearing.

President Mourdock: As far as the phase in of the enforcement since none of that is set to start until July anyway I presume if there was something significant and the ordinance could be amended?

Joe Harrison, Jr.: Sure. The Commissioners could amend the ordinance at any time. Also, keep in mind that what you're going to be considering, the Commissioners are going to be considering, only effects--

Commissioner Tuley: Vanderburgh County outside--

Joe Harrison, Jr.: --the area of Vanderburgh County outside the city of Evansville and outside the town limits of Darmstadt. The City of Evansville will be considering virtually the same ordinance. Christine Terry is here. And the Town Board of Darmstadt, so this is not the whole county that this ordinance is going to impact although it very well could be the same ordinance. This is not going to impact all of Vanderburgh County.

President Mourdock: John, very briefly.

John Blair: I have one thing. If you're going to pass this quickly, the...you refer twice in the third and fourth whereas' you refer to ACORN and the fourth one I have a particular objection to as a member of ACORN who went to all those meeting.

“Whereas ACORN has determined that the implementation of the provisions set forth herein could result in the substantial reduction of daily VOCs in Vanderburgh County.”

That's an inaccurate statement because it has been cut so much from what we recommended.

President Mourdock: Okay, thank you for the comment. Mr. Webster.

Chuck Webster: Did I understand him right--

President Mourdock: Please go to the clear to the microphone. Our sound system doesn't pick it up.

Chuck Webster: --that the city is not going to be effected by this ordinance whatsoever?

President Mourdock: The city--

Chuck Webster: In other words am I going to be...my competitors which are mostly in the city, am I going to be competing ahead of them where this is just another cost on me and not them? Another burden, but not them?

President Mourdock: The city EPA administrator is in the room, Christine Terry, but let me tell you my understanding and my understanding is that the city and county ordinances will effectively parallel one another.

Chuck Webster: At the same time?

President Mourdock: Yeah. One of the paradoxes we have is that the city has an EPA agency which by its definition does not extend into the county. When the federal EPA came down and cited the county they didn't say it's just the city they said it's the whole county.

Chuck Webster: They come to me. They consider me in the city and as far as I know I'm still barely out of there.

President Mourdock: Right. That's why we have to have two separate ordinances, but those two ordinance, I think, with the exception of the first paragraph or two are pretty well going to be identical.

Chuck Webster: I was going to say there couldn't be too many body shops in the county.

President Mourdock: Right.

Commissioner Jerrel: In the interest of taking that first step, and that is what this is even though it may not please everyone it is at least that first step, I would like to move approval on first reading of the county ordinance on ozone.

Commissioner Tuley: I'm going to second your motion with the understanding that when this comes back for final I may of changed my mind.

President Mourdock: Okay. A motion and a second. Since this is an ordinance, then, it is required that we have a roll call vote, so Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: First reading only, yes.

President Mourdock: I will vote yes, so it is approved on first reading. Again, I will make the statement that several others have made, this is not the package per se that ACORN passed, but I think as was also said it is the proper first step and it's something that we

need to continue to work with small businesses and large businesses and those in ACORN to try to come up with some better way to cross all those different sources. Alright. Christine, did you...

Christine Terry: I apologize for missing some of the comments. I had to go to a finance meeting next door. I just wanted to clarify to the members in this room that the ordinance that is being proposed by IDEM, by the city and by the county are identical ordinances and any changes that the county wishes to make, the city wishes to make have got to go back through IDEM for approval so that our language all matches because we have to be consistent with each other and so, ultimately, yes, everyone in Vanderburgh County will be all following the exact same rules and regulations so it is not going to be any different for someone that lives in the city or someone that lives in the county. It is going to be everyone in Vanderburgh County and it will be consistent with what is going to be in the Indiana Administrative Code. That is what all the ordinances reflect.

President Mourdock: But they have to be enacted by three separate bodies, the county, the city and the Town of Darmstadt.

Christine Terry: Exactly. Actually four with Darmstadt, yes.

President Mourdock: What was the fourth? The city, the county and Darmstadt?

**First reading - Ordinance to amend Chapter 72, Schedule II**

President Mourdock: The next item on our agenda this evening is an amendment to Chapter 72 of the County Code, Schedule II. John Stoll may wish to address this one. It's the stop sign ordinance. I don't know that there is anything specific you need to talk about? Is this to advertise?

Joe Harrison, Jr.: No, this is second reading.

Commissioner Tuley: Second.

Commissioner Jerrel: I'd like to move approval on second reading the ordinance--

Joe Harrison, Jr.: I'm sorry, this is first reading isn't it? It says first.

Charlene Timmons: This is the first reading.

Commissioner Jerrel: --to amend Chapter 72, Schedule II of the Code of Ordinances of Vanderburgh County.

"Whereas traffic engineering studies have verified that traffic control signs are necessary at certain additional intersections within Vanderburgh be it ordained by the Board of Commissioners of Vanderburgh County as follows. Chapter 72, Schedule II of the Code of Ordinances of Vanderburgh County is hereby amended to include the following locations as designated stop intersections. All vehicles are required to stop at one or more entrances to these intersections as indicated below."

I would like to enter into the record the names of the intersections that have been provided by the copies before you.

Commissioner Tuley: Second.

President Mourdock: Alright, again, since this is an ordinance a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I vote yes.

**Final reading - Ordinance to amend Title 153.168**

President Mourdock: We also have a final reading this evening for an ordinance to amend Title 153.168 of the Code of Ordinances and this relates to the scheduling of fees by the Area Planning Commission.

Commissioner Jerrel: In your packet you have and you had last week, this is the second reading on this one, because you had all of the numbers in the previous ones. I would like to move approval of the ordinance amending Title 153.168 on the fees for Area Plan that have been recommended by the Area Plan Commission.

Commissioner Tuley: Second.

President Mourdock: Again, by roll call vote. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I vote yes.

**Support direction of Federal Welfare Training Funds to PIC**

President Mourdock: We have in our packets a letter that came to us from the Southwest Indiana County...I'm sorry, from Mr. Mike Belwood of the PIC Chair. PIC is, of course, short for the Private Industry Council. They have submitted a request to us to basically send a letter to Governor O'Bannon regarding the consistent and continuing use of their funds. Just throwing a thought on the table, I would like to talk to Mr. Belwood or Jerry Yezbick with PIC about this request. I don't have any dissatisfaction with PIC's activities. I think they do a good job. Certainly statistically they seem to do a better job than a lot of the others in the state, but some of the funds that are there might be something that can be used with the growing effort that Vision 2000 and the Chamber and several other businesses are trying to put together on upgrading job training skills, so just as an option for something to consider. It may be that by the grant request they can't do that, but--

Commissioner Jerrel: Well, let's...if I may, let me just make a motion to defer this to let

you have a chance to send a letter and see if it is possible.

Commissioner Tuley: I'll second your motion.

President Mourdock: Okay, so ordered and I'll be glad to do that.

### **Welfare to Work Local Planning Council appointments**

President Mourdock: We have two appointment this evening to the continuing Welfare to Work advisory...or Welfare to Work Planning Council. The first is from Angela McElhiney who works with WORK ABLE and the second is with John Collier. We are not limited as to how many people we can have on that panel and quite frankly when we get people volunteering for these kinds of efforts it is nice to see.

Commissioner Jerrel: I would like to move approval of the two appointments, Angela McElhiney and John Collier.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Tony, if you would please send a letter to them letting them know they are on the Council and when the next meeting date is.

Tony Greubel: Yeah, I'll do that tomorrow.

President Mourdock: Okay. If I didn't I will say so ordered to that.

### **FSA Committee ballot vote**

President Mourdock: We also have a ballot required by the Vanderburgh County FSA Office and FSA stands for Field Service Agency, I think.

Tony Greubel: Farm Service Agency.

President Mourdock: Farm Service Agency with the Department of Agricultural. We need to appoint a member to that Board and Ms. Ann Farney has expressed her willingness to do so.

Commissioner Jerrel: I'd like to move approval of Ann Farney as our representative on the FSA Committee.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Any group or individual wishing to address the Commission**

President Mourdock: We are at that point in our agenda for any individual or group wishing to address the Commission who has not yet heard of their item to come forward and address us. If not, we'll assume everyone is waiting on bid openings. Okay.

**John Stoll - County Engineer**

President Mourdock: Department head reports. First up, County Engineer, John Stoll.

John Stoll: First I would like recommend that we award the Seminary culvert...Seminary Road culvert replacement to CCC of Evansville in the amount of \$31,846.67. They were the low bidder on the project.

Commissioner Jerrel: I'd like to move approval of the contract to CCC of Evansville in the amount of \$31,846.67 for Seminary Road.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I would like to recommend that we also award Maasberg Road Bridge replacement to CCC of Evansville in the amount of \$108,979.25. Here again they were the low bidder on the project.

Commissioner Jerrel: I would like to move approval of CCC of Evansville as low bidder in the amount of \$108,979.25 for the Maasberg Road.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item I've got is a change order on the Lynch Road paving project. This change order is for an increase of \$2,403.50. The reason for the change order is we changed from a preform plastic striping to a thermoplastic striping on the Burkhardt Road approaches at Lynch Road. Even though this change order does state that there will be an increase of \$2,400 it doesn't reflect the decrease by deleting all of the other striping, so in reality the net change will be about a \$2,500 decrease overall to the project. This just reflects the increased costs for the new material.

President Mourdock: Who is the beneficiary? I guess we are since it's a decrease. Who is the contractor?

John Stoll: E & B paving.

President Mourdock: Okay, thank you.

Commissioner Jerrel: I'd move approval of the change order in the amount of \$2,403.50 to E & B for the change order relating the striping on Lynch/Burkhardt.

Commissioner Tuley: Second.

President Mourdock: So ordered. John, what is the update on the schedule for Lynch Road?

John Stoll: Right now on the basis of an update that I was given by the consultant today they were estimating it would be completed in April. The contract has 51 more work days in it which would run the job out potentially up until June, but they estimated it would

be opened in April.

President Mourdock: I thought that was scheduled for November.

John Stoll: It was originally. It was pushed back to December, so it's--

Commissioner Jerrel: What are the problems that they describe to you?

John Stoll: Right now they've just not had suitable weather to do a bunch of temperature dependent work which has been asphalt and dirt work and striping primarily.

Commissioner Jerrel: What would happen if, and I've said this I'm not being facetious, but what would happen if El Niño has a warm...directs the jet stream higher and we have a warm winter like we did where the golf courses were open all year? Could they not complete it?

John Stoll: Based on what Bernardin Lochmueller told me that the contractor plans to continue working when they can, but given the winter months with no work days being charged that is why they were estimating an April completion date.

President Mourdock: When were they estimating November? The last I heard was, I think, in September we were told that November was the time.

John Stoll: Right.

President Mourdock: When did it change?

John Stoll: I just got that updated completion date today. It's not been looking too good for the past few weeks on getting it opened in November or December, but I didn't get a revised date until just now.

Commissioner Jerrel: But it's, again, the issue is still not over if the weather remains?

John Stoll: Right, they don't have plans to pull off the job on the basis of what they are telling me.

Commissioner Tuley: Are we talking about any of it being open or part of it being open or...?

John Stoll: Nothing as it stands now.

Commissioner Tuley: Nothing until April?

President Mourdock: Not even...well, obvious question. From Oak Hill to Green River.

John Stoll: Probably the segment between Green River and Burkhardt is closer than the one Oak Hill because Oak Hill has all the asphalt work right at the intersection. There is also some additional dirt work and concrete work that has to be done at the Oak Hill end of it, so the Green River to Burkhardt piece is probably closer out of the two.

Commissioner Jerrel: Well, can we keep the pressure on if the weather stays nice?

John Stoll: I've told them repeatedly we want it open as soon as possible. We were

looking at alternate ways to try and get striping down with substituting paint striping for some of these preform plastic striping line items and things like that just to try and find ways to get it opened, but as it stands now they've got enough work that it really doesn't...there is really no way to get it open as of yet. We've still got an issue on a utility relocation that hasn't been resolved as of yet either that we've been working with SIGECO to get resolved.

President Mourdock: You just started down a road with the phrase they've got enough other work. I hope they don't have other work on other projects that is causing this project not to get done.

John Stoll: Not that I am aware of.

President Mourdock: Is E & B responsible for all of it?

John Stoll: Yeah.

President Mourdock: Are they a sub or were they--

John Stoll: No, they're the prime contractor.

President Mourdock: I'm not happy.

John Stoll: It's just primarily the temperature limitations is what is causing problems now like that preform plastic that we substituted the thermoplastic striping for it has a minimum temperature, air temperature, of 60 degrees for its application. With items like that there is just virtually no way that they can be put down at this time of year.

Commissioner Tuley: I'm still confused. As little as two or three weeks ago we were looking November or December and I'm not, I guess, I feel like information has been withheld from you. I mean, they just didn't wake up today and say we're not going to get this done until April.

Commissioner Jerrel: No. Like I said, I just got that date today, but for the past few weeks it has not been looking real promising it is just that no date was given.

Commissioner Tuley: I don't know what we can do about it, but put that one in the back of your mind.

President Mourdock: Give me a call in the morning, John. I want to talk about other options. Okay, what else have you got?

John Stoll: That's all I have.

President Mourdock: Okay. Pat, did you have anything else? Or Bettye Lou?

Commissioner Jerrel: No.

**County Garage**

President Mourdock: I don't believe we have anything...anyone here from the County Garage.

Tony Greubel: Yeah, Rick Dickinson was here, but he got beeped. There was a small emergency he had to take care of on the road somewhere.

President Mourdock: Okay. That's always one of those oxymorons, I think, small emergency.

Tony Greubel: Well, it involved a deer.

President Mourdock: A major emergency for a deer I'll bet. Okay, we do have then in our packets the Vanderburgh County Highway Department report that we'll submit for the record and also the paving update and the ditching update dated November 26th.

### **Steve Craig - Burdette Park**

President Mourdock: Burdette Park, Steve Craig is still here with us. Steve, any comments? I know your packet is here.

Steve Craig: Steve Craig, Burdette Park. Last week we didn't...you know, I got these to you, I guess, kind of late or they didn't come with the packet, but have you had time to look over the rate--

President Mourdock: Rate increases?

Steve Craig: Yeah.

President Mourdock: Yeah, we mentioned them last week during our normal meeting. They were passed out at that time and I guess we'll discuss any comments, suggestions, changes or where we go.

Commissioner Tuley: Steve, give me the Board's thought. The only one I see and I'm not sure I have a problem with it, but I am just trying to figure out on the half setup on the pavilion they're asking for like a 50% increase to take it to \$600. On the pavilion full setup the current rate is \$600 and that is what they are recommending for next year. What was the thought...I mean half a pavilion, I guess they feel like they can't rent out both halves at the same time to two different groups.

Steve Craig: When people want to rent half of it they want to use half of it for seating, but they usually have us tear it down so that they can put games or something else there.

Commissioner Tuley: So they don't just rent half of it they end up renting all of it anyway.

Steve Craig: Yeah, they use it all, but everybody wants to use the half rental. This year I'd say of the seven or eight of them that we had that were half rental we had to clean the whole pavilion a sixth of the time.

Commissioner Tuley: I was just suggesting that we just change that pavilion rental \$600 for setup.

Commissioner Jerrel: Yeah, I kind of...you're going in the right direction. They're just needs to be one rental.

Steve Craig: Right.

Commissioner Jerrel: That's why that got like that.

Steve Craig: Some of them do try to shy us, but the other ones, you know, they have a larger crowd and it might be, you know, raining that day where they are not out in the park as much and they just go ahead and expand into the part not being used and, you know, they have already signed their contract, paid and everything else, so we just decided instead of, you know, doing that we still had to tear it down and clean the whole thing regardless.

President Mourdock: So would one of you then state for the record how you would like to see this sheet that is front of us changed?

Commissioner Tuley: I can state it. What I would like to do I would be willing to move approval of the suggested rates as proposed by the Advisory Board with one change and the change being that there will only be one rate for the pavilion/full setup \$600.

President Mourdock: So that first line is totally deleted.

Commissioner Tuley: Would be deleted.

Steve Craig: Right, yeah, that's what it said, but they just left it in a half setup.

Commissioner Jerrel: Yes, I'd--

President Mourdock: Before we go any further on that motion are there any other additions or deletions that we need to consider?

Commissioner Jerrel: I just have a question--

President Mourdock: Sure.

Commissioner Jerrel: --and it's a philosophical question. What was the goal of the changes that the Advisory Board made? I mean, in the discussions what, you know, there are small increases, small decrease. What, you know, what prompted...?

Steve Craig: Some of the questions that was asked me was because of the utility rates going up, you know, in the last several years and us not raising these they kind of focused on the ones that were air conditioned more than the screened in building ones because, you know, running the air conditioner full force if all the people are there we had to pay the increase.

Commissioner Jerrel: With that in mind, then, you know, you've got Chalets 1 through 3 coming down \$7.50 and Chalets 4 through 5 coming down \$17.50.

President Mourdock: They're not really coming down--

Steve Craig: No.

President Mourdock: --they're coming down from the proposed increase.

Steve Craig: The current rate on the chalets for all of them is \$70. That's in your far left-hand line, then the ones with the whirlpool baths they raised ten dollars to \$80 and they wanted to leave the ones without a whirlpool, 4 and 5, at the rate of \$70.

Commissioner Jerrel: So we're not really increasing them to pay the utility cost?

Commissioner Tuley: One of them you are.

Steve Craig: One of them we are. The other ones they just thought \$70 was good. We raised the one because it had a whirlpool. You know, that costs money to run the whirlpool. It's got the electric jets and that so they raised it. Somehow they picked 4 and 5 out not to be raised.

President Mourdock: It does look conspicuous in that it's the only one that...oops. Yeah, it is the only one on the list that I see that did not raise and I almost wonder if that was a typo, that maybe that was supposed to be \$80.

Steve Craig: No, it was just that certain people were wanting them to stay at \$70 and they allowed the other ones to be voted to \$80.

President Mourdock: Okay. One comment I would make is regarding the next to the last item, the softball diamonds. No fee due until 1998, so we've not been charging any rental for that is that right?

Steve Craig: When hardball Pony League took that over three years ago the Advisory Board and the Commissioners at the time okayed it. They gave them a three year period to set it up and get their feet on the ground. They've spent a lot of money doing what they've done over there. This is probably going to be a large burden on them because they are not making any money, you know. They've only got 10 teams in the league and to support the diamonds that is going to be, you know, an added burden to them, but the Advisory Board didn't think anybody should be skating for free, the way they put it, and that they thought that they should pay the utilities plus pay a maintenance cost of us mowing their grass and that for them.

President Mourdock: They also have exclusive use of that field right? Was that not part of the deal that we did?

Commissioner Tuley: I remember--

President Mourdock: That was about the first week I was on the Board.

Steve Craig: They do, but he...they do allow people to use it.

President Mourdock: So they do not--

Commissioner Tuley: They have exclusive right, but they apparently to this point they have allowed, but they do not by no means have to.

Steve Craig: Yeah.

Commissioner Tuley: If they would have a sudden change of heart they could keep anybody off of it, I guess. Steve, they put in...was it dugouts? Concrete block--

Steve Craig: They put in dugouts,--

Commissioner Tuley: --the concession stand--

Steve Craig: --sidewalks, they moved the fence, they moved the light poles, they put in electric scoreboards and they paid for all this.

Commissioner Tuley: In lieu of paying us rent or whatever.

Steve Craig: Yeah, instead of paying us for rent they made those improvements.

President Mourdock: We were providing the utilities?

Steve Craig: And mowing the grass.

President Mourdock: And mowing the grass. The \$2,295 fee that is showing the current rate that wasn't or was that maybe part of the original contract? It wasn't right because that was just for the services? All we're really looking at there is to say now they would pay \$80 a week during their season plus utilities and the rest of the year we wouldn't be getting any income from that, but then nobody is using it either.

Steve Craig: Right, and I have talked to them about turning, you know, their water and their electric off for the six or seven months, eight months, they are not using it so they don't even have to pay the fee.

Commissioner Jerrel: Having said that, have we made any progress at all with SIGECO and the separate hookups?

Steve Craig: Nope. They're just hard to deal with. I mean, you know you can talk to them and they'll tell you they are going to get back to you but as far as us at Burdette I'd say they would just give us the runaround on what's going on, you know.

Commissioner Jerrel: May I suggest to help Burdette out in this issue perhaps a letter should come from the Commissioners outlining the length of time this has been in the hopper.

President Mourdock: Yeah, and I would like to go with that in the letter we need to incorporate the dates as to when you contacted them or whoever contacted them just a quick summary chronological little list of who talked with them, who they talked to, what was discussed and when we give them a list of about seven things that haven't happened that's--

Commissioner Jerrel: Maybe, I mean, I don't mind working on that with you tomorrow maybe because we need to get some language for the letter I'm going to work on anyway.

Steve Craig: Okay.

President Mourdock: Okay, going back to the matter at hand, any other changes to the recommendations of the Burdette Park Advisory Board other than deleting the first line? Is there a motion to approve these rates for the 1998 season?

Commissioner Tuley: I thought I did.

President Mourdock: You're right, you did.

Commissioner Jerrel: I seconded it.

President Mourdock: I will now say so ordered. Also in the packet we have the Burdette list of work completed during the week for our full-time and part-time employees. Anything else, Steve?

Steve Craig: No. Joe, I'll get back with you on what we've revised or marked out.

Commissioner Tuley: I've got to talk about Burdette though. Since Steve is here and we're talking about Burdette I almost forgot. I've talked...was it last month, I think, Betty Lou, you were going to put the appropriation in for that \$500,000? I think that's Friday.

Commissioner Jerrel: Yes, and it is.

Commissioner Tuley: Already?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: Okay, good, thanks.

Steve Craig: Is that it?

President Mourdock: Yeah, that's it. Thank you, Steve. One other subject that does bring to mind is one of the things that we have on the board up there and we're quickly, quickly approaching the end of the year and I think we've got most of those accomplished or acted upon to some degree. The one that we, I guess, have reached the least conclusion on is the issue of Burdette Park in defining whether or not it will be a full year facility or part-time. I had mentioned to the Council when the issue of that expenditure came up that we would be willing to hold a special hearing within this normal meeting to see if, in fact, the public had comments about that. That's something we still might want to do before the end of the year.

Commissioner Tuley: That's not a bad idea.

President Mourdock: Time is wasting.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Okay, County Attorney's report, Joe.

Joe Harrison, Jr.: There were two bids on two particular projects that were opened. The first was VC97-16, computer equipment for the Office of Family and Children. There was only one bid submitted.

1. Automated Office Solutions of Evansville  
\$46,181.00

Specific items also bid on and there is probably a provision in there where we can pick and choose certain things if we would like even though there is only one bid: Microsoft NT 4.0 File Server Computers \$4,900.00; Uninterruptible power supply units \$385.00; Laser Jet printers \$1,100.00; Print servers \$350.00; Desktop Computer Video Projector \$5,885.00; and then there were several options that were submitted with respect to software and training. Again, the total bid amount was \$46,181.00. The second project was the Old State Road...oh, I'm sorry.

President Mourdock: Yeah, excuse me. Let's go ahead and take that--

Joe Harrison, Jr.: I would ask that you take that under advisement.

Commissioner Jerrel: I would like to move that we take the bid to Automated Office Supply, VC97-16 under advisement. It's -16 something else.

Joe Harrison, Jr.: Again, it's Automated Office Solutions.

President Mourdock: VC97-16.

Joe Harrison, Jr.: It's VC97-16, \$46,181.00.

Commissioner Tuley: Second.

President Mourdock: So ordered. The second bid.

Joe Harrison, Jr.: The second one was the Old State Road sanitary sewer project. That was VC97-11-04. Two bids were submitted.

1. BMB, Inc. of Evansville  
\$113,304.00

Commissioner Jerrel: Say that again.

Joe Harrison, Jr.: It's \$113,304.

2. Peyronnin Construction Company of Evansville  
\$142,479.70

I would ask that you take these under advisement and review the same for their responsiveness and reasonableness.

Commissioner Jerrel: I'd move approval that we take under advisement the two bids for VC97-11-04.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: I'm sorry, I think Mr....I'm drawing a blank.

Commissioner Tuley: Walther.

Joe Harrison, Jr.: Mr. Walther, Leroy Walther is here from the Old State Road project.

Leroy Walther: Leroy Walther, 8417 Old State Road. You're taking the bid under advisement. What time frame are you talking about?

Commissioner Tuley: It's usually about a week isn't it?

President Mourdock: We normally get those reported back to us at the next meeting next Monday night.

Leroy Walther: Next Monday night?

Joe Harrison, Jr.: Yeah, John Stoll will talk with you and Andy Easley probably about them and then he'll come back to the Commissioners with a recommendation.

Leroy Walther: Oh, okay. Okay, thank you.

President Mourdock: Okay, Tony.

Joe Harrison, Jr.: That's it. The only other thing and I think it was mentioned before was the nonattainment issue and I think that was brought out that the Indiana Air Pollution Control Board will not be entertaining that particular issue at its meeting on the 3rd of this month. It will be another month or two according to Jan McCabe.

### **Superintendent of County Buildings**

President Mourdock: Tony.

Tony Greubel: Okay, if you'll notice at your stations this afternoon I put a new paving list with a new pie chart. That's a little bit different from the one that was in your packets last Wednesday because there was some confusion about Browning Road and that was added back to the list this morning. It was mistakenly taken off last Wednesday.

President Mourdock: So it's on the '97 list?

Tony Greubel: Yeah, it is on the '97, but it probably won't be completed due to funding this year.

President Mourdock: Any other comments?

Tony Greubel: I talked with Mike Shoulders on Tuesday and he gave me some information to help complete the grant application.

President Mourdock: Ah, for the Visitors & Convention Bureau.

Commissioner Tuley: Oh, when is that meeting?

President Mourdock: Thursday, December 4th.

Commissioner Tuley: Are you going to be here?

President Mourdock: I'm going to be here.

Commissioner Jerrel: I'm not going to be here, but--

President Mourdock: You won't be here.

Commissioner Tuley: I'm not going to the conference this year.

President Mourdock: Oh, you're not going?

Commissioner Tuley: No, I'll be here.

Commissioner Jerrel: Is it finished?

Tony Greubel: I can finish it tomorrow. I have it typed--

Commissioner Jerrel: I was just going to make a suggestion. If we could go ahead and get it over there so that in case they have something--

Commissioner Tuley: Prior.

Commissioner Jerrel: --that you have to have prior, you know, even though we've made contact that it is coming I think we ought to get it over there tomorrow.

Tony Greubel: Okay.

Commissioner Tuley: What time is that meeting Thursday, Richard?

President Mourdock: Four o'clock.

Tony Greubel: I'm not sure.

President Mourdock: I'm almost certain it is 4:00.

Commissioner Jerrel: Think we can finish it tomorrow?

Tony Greubel: Oh, yeah that's no problem.

Commissioner Jerrel: Okay.

Commissioner Tuley: That's...where are they at? Oh, at their new office, that's where they're at.

Commissioner Jerrel: Uh-huh, over at the Pagoda.

President Mourdock: Would you go get that form, Tony? I have a feeling that the date that had to be in was December 1st.

Tony Greubel: Actually, I had the feeling it was January.

Commissioner Jerrel: Well, they have January money, but they do it during--

President Mourdock: Their December meeting?

Commissioner Jerrel: They know we're submitting this because we spoke to them about that issue, so it's kind of like the date on there doesn't apply.

### **Consent items**

President Mourdock: Okay. Alright, in the packet consent items including employment changes, travel requests, Weights & Measures report and also I noticed in the travel requests there were two specific packages. One of them made the agenda under the list of consent items, a Harrison High School Parents/Teachers group to donate two pool passes for an after prom party and the other one which didn't show up and I'm not quite sure why HEALTHSOUTH had a request for using one of the facilities out there.

Commissioner Jerrel: No, I think--

Commissioner Tuley: I didn't see that one.

President Mourdock: I guess the comments I would make regarding the Harrison High School one, that's not requesting, at least the way I read it, it's not requesting the use of a facility something that we have done in the past, but that is asking for a cash donation and I personally don't think we ought to do that.

Commissioner Jerrel: No, we don't--

Tony Greubel: Actually, I talked with them on Wednesday and I told them that probably wouldn't be possible, but if they would be willing to take two pool passes and they said that would be great if you're willing to do that.

President Mourdock: Ah.

Tony Greubel: Yeah, just for one day. Two one day pool passes.

President Mourdock: Two one day pool passes.

Commissioner Jerrel: Well, I would like to make a motion that we provide them with two one day pool passes.

Commissioner Tuley: Second.

President Mourdock: So ordered. Okay, then the other request that we had, I guess since this is not in the packet it's a moot point. The one from HEALTHSOUTH.

Commissioner Tuley: Come back next week.

President Mourdock: Or not at all. That is not a nonprofit, that's a business.

Commissioner Tuley: Oh, no, never mind.

President Mourdock: Yeah. Okay, the rest of the consent items we need to act on those.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: I'll second.

President Mourdock: I'll say so ordered.

### **Scheduled meetings**

President Mourdock: Scheduled meetings.

Commissioner Jerrel: Yeah, we have one...you've got December 29th and we're not having a meeting.

President Mourdock: Yes, is that showing up on the schedule because we had previously acted not to--

Commissioner Jerrel: It doesn't show up on this one.

Suzanne Crouch: It doesn't? It showed up on mine. I must have an old one.

President Mourdock: Yeah, this one does not show it.

Tony Greubel: I amended it today to the new calendar.

President Mourdock: If you think any of us would have shown up by accident you're wrong!

**Old business**

President Mourdock: Any old business to come before the Board this evening?

Commissioner Tuley: I've got an issue that I don't know if it's old or new, so we can bring it up under either one. It doesn't make any difference. The reason I say I don't know at one time we talked about reviewing the take home policies and I think the last or the only thing we've gotten to this point is the information that was provided by the County Auditor with regard to tax issues and what have you. In lieu of all the different things that have happened with take home vehicles at the County Highway Department, I have been thinking about it since we started having problems out there with thefts, accidents and at one point a questionable use which seems to have turned out to be an okay use of the vehicle. Just they didn't follow proper procedure for notification. When these people go home every day and come back to the garage in the morning to get their work assignments, go do their thing and then go back home every day and come back in the next morning I really question the need for all the foreman out there to have take home vehicles. Particularly in lieu of the liability factor that we are facing versus what we actually gain by them having vehicles. I really don't think it's necessary other than the Superintendent, the Assistant Superintendent and the foreman that is on call for the week to have take home vehicles. I would like to put that in the form of a motion that effective Wednesday that be put into effect.

Commissioner Jerrel: Well, may I ask a question?

Commissioner Tuley: Sure.

Commissioner Jerrel: Do you recall about during October I think I suggested that as soon as the new Fixed Asset Report is available that we contact every department head with the greenbar. That is the...well, that's the way I described it. The greenbar is the list of the vehicles. Very frankly, about 70 vehicles are Sheriff Department take home and 111 vehicles are taken home by other county employees. To my way of thinking 111 is a major number to not even know who is driving them and for what purpose. So in order to do something correctly rather than a knee-jerk reaction I think we need to...because the ordinance has been in effect since August 15th of 1996. Your body passed it. I think that as soon as the...Suzanne, do you have any indication when that would be ready?

Suzanne Crouch: Next week.

Commissioner Jerrel: Okay, it will be ready next week.

President Mourdock: Excuse me. What specifically will be ready?

Suzanne Crouch: Fixed Asset Report.

Commissioner Jerrel: The vehicles. Like for instance each department, and I think you've got about one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve...at least 14 departments with vehicles.

Commissioner Tuley: You know and I probably wouldn't disagree with your thought process except that all those other departments and all those other vehicles we're not having trouble. We're not having accidents. We're not having thefts and we're not having the problems all occurring not during county work hours.

Commissioner Jerrel: We haven't had any accidents with any other departments?

Commissioner Tuley: I can't say absolutely none, but none has been reported to this Board. Did this accident--

Tony Greubel: The Engineer.

Commissioner Tuley: The Engineer has had two accidents that I talked to the Engineer about since he has been Engineer. Not him personally, but on his staff that occurred during work hours. Both of them moving vehicle violations. Both of them the other driver's fault, not the county employee's fault. One his assistants was rear-ended and the other one, Dave Franklin, somebody ran a stop sign. You guys...I mean, we can do what we want to, but there is just too many things where procedures...the accident the other night. Did you get a call and did you file the actual insurance claims?

Tony Greubel: No, I didn't about an accident.

Commissioner Tuley: You didn't get a call about it?

Tony Greubel: No.

Commissioner Tuley: That was a policy adopted by this Board on August the 11th of this year after Torian, Hofmann & Dillow recommended that be it and we adopted that policy that night and sent memos out. I saw memos going out the next day. My problem with the Highway Department right now is not...I'm willing to review any department. If we've got vehicles out there that are going home that we don't need to be taking home get them off the street and keep them here. I agree with you 100%.

Commissioner Jerrel: How do you think we ought to do that while we're on the subject of reviewing? How do you think with a hundred...let's say we get this packet of the greenbar for each department--

Commissioner Tuley: One of the criteria has to be the people that are taking those vehicles homes do they truly have need to take them home and what I am saying by that are do they go from their homes to a work site on a routine or almost daily basis?

Commissioner Jerrel: Right.

Commissioner Tuley: That can be a justification. The Sheriff's Department to me just having the cars on the streets I am going to be hard pressed to take a bunch of take home vehicles off the street if they are marked uniform cars or unmarked detectives. People who routinely take them and then report into their next day to the office, I agree,

I don't think they need to be taking take home vehicles. I think we have an awful lot of extra maintenance, gas and the potential liability for people driving vehicles to and from.

President Mourdock: That is the key two words, potential liability. I'm just sitting here hard pressed to imagine that except for the Garage I can't see many of our departments having the situation where they report to some job site other than the Civic Center when they first come in the morning. Even at the garage I think the list is very, very, very narrow as to the men it applies to because from what I have seen most of those guys go to the garage the first thing in the morning to start rounding up warm bodies any way.

Commissioner Tuley: Right, right. I agree. I mean, that's my point. Those people, and I don't care, you can call it the Highway you can call it whatever, right now I would like to temporarily suspend the driving...basically the take home vehicles at the garage and we can complete this study. If it sees fit to reinstate them that is fine.

Commissioner Jerrel: We do need to look at the job applications because if I recall that was part of what you all looked at last year. You looked at who was assigned a 24 hour on call duty. Remember that? So you need to change that.

Commissioner Tuley: Yeah, my problem is there are several procedures that are not being followed. We've got procedures, but if they don't follow them. I hate to treat them like kids, but by God if they won't follow procedure and do what they are supposed to do then we'll take their truck away for a while. Maybe they'll get it back later. Now if we get a theft out of a truck maybe we can't help that and maybe if we get a hit-and-run we can't help that, but not calling the Sheriff's Department when we have a wreck is inexcusable and we just put out a policy October...August 11th specifically saying it should be handled through this office and Tony says he didn't know about the wreck. Why?

President Mourdock: Let me go even back one step. When that accident didn't get reported one of the things we specifically did to correct that was have the person driving put the memo on the wall and address it to everybody as to what the procedure was going to be. Remember that?

Commissioner Tuley: We've been addressing the problems as they--

Commissioner Jerrel: Yeah, you mean is our procedure that they notify this office or notify the Sheriff or the Police?

Commissioner Tuley: The wreck...the actual wreck they notified the Police Department. The Sheriff's Department. It was a county vehicle, but then the actual filing of the insurance claim, and this was at Hofmann Dillow's request just basically for coordination and so I think honestly part of it so this office knows what is going on out there--

Commissioner Jerrel: Right.

Commissioner Tuley: --is supposed to take place. Apparently that didn't take...the one on August 11th didn't take place on the theft because that memo didn't go into effect until that night, so I don't have a problem with that one not being handled that way, but this one was in full effect and they were notified.

Commissioner Jerrel: The police were notified?

Commissioner Tuley: The police were notified as far as I know about the hit-and-run, yeah. I don't think there has ever been any problem with reporting to the police other than that first incident, but I mean the actual...there had to be an insurance claim, I hope, if it was a hit-and-run where our guy's vehicle was damaged and he wasn't driving it.

Commissioner Jerrel: Right.

Commissioner Tuley: So hopefully our insurance is going to pay for it, but there will have to be a claim filed. My assumption is there probably was, but it was probably made by the Highway as opposed to our memo of the 11th.

Commissioner Jerrel: Did it go to someone at the Highway Department? Did it go to--

President Mourdock: Did what...the insurance claim?

Commissioner Jerrel: No, the memo.

Commissioner Tuley: Oh, yeah.

President Mourdock: Yeah.

Commissioner Jerrel: Went to the Superintendent--

Commissioner Tuley: It was sent to all department heads. I mean, we can check the memo, but I remember it was prepared that night with a listing of who it was going to and we adopted it.

President Mourdock: Yeah, I remember that too. That's where I remember also we told the person who was involved at that time we gave them specific directions as to how everybody was supposed to be notified as to what the rules were.

Commissioner Tuley: Right, and we implemented them. I don't want to call them knee-jerk reactions, but if a problem is presented to this Board this Board has reacted going back to last fall to problems and correcting those problems. So, I mean, if nothing else get their attention. There are rules to play by and gentlemen, we're going to play by the rules or we're not going to take them. I really think we need to really evaluate and I don't care how many departments you've got there I think you're right. I think every one of them need to be evaluated. If we've got that many vehicles on the road that are non emergency people I would have to question why they have them too.

Commissioner Jerrel: Well, I do think that is important that we must...since you all don't know, I'm new. Since you don't know who is driving the 111 vehicles I think it would behoove use to find out and ask the department heads the purpose of the vehicle and in the case of is it part of their job description and we do view it as a perk? You know, for instance John is sitting here so let's just use him. He has a vehicle and he uses it and I am assuming I don't know what John has ever been told about using that vehicle and I don't know who else has a vehicle in his department. Well, at any rate, let's just suffice to say that there are that many departments and 111 vehicles for which there is not much information and that should begin with what happens in the job description because if a person...if people are on call 24 hours a day does that, in fact, make a difference? If they are not on call and it is just to get to and from work that's a totally different situation.

Commissioner Tuley: Okay. I don't disagree with you on that and I think that's important. Right now I think we know what the facts are at the garage and I am willing to amend my motion to be a temporary suspension until we complete this evaluation for the Highway Department only at this point and at that time when we do this study there is a possibility they could be reinstated if it is so warranted by that evaluation that we do.

Commissioner Jerrel: Well, I don't have a problem with that. You're going to have to...I don't know what we're going to do about the job descriptions because they are, you know, I mean I guess--

Commissioner Tuley: I don't think there is any question that the foremen drive a truck when they're there. I mean, they drive a truck. There is no question about that. Or a county vehicle I mean. It doesn't have to necessarily be a truck.

President Mourdock: You know the thing that I sit here wondering about is, and you made the comment, Pat, and as far as I know you're absolutely correct that all the problems that we've had have been with the garage. I sit here and I think of the number of vehicles there versus a total of 111 and that is staggering to me that does appear to be the case.

Commissioner Tuley: Yeah.

President Mourdock: I mean, is it possible that some of the other departments are having problems, but they are calling the police and they are doing the insurance right and therefore we're not hearing about them? That's a possibility.

Commissioner Tuley: That's a possibility.

President Mourdock: But if they are doing it right that's okay.

Commissioner Jerrel: Now wait a minute. Is it that we don't know anything?

President Mourdock: From the point...yeah, okay. From the point of insurance I am saying it's alright. You're right.

Commissioner Jerrel: We have the information from the garage because we have a network of, you know, conversations so that is a little different then the other offices. I'm not sure that I have any...I mean, I couldn't even tell you how many vehicles.

President Mourdock: I have no greater sense of the real true need of the other departments versus the Highway Department.

Commissioner Jerrel: Right, right.

President Mourdock: What I am saying is at least as far as the policy being used I have not seen anything other than at the garage where we've had the problem.

Commissioner Jerrel: Right.

President Mourdock: Okay, so your motion was to temporarily suspend the use of take home vehicles--

Commissioner Tuley: With the exception...I'm sorry, I didn't make that clear. With the

exception of the Superintendent, the Assistant Superintendent who basically, I would say, are on call 24 hours a day and that foreman who is assigned those duties for that week. The on call duties.

President Mourdock: Okay, and that suspension would be perhaps lifted once the asset study and the total review was made?

Commissioner Tuley: Exactly.

Commissioner Jerrel: I can second that. I think the next step needs to be before you say so ordered that perhaps one of the Commissioners go out and explain this.

Commissioner Tuley: Hey, I'm the one who made the motion. I'll be glad to go out and meet with them.

Commissioner Jerrel: Yeah, I think it's important that someone--

Commissioner Tuley: They're mad at me now, but that's okay. That's why I want to go out there and meet with them. They need to know why and I'll tell them, boys, play by the rules and you might get your trucks back. I shouldn't say boys. I don't want to say boys. I'll get in trouble for that. Gentlemen.

President Mourdock: Yes. Okay, there being a motion and a second I will say so ordered. Any other old or continuing business that we need to discuss?

### **New business**

President Mourdock: New business this evening. I had asked Tony and I don't know do we have a list of all the Board assignments that we need to make? For instance which of us serves on APC, which of us serves on EUTS or whatever?

Joe Harrison, Jr.: I can (inaudible comments, mike not on).

Tony Greubel: Yeah, I've got that in the other room.

President Mourdock: Would you get that and again put it on the agenda for next week and maybe in the meantime we can circulate it so if there are things that work in your schedule and don't work we can identify it.

Commissioner Jerrel: We have to make those the first part of January.

Commissioner Tuley: Yeah, I would like to go ahead and do that too because I am contemplating going back to school, so if I'm going to be--

President Mourdock: Really?

Commissioner Tuley: Yeah. I want...I don't think I can start my masters in January, but it has been six years since I've been in a classroom so I want to at least take a class and get back into the mode of things. If I'm going to be...I'm just saying if I am going to be on Area Plan or something like that I would like to know so I wouldn't schedule a class that night.

President Mourdock: Sure. Okay, so Tony if you would have that in here for next week.

Any other new business? Motion for--

Commissioner Jerrel: Wait a minute. Let's see what...next week we've got--

President Mourdock: Solid Waste?

Commissioner Jerrel: Solid Waste.

Commissioner Tuley: Right.

Commissioner Jerrel: And you've gotten some information, but you're going to get some more because there is a goodly number of end of the year efforts and the appointments are coming up. We all three will automatically serve, but they've requested that we look at the CAC appointments.

President Mourdock: Oh, Solid Waste.

Commissioner Tuley: You're talking about for Solid Waste next week?

Commissioner Jerrel: Yeah, you need to be prepared to recommend or, you know, look at those and decide what you will or will not do. Then the following is...that is Area Plan or Drainage? Which one comes next?

President Mourdock: Next one is Area--

Tony Greubel: Area Plan.

Commissioner Tuley: Yeah, is the third one and then the fourth one is Drainage.

Commissioner Jerrel: Is Drainage, okay.

Joe Harrison, Jr.: We've got a special--

Commissioner Jerrel: Yeah, we have a special meeting.

Joe Harrison, Jr.: --Drainage Board Meeting next Monday after the regular meeting that will be dealing specifically with the reconstruction of Crawford-Brandeis Ditch along Burkhardt Road for that area from what? Virginia to Morgan.

Commissioner Jerrel: That is not on our agenda so we need to--

Joe Harrison, Jr.: Yeah, it's been advertised.

Commissioner Jerrel: It's been advertised, but you need to mark it on the...did you, Joe?

Joe Harrison, Jr.: Yeah, I'll talk to you.

Commissioner Jerrel: Okay, I need to get some numbers.

President Mourdock: Okay, any other new business? Now a motion for adjournment.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:53 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
John Stoll  
Michael Buente  
Rose Zigenfus  
Ken Krasavage  
Randy Rohlfer  
Mary Tiemann  
David Coker  
Valerie West  
Lyly Granger  
Dixie Wagner  
Chuck Webster  
Phil Hoy  
John Blair  
Christine Terry  
Steve Craig  
Leroy Walther  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
December 8, 1997**

The Vanderburgh County Board of Commissioners met in session this 8th day of December in the Commissioners' Hearing Room of the Civic Center Complex at 5:45 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the Vanderburgh County Commissioners meeting of December 8, 1997. We apologize for getting started a little bit late, but we're happy you all made it here safely tonight and hope you get home safely. By way of introductions, at my far right, Tony Greubel is our office Administrative Assistant; Joe Harrison, Jr. is our County Attorney; Commissioner Patrick Tuley; Commissioner Bettye Lou Jerrel; County Auditor, Suzanne Crouch; and our Recording Secretary, Charlene Timmons. We have just a few simple rules, if you will, for our meetings and that is if you choose to speak to the Commission, and you'll certainly have an opportunity to do that if you like, you must come to the microphone. We keep all of our notes on tape and we would ask that when you come to the microphone please state your name and address for the record. Also, by way of our taking public input, I know there are a number of you here this evening on the Boonville-New Harmony Road issue and we would ask that you not repeat the same information over and over and over. I mean, we are simple elected officials, but we don't have the hear something ten times to get the point. With that we can move the meeting along a little bit more quickly. If you would, please join us as is our tradition, with the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: There is a sign up sheet going around here, I think, this evening. If not, Tony, would you be sure to start one so we get everyone who is in attendance here. Also, there are copies of our agenda on the far table if you have not yet picked one up. For our action items, the first one we have this evening is the approval of minutes that are in the packets for December 1, 1997.

Commissioner Jerrel: I would like to move approval of the December 1st Commissioner minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Open bids - VC9801-A, Printing 1998 tax bills**

President Mourdock: Second on our list, City/County Purchasing, Lynn Ellis, regarding several bids.

Lynn Ellis: The first thing I would like to do is ask for permission to open bids for the rebid of the printing of the 1998 tax bills, bid number VC9801-A.

Commissioner Jerrel: I'd like to move...excuse me.

Lynn Ellis: I'm sorry. They will be taken under advisement and a recommendation made

next week.

President Mourdock: One clarification. I know we're rebidding this...?

Lynn Ellis: Yes.

President Mourdock: Or we only got one bid before or what...?

Lynn Ellis: Right, and the decision was to reject that one bid and to rebid.

President Mourdock: Okay.

Commissioner Jerrel: Okay. Now we're asking to open the bids?

Lynn Ellis: Yes, ma'am.

Commissioner Jerrel: Okay. That's what I move approval that we do.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Award bid - VC97-16, Computer equipment  
for Division of Family & Children**

Lynn Ellis: The next item is to ask permission to award bid number VC97-16 for computer equipment. This is for the Division of Family & Children. The recommendation is to Automated Office Solutions in the amount of \$46,181. This includes hardware, software, training and warranty. They are the low responsive and responsible bidder and have provided similar services to the department before and they were very satisfactory and the department would request that the award be granted.

Commissioner Jerrel: Move approval of the recommended bid award to Automated Office Solutions in the amount of \$46,181.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Award bids - APA002-98, Crushed stone  
and APA003-98, Sand and gravel**

Lynn Ellis: The next item is to award bid number APA002-98 for crushed stone to Mulzer Crushed Stone, Incorporated at an estimated annual cost of \$122,998.80 and also included in that is APA003-98 for sand and gravel also Mulzer Crushed Stone at an estimated annual cost of \$15,384.20.

Commissioner Jerrel: I'd like to move approval of the recommended bids for APA002-98 and APA003-98 in the--

Commissioner Tuley: Second...I'm sorry.

Commissioner Jerrel: --amount...to Mulzer.

Commissioner Tuley: Trying to move this along. I've got to go to another meeting as well. Second.

President Mourdock: So ordered.

**Award bid - APA005-98, Surfacing materials**

Lynn Ellis: The next item is to approve the award of bid number APA005-98 for surfacing materials. The request is to award to Jerry David Enterprises. Gosh, I don't know what I did there.

President Mourdock: Should be Gohmann.

Lynn Ellis: Yeah, Gohmann Asphalt...I got carried away with the typewriter...and Construction and E & B Paving and the unit prices are attached. The recommendation is to all three bidders. The bidders selected for each job will be determined by the mileage from the center mark of the job site to the successful bidders' plant times a rate of .12 ton cent...12 cents per ton mile plus a price per ton F.O.B. plant.

Commissioner Jerrel: I would like to move approval of the three, Jerry David Enterprises, Gohmann Asphalt and Construction and E & B Paving, based upon the caveats that have just been described by the Purchasing Director.

Commissioner Tuley: Second.

President Mourdock: So ordered. Lynn, before you go to the next one, I don't recall that specifically in the past we've put that on the...or that came through on the written recommendation or the contract regarding the 12 cents a ton mile. Is that new?

Lynn Ellis: That is new. That was done this year and it was done in order to hopefully make the usage of the vendors more fair and equitable.

President Mourdock: Right. Okay.

**Award bid - APA006-98, Oil products**

Lynn Ellis: The next item is to approve bid number APA006-98. The award is recommended to be split. This is for oil products. Ulrich Chemical for \$4,095.00 and that is to provide antifreeze with the remainder of the items going to Marathon Fuels as the low responsive and responsible bidder in the amount of \$25,233.08.

Commissioner Jerrel: I'd like to move approval of APA006-98, Ulrich Chemical and Marathon Fuels based upon the caveats described by the Purchasing Director.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Award bid - APA033-98, Trash collection**

Lynn Ellis: I made an error in the written recommendation. I just handed you a bid tabulation. BFI of North America, Inc. out of Evansville, Indiana was the low bidder. The extensions in their bid was based upon different evaluations. They formulated their totals differently and when I went back and evaluated the bids over the weekend it showed that BFI is actually the low bidder and so I would move that or recommend for award bid number APA033-98 for trash collection to BFI of North America, Incorporated as opposed to American Disposal.

Commissioner Jerrel: Based upon the recommendation of the Purchasing Director, I'd move approval of APA033-98 for trash collection to Browning Ferris Industries.

President Mourdock: Joe has a question or comment.

Joe Harrison, Jr.: Were they the low bid?

Lynn Ellis: Yes, in all areas.

Joe Harrison, Jr.: Okay.

Commissioner Tuley: I'll second the motion.

President Mourdock: Okay, just to question why the confusion, Lynn? It was just a clerical error in what we have written in our packet versus what the bid tabulation is?

Lynn Ellis: Some of...I asked for options with some of the different sites and one of the vendors included them in their total and one didn't and the options weren't, when I evaluated both bids, were not included because they're...at this point I don't know if we will use them or not. They're available to be used, but in order to evaluate the bids fairly I went through and calculated them the same for each bidder. BFI in all but I think it's one line item, maybe two, is low. In the two that they are not low they are options and they will probably not be used, but they are the low bidder in all the lines.

President Mourdock: Okay.

Lynn Ellis: As you see in the highlighted areas they are low.

President Mourdock: Okay, I just wanted to clarify that. A motion and a second, so I'll say so ordered.

Lynn Ellis: Thank you.

President Mourdock: Okay, thanks, Lynn.

**Final reading - County Ozone Ordinance**

President Mourdock: The next item on our list is the final reading for the county's ozone ordinance. Any further questions? Joe, I think you have a comment or two.

Joe Harrison, Jr.: There are a couple of corrections that I would like for the Commissioners to consider. I will go through it if you want. I've got a red line copy for you all. Just one copy, but on page two of the ordinance, B-2 where it says:

“(see 326 IAC 8-4-1)”

that’s to be deleted. That should not have been in there. That’s a redundancy. On page three, C-4, in the first sentence:

“Upon request by Vanderburgh County”

it should say “and/or” the Indiana Department of Environmental Management. Not just “and”, but “and/or”. Page eight, on number 28, I just deleted the capitalization of coating or surface preparation products, so that is deleted. The words are the same I just deleted the spelling so it is small caps for those particular four words. Page F...I’m sorry, Page 10, little f, it would be 2-f. This should not have been in there:

“The scheduling of periodic ozone alert days and other similar events which encourage the reduction of total VOC material consumption.”

That should not have been inserted there. The intent would also be in Section 4, Pollution Prevention and Education Program. That will be...those items will be addressed between the parties...between the city, county and Town of Darmstadt in that particular section. The last is page twelve and this was a redundancy, F-b where it says:

“Initial compliance statements as required in subsection E above.”

Subsection E above already says that those reports should be submitted to the County Ozone Officer and IDEM. That was just a redundancy, so that is to be removed. Other than that, it stays the same. I went over these with Christine Terry with the Evansville EPA and the city will be doing the same for their draft ordinance as well and the Town of Darmstadt.

President Mourdock: Okay.

Joe Harrison, Jr.: I would ask that you approve those corrections and then consider the second reading.

President Mourdock: Okay, any comments regarding the corrections from the Board or the audience?

Unidentified: (Inaudible)...corrections.

President Mourdock: Any other comments. We would ask you, again, John, please be brief since you did talk about this last week.

John Blair: Yes, I will. My name is John Blair. I live in Evansville. I noticed one of the things that wasn’t taken out was the whereas that was talking about or referring to the ACORN thing. We recommended those things in total. We did not...I was a member of ACORN. Had we recommended on the two things or the three things that you’re coming through on this ordinance with I would have broken the consensus on those recommendations entirely I guarantee you. That one whereas should not be in the ordinance.

President Mourdock: Okay, which page are you referring to?

John Blair: I don’t have the ordinance right in front of me. It was whereas ACORN made

these recommendations because these are not the recommendations that we recommended and I would respectfully ask that you take that out because as I said there would have been no consensus on these recommendations if we had decided just on the level of response that this ordinance provides. The reason I ask that is because the ordinance implies that this has total community support when, in fact, it does not. In fact, if you go back to the hearing last week it had very little support in the community. Again, I would like to emphasize that this ordinance is too little, too late. It's one that should have been developed in 1991 shortly after we became nonattainment. I would also like to stand up on behalf of at least two of the people who were here last week. The \$100 fee...to assess a \$100 fee on gas stations and is it assessed on the spray people, too? To assess such a fee on those people when there is no fee assessed whatsoever on polluters that are as much as 150 or 200 or 1,000 times larger that create the problem far more is highly inequitable. The amount of money that you are going to get from this is negligible compared to the amount of money that is going to have to be spent by the county and I think it's...I think from a question of equity and justice that it is very, very much in the wrong direction. I think that you ought to eliminate the fee altogether because it's not a necessary component of the ordinance and, again, I've got to reiterate that the whereas is totally inappropriate.

President Mourdock: Thank you, John.

Jim Holderread: My name is Jim Holderread. I'm the Deputy Director of Vision 2000, the Evansville Regional Economic Development Corporation. The mission of Vision 2000 is to attract new business to Evansville, Vanderburgh County and southwestern Indiana. By doing so we assist in creating new jobs, broadening the economic base of the area and improving the quality of life. Vision 2000 supports the adoption of the proposed county ordinance adopting ozone reduction remedial measures because the ordinance would put into place the measures needed to maintain the county's status as a US EPA air quality attainment area. In the very competitive world of economic development, prospective companies are searching for the location that enables them to maximize profits and minimize costs. They select locations by process of elimination. They are very cost conscious and sensitive to the regulatory climates within states and regions. They will undoubtedly eliminate locations with the highest costs and the most impediments to development. Most of the companies that we work with consider air quality nonattainment status as a serious impediment to development. Many companies consider nonattainment status to be a deal breaker. Therefore, if an area is designated nonattainment it is simply eliminated from the plant location search even though it may have other positive attributes. We don't want this to happen with future projects. We think the proposed ordinance represents a responsible approach to maintaining air quality attainment status and we urge you to strengthen our ability to attract good jobs and additional investment to Evansville, Vanderburgh County and southwest Indiana by approving it. Thank you very much.

President Mourdock: Thank you, Mr. Holderread. Thank you, we'll enter that for the record, if you would. Anyone else wishing to speak on this issue?

Kent Brasseale: Hi, my name is Kent Brasseale. I'm here on behalf of the Metropolitan Evansville Chamber of Commerce. The address is 501 Main Street. Just a couple of quick comments from the Chamber's perspective. The two enforceable sections in here concerning the HVLP for coating applications and the gasoline dispensing regulations, those were a part of the recommendations of the ACORN group that I among other Chamber members participated in and to that end we do support those measures. I guess just a little bit...to that end we also support this ordinance. I have a little bit of a

reservation though just as far as the last section is concerned relating to the pollution prevention and education program. That, again, is another recommendation that ACORN made and in concept the Chamber and the participants on the ACORN committee did support that and, again, we do support that in concept. I guess my concern is we need to see how that agreement with the two cities plays out and what the details of that program are. I do strongly believe that the pollution prevention and education program...in order for it to be effective at giving us market reductions in our ozone precursors in this county, I do think that is something that is going to have to be applicable not only to the industry in this area, but also to the citizens. What I mean is the outline that is in this county ordinance contemplates the environmental or the pollution prevention audits and participation by businesses in the ozone alert network and I do agree with those things, but I do think that there is a substantial amount of VOC emissions out there that is coming; the paint that we put on our houses, the lawnmowers that we operate, the cars that we drive to work and if we are really going to address this problem the onus of making the reductions cannot be simply on industry. There is just far too much VOC out there being emitted by other sources that somehow we have to address as well.

President Mourdock: Okay, thank you, Kent. Anyone else wishing to speak on this issue? Okay, let me bring up several issues then that our speakers brought up just to see if there are any other directions or other modifications in the final reading. In order by the way they were presented, number one, Mr. Blair brought up the question of removing what would be the fourth paragraph in the document which says:

“Whereas ACORN has determined that the implementation of the provision set forth herein could result in the substantial reduction of daily VOC’s in Vanderburgh County.”

That is the correct paragraph, correct? Is there a motion to delete or alter that paragraph at this time.

Commissioner Tuley: I’m sorry. You’re talking about--

President Mourdock: Yeah, John has brought up...John Blair had brought up the comment that the fourth paragraph:

“Whereas ACORN has determined that the implementation of the provision set forth herein could result in the substantial reduction of daily VOC’s in Vanderburgh County.”

I’m asking is there a motion to either alter or delete that particular paragraph? Hearing no motion, I’ll--

Commissioner Tuley: I’m just...I’m trying to put it in words.

President Mourdock: Okay.

Commissioner Tuley: We’re arguing over words here, but the reality of it is their recommendations were much more than what we really put in this thing, so I don’t know if there is a way to modify it...there is another speaker coming back up here.

President Mourdock: Sure, Kent.

Kent Brasseale: Just a thought I had on that. I don't think this wording necessarily conflicts with what ACORN, to my understanding, what its recommendations were. I think the key is in order for that recital to be accurate it is going to need to contemplate that the pollution prevention and education program would be implemented.

President Mourdock: Right.

Kent Brasseale: From the ACORN committees' research and determinations the PP & E program did seem to offer the greatest amount of reductions, so I think assuming that it does actually get implemented in conjunction with the two that are already enforceable in here I personally don't see a conflict with this recital.

President Mourdock: Okay, would it be fair to the process and having sat through a lot of the ACORN meetings, not all but many of them, would it be a more accurate presentation to simply strike the word substantial?

Kent Brasseale: That was going to be my second recommendation. If we're just looking at the two enforceable provisions in here they are not the bulk of what ACORN believed to--

President Mourdock: Right, 65% is my recollection.

Kent Brasseale: Taking the word substantial out would be a little more accurate.

President Mourdock: Yeah, it's my recollection that the Pollution Prevention Task Force was accounting for 65% of the reduction. Maybe you...that's off the top of my head, but I think that's right.

John Blair: You know, maybe with a...John Blair again. If you had indicated that ACORN made a series of six recommendations that were to have taken place by 1999 and outlined what those recommendations and what our goals were, you know, maybe taking one word out of that would suffice, but like I said, ACORN was a consensus process. We went through the whole process consensing between very divergent groups. What we got was how I felt at least as a participant was the minimum that we could possibly get as far as reducing ozone in Vanderburgh County. Taking that into consideration and then saying that we're only going to adopt enforceably two of the measures that we recommended, especially with the lower reid vapor pressure gasoline--

President Mourdock: Let me interrupt you, John. Let me interrupt you, please. The final recommendation that came to us included four things.

John Blair: And two things that would be in 1999 if we hadn't reduced by this summer.

President Mourdock: The four things that were sent to us in that package we initially included in here realizing that, and I think you'll agree, I think, that the Pollution Prevention Task Force is something that would be very difficult under an ordinance to enforce, so we included it in here to have that section. The third thing, which is now no longer in here, we did include pursuant to ACORN's recommendation. However, it was the State of Indiana that caused us to have to take that out by saying that if we included it, it was unenforceable and, in fact, illegal, so we had no choice but to do that. The question here--

John Blair: I think--

President Mourdock: Excuse me once again, the question here is simply what can be included at this point. I'm trying to get the wording that is sufficient to what ACORN's purpose was.

John Blair: This does not represent what ACORN recommended at all. ACORN went on record in one of the meetings with a vote of 20 to 1 to include the regional environment as part of our thing. The consensus was broken by one--

President Mourdock: And you know we have no authority to do anything regionally at this Board.

John Blair: --person. What I am saying, the consensus was broken by one person who worked for SIGECO, who has power plants in Vanderburgh, Warrick and Posey County. That is who broke the consensus. Now had I been sitting there I would not have consented to this. I do not think this can be represented as ACORN's recommendations. I think it's really fraudulent to do that.

President Mourdock: Okay, thank you and we had another member of ACORN who said that he felt that it does--

John Blair: Well, it's a consensus. If we disagree, then it is not a consensus.

President Mourdock: Okay. Let me go back to where I was a moment ago. Is there a motion of this Board to:

- A. Delete that paragraph
- B. Reword the paragraph or
- C. Strike the word substantial

Is there a motion to do any of those things?

Commissioner Jerrel: Your recommendation was that the word 'substantial'...?

President Mourdock: That was a suggestion, yes.

Commissioner Jerrel: I think that's a reasonable suggestion to remove substantial.

President Mourdock: That's a motion?

Commissioner Jerrel: That's a motion.

Commissioner Tuley: Second.

President Mourdock: Okay. Mr. Blair's second point was regarding the fee that is included for operators. The fee is presently at \$100. Is there a motion to alter that fee or eliminate that fee? Okay.

Terry Raley: My name is Terry Raley.

President Mourdock: Excuse me, get a little closer to the microphone and then say your name then we'll hear it otherwise we won't get it.

Terry Raley: My name is Terry Raley. My wife and I own the convenience store in

Earle, Indiana, the Marathon station. I'm a little confused why gas stations and convenience stores should be charged a \$100 fee when that fee is not across the board to everyone that evidently pollutes.

President Mourdock: That's a fair question.

Terry Raley: I don't think that is fair at all. If you're going to charge a fee, let's make it fair and charge everybody.

President Mourdock: Okay.

Terry Raley: Because every time I turn around and open up a piece of mail I am getting a new fee, a new tax and I'm quite tired of paying it.

President Mourdock: Okay, for my notes would you state your name, again, I'm sorry.

Terry Raley: Terry Raley.

President Mourdock: Raley?

Terry Raley: I own the Marathon station in Earle, Indiana.

President Mourdock: Okay. Joe, do you wish to address that. I know that last week you had a couple of comments regarding the fee.

Joe Harrison, Jr.: The intent of the ordinance is to use that fee to help enforce that section of the ordinance and the same fee would be also included in the city's ordinance and in the Town of Darmstadt's ordinance. It's just one of the ways to help offset the cost of implementing this ordinance on behalf of the taxpayers without raising taxes.

Terry Raley: I am a taxpayer and I am tired of paying fees just randomly every time I open up the mail. It's for this, for that and it is just getting ridiculous. To charge one person and not everybody else, that's not fair.

Commissioner Jerrel: Mr. Raley, I'm going to make a motion that will make you real happy. I'm going to move that we eliminate the fee. I don't think we have enough information to guarantee it's going to collect enough to do what we want it to, so I am going ask that it be eliminated.

Terry Raley: I appreciate that, thank you.

Commissioner Tuley: I'll second.

President Mourdock: Okay. Joe, I'll trust you to find the right paragraph to delete--

Commissioner Jerrel: It's page three, item three.

President Mourdock: Ah, thank you.

Joe Harrison, Jr.: Were the previous--

President Mourdock: I'll come back to those. Okay, so page three, Section C, Paragraph 3 is therefore deleted in its entirety. The last comment that I had were

regarding Joe Harrison's recommendations as a whole. We need a motion to accept those recommendations regarding the typos and such.

Commissioner Jerrel: Yeah, On page two delete the parens; on item eight, deletion of item 28 on page eight; on page ten, deletion of last sentence on item f; and on page 12 remove B.

Commissioner Tuley: Second.

President Mourdock: Okay, so ordered. With those changes noted...Joe, do you have a comment?

Joe Harrison, Jr.: No.

President Mourdock: Oh, alright. With those changes and revisions noted, then we have the ordinance on final reading and I would call for a motion for passage.

Commissioner Jerrel: I'll move approval of the amended Ozone Reduction Remedial Measure Ordinance.

Commissioner Tuley: Second.

President Mourdock: Okay, and since it is a county ordinance we need to do this by roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I vote yes, so the final plan is approved.

Joe Harrison, Jr.: We will need to have a motion to either publish the whole ordinance again or a portion of the ordinance again, probably a portion, regarding the fee provision so the public is notified of that.

Commissioner Jerrel: Could we recommend that the portion alone be advertised? It's \$1,000 to run that ad.

Joe Harrison, Jr.: I can work something out.

Commissioner Jerrel: Do.

President Mourdock: We need a motion that the County Attorney work something out.

Commissioner Jerrel: I move that the County Attorney work something out so that we just advertise that section.

Joe Harrison, Jr.: We'll have to make mention of the ordinance and the fact that the provision was deleted and I'll specifically reference the fee so it's elaborated.

Commissioner Jerrel: Okay, I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Rose Zigenfus - EUTS 2020 transportation plan final hearing**

President Mourdock: Okay, our next item of business then is the final hearing on the EUTS 2020 transportation plan. I know there are several who wish to comment on that, but first of all we have Rose Zigenfus from EUTS. Rose. Go right ahead, Rose, whenever you are ready.

Rose Zigenfus: Thank you. I'm Rose Zigenfus. I'm the Executive Director of the Evansville Urban Transportation Study. Following last week's presentation I was asked to come back this week to kind of give you all a chance to look at the plan, think about it, get some input from the public and I know that is why everyone is here. I've given you a packet of information that first of all shows the 2020 transportation plan color coded and then the projects that are listed according to the years 2000, 2010 and 2020. You know, talking about the ozone ordinance, part of our transportation plan and part of ISTEA requirements stipulate that there are certain provisions in the Clean Air Act that we must meet and part of that is done through a modeling process to determine whether or not we meet conformity. We were required by Federal Highway to break out those conformity milestone years as such, the years 2000, 2010, 2020. So looking at the projects in Vanderburgh County based on what is committed, what is proposed, the first sheet lists Vanderburgh County projects as Burkhardt Road and Lynch Road which are already under construction. On the second page, for the year 2010 for Vanderburgh County...CE by the way means City of Evansville, but if you go down to VC the first project listed is Boonville-New Harmony Road, and these are only in alphabetical order and not in any stage or phase for time frame. Boonville-New Harmony Road from Eichoff-Koressel to St. Joe an improved two lane facility. I know there has been some news on the radio today where they are expecting it to be four lane. That has never been our intention. Also, Boonville-New Harmony Road from St. Joe to I-164, also an improved two lane. Vanderburgh County, also Burkhardt Road between Newburgh Road to State Road 66 and then from 62, which is Morgan Avenue, on up to Lynch Road widened to four lanes. Also Eichoff-Koressel Road from 62 to State Road 66. Green River Road from Lynch Road to Heckel Road. Lynch Road from Oak Hill to 62. Now the portion from Oak Hill to Burkhardt is already under construction and we're looking for the second phase from Burkhardt to State Road 62 to be completed by the year 2010. Millersburg Road between Oak Hill and Green River Road an improved two lane. Mount Pleasant Road between Darmstadt and US 41. Old State Road between Campground and 41. Those are the projects that we have run in our model for air quality conformity determination for the year 2010. For the year 2020, Baseline Road between Eichoff and 57 an improved two lane. Darmstadt between Kratzville and Boonville-New Harmony Road also an improved two lane. Eichoff-Koressel from State Road 66 to I-164 a new two lane facility. Green River Road from Heckel to Boonville-New Harmony an improved two lane. Heckel Road between Oak Hill Road and Green River Road an improved two lane. Hogue Road between Eichoff-Koressel to Tekoppel an improved two lane. Mill Road between Eichoff-Koressel and St. Joe an improved two lane. St. George from Oak Hill to Green River Road. That is a new corridor extension and we're looking for two lanes there. St. Joseph Avenue between Mill and Boonville-New Harmony, we're saying upgrade that to two lane...to an improved two lane. St. Joe from Boonville-New Harmony Road to Baseline, that also needs to be improved to a standard 12 foot travel lanes. That is what improved two lane means, 12 foot travel lanes with shoulders.

President Mourdock: That is what that means in all cases?

Rose Zigenfus: In all cases except in the city where they may be putting in curb and gutter. That decision has not been made yet. In all cases our model demonstrates conformity with the Clean Air Act given that all of these projects are in the plan. This is what was modeled, this is what demonstrates conformity. It is our recommendation that the county approve or accept the 2020 transportation plan for Vanderburgh County. I'll be glad to answer any questions.

President Mourdock: Pat?

Commissioner Tuley: Not right now.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: Just clarify, if you would, when you say it is conforming to the 1990 Clean Air Act is that specifically for ozone particulates or--

Rose Zigenfus: Yes, it's for ozone.

President Mourdock: --the whole thing?

Rose Zigenfus: No, it is just for ozone.

President Mourdock: Just for ozone.

Rose Zigenfus: Because the vehicle emissions have to be demonstrated at a point lower than our approved SIP, which is the State Implementation Plan, budget for emissions. As long as we are under that budget for those milestone years we are in conformity.

President Mourdock: For your modeling purposes did the ordinance that we just passed come into play? Did you give in your modeling that ordinance any credit for reducing any of the precursors?

Rose Zigenfus: No, there is no provision for that. It's just based on vehicle miles.

President Mourdock: Vehicle counts?

Rose Zigenfus: Vehicle miles traveled.

President Mourdock: Okay, thank you. Okay, thank you, Rose. I have a hunch there are a few people here who would like to speak to this plan. Mr. Shively, you may go first.

Les Shively: Mr. President, members of the Board of Commissioners of Vanderburgh County, my name is Les Shively and I am up here this evening representing three businesses at the intersection of Boonville-New Harmony Road and Petersburg Road identified as the Hornet's Nest, The Pizza Depot and The Store which is a Marathon service facility/convenience store. All together which represent an excess of \$1 million in investment in real estate improvements along exclusive of land. This proposal that's in the transportation plan would essentially wipe out these businesses. Under the laws

of eminent domain a person certainly is to be compensated for the loss of the land and improvements, but it is very, very difficult if not impossible to replicate a business, loss of business or being placed in the same position as you were before. The Store in particular is a unique facility. In fact, there are not too many convenience stores within the McCutchanville area which is one of our more rapidly expanding quality single family residential areas in this county. And really to replicate what they do there and who they serve would be next to impossible. Also, it is further complicated by the depth of their property. The Hornet's Nest goes back many, many years. A very traditional place which a young couple has recently taken over. They have invested most of their life savings in continuing this business. They have been very successful. The Underwoods are working very, very hard to do that. They have been successful. They've got over 40 employees. As close as they are to Boonville-New Harmony Road if we are talking about 12 foot lanes, travel lanes, we're talking about 10 foot shoulders plus the other mandated right-of-way you're talking about effectively eliminating that building, a total take as they say in the parlance of eminent domain proceedings. I've been up here before you on many occasions on land use matters especially in the McCutchanville area and you all have given a clear signal to me on a number of occasions that you agree with the majority of the people out there that this unique part of Vanderburgh County is growing as a quality residential area. We have Eagle Crossing with the golf course and many home sites there. We have Oak Meadow that is in the process of rebuilding and expansion there, but it is residential and it has a unique rural character. This type of road project will totally destroy the ambiance of that unique community not to mention the impact it will have on these particular businesses. In 1993, and this is based upon talking to some of the folks out in the McCutchanville area who have been following this a lot closer than I have, the Board of Commissioners at that time took up the transportation plan of EUTS and it is my understanding that they rejected that plan. What you have before you in this plan is not only a rehashing of 1993, but it appears to even be an enlargement of that particular plan. Now, Ms. Zigenfus has presented this as something that is mandated that has to be done as part of other projects for environmental purposes. The proceeding action taken by this Board of Commissioners is a very proactive step that deals directly with air pollution is not taken in consideration in this in plan and should be. The ultimate decisions that are made in this community of how tax dollars are spent on road projects rest with you. The EUTS entity was something envisioned 25-30 years ago, somewhere in that range, to assist local communities realizing that most of the money that was coming for highway projects was largely federal and state to assist them in how to obtain those dollars and to use those dollars wisely in the best interest of the community, but the law never changed the fact that the ultimate decision on whether those projects should happen is a decision made by the elected representatives and that hasn't changed. It still is the law. I think you all are pretty sophisticated, you have an excellent county highway engineer to know what the priorities of this community should be and ultimately you work for the taxpayers. Over 450 signatures have been obtained on petitions in opposition to this project and even with the inclement weather we've had today that sort of snuck up on us we have a room full of people who are not just here because the Monday night football game is not of much interest to them. They're here because of their commitment to their homes and their properties and they know once the expansion project is given official endorsement and proceeds towards funding and such their remedies are limited. We ask you to do what was done by this Board in 1993, take this out of the plan and let these people have a little peace and serenity in the fact that their elected representatives are listening to them. Kill this Boonville-New Harmony expansion project as part of this plan and let's keep McCutchanville and that area the way that we have envisioned it always to be and the way we want it to be in the future. Thank you.

President Mourdock: Okay, thank you, Mr. Shively. Excuse me, before you get started sir I think this is just a technical request, but since the EUTS plan is before us and specifically now Boonville-New Harmony is before us, if any of you wish to speak on an issue other than that, other than that one part of the plan, I would ask that you just hold off until we get through the Boonville-New Harmony section. Sir, go right ahead.

Gene Koch: Thank you. My name is Gene Koch, it's K-o-c-h, and I live at 1821 West Boonville-New Harmony Road. I don't know Mr. Shively. We didn't get together, but I will ask if you'll permit me a few redundancies. If I get out of line here...

President Mourdock: We have a trap door under there!

Gene Koch: My perception is that the vast majority of the residents on Boonville-New Harmony Road are very much opposed to this project. I think our concerns lie in the area...three basic areas of concern. Quality of life, safety and economic costs. In the area of the quality of life, this expansion of this road would give us much additional traffic. There is this thing called the turnpike effect which draws traffic to an area where it wasn't before. It will draw it in from other areas. Higher speeds. A wider road enables and actually encourages this. Large truck traffic. Trucks will migrate and I am quite sure be forcibly routed to a major thoroughfare. That happens everywhere and I don't think this would be an exception. Twenty-four hour traffic, especially large trucks. Today Boonville-New Harmony Road pretty much quiets down seven to eight o'clock in the evening. There is some traffic, but it's negligible and we certainly don't have large trucks. A major thoroughfare would encourage large truck traffic and these trucks run 24 hours a day whether they are hauling coal, other goods or whatever. There is a noise factor that just additional truck and vehicle traffic and higher speeds would increase the noise level in the area. There is a congestion factor. The additional truck and car traffic will affect the movement of local traffic and the access and egress from side roads. There are 37 roads that intersect with Boonville-New Harmony Road. Cross roads, T-roads. That's the count. That kind of structure is not appropriate for a major thoroughfare. The last issue under quality of life that I have is the environment. This would really damage the environment because we're going to destroy much landscape, many large mature trees and, of course, there is going to be additional pollution in that area from the additional traffic. In the area of safety, we're concerned for the children getting on and off of school buses on that road and having to cross that road. Even those living back in subdivisions the children are let off at the road. There are children playing near the road. Not in the road, hopefully, but near the road especially in areas where the homes lie close to the road and there are a number of areas along the road I'll mention where we have bilateral clusters that when we get to the point of trying to move a road, relocate it to minimize the impact, it can't be done because there are clusters of homes on both sides. There is also concern for the elderly. The area has a number of elderly residents. These people have to cross the road to get their newspaper, their mail. They also have to get out on this road and travel this road. Again, they have to try to get in and out of their driveway onto this road. That's a concern. The other safety concern of the higher vehicle speeds, additional traffic and, again, the presence of large trucks, all negatives from the safety standpoint. In the concern area of economic costs I think the one that is foremost in the minds of the people here and virtually everyone on the road would be a significant reduction in property values of many quality homes. I've had estimates from real estate people as high as 30 percent. Quite honestly, I think that is probably a conservative number. If you can picture a home of a certain value sitting on a relatively quiet country road today and put this on a major thoroughfare I think you can visualize how 30 percent is not out of line at all. Another area of economic cost would be the destruction and movement of

a number of homes. Many homes sit close to the road. There are areas where you cannot widen the road, you can't straighten the curves without going into homes and having to move these homes or destroy these homes. We also have the concern...it's not really a concern, but it is certainly a big cost factor of the relocation of many utilities. SIGECO's St. Wendel Substation sits right on the road at the corner of Boonville-New Harmony Road and St. Joe Avenue. This would have to be relocated. It can't be more than 12 to 15 feet off the road because SIGECO can't park a truck in there straight. Also, there is a stretch of about a mile of the large utility poles carrying, I believe, 69,000 volts to and from this substation. There is a main water line that runs virtually the length of Boonville-New Harmony Road. I believe it goes from the western end all the way to Green River Road, just one small segment there. That would have to be relocated. We certainly don't pave over water lines. There are two and a half miles of pressure sewer line in the Town of Darmstadt that would have to be relocated. That's not to mention the natural gas lines the whole length and in some areas buried telephone cable. Another economic cost would be that required to straighten curves. By my account there are 12 curves that would need to be straightened to some degree or another. All but one of those curves, to straighten it, would be moving into or require the destruction of homes. There is one that would actually move away from homes, but that is the exception. Several of those curves, to straighten them, would require traversing deep ravines. Again, there would be a significant cost. The last area of cost is the purchase of right-of-way. We're not talking about purchasing I'll use the term relatively inexpensive farmland because it's not cheap. We're talking about purchasing high residential, high quality, high priced residential property here and homes. So in summary, the impact of this project on the quality of life, safety and property values of the residents of the road would be monumental. The majority of the road passes through prime, mature residential areas as well as the Town of Darmstadt. Many homes are close to the road and would have to be moved or be severely violated. Finally, the road's curvy, hilly topography cannot be effectively modified for use as a major thoroughfare. With this I am asking the Commissioner to vote unanimously to instruct EUTS to remove the Boonville-New Harmony Road expansion from the plan and to refrain from resurrecting this issue in the future. Our residents need to be assured that they can live without the constant fear that this issue will be raised again. Thank you for listening to us.

President Mourdock: Okay, thank you, Mr. Koch.

Julie Mallory: Nothing prepared comes from the heart. I'm Julie Mallory. My husband and I just retired back to Evansville after being gone for 30 years. We decided we wanted to grow old with friends and people asked us where did you buy your home and we said McCutchanville and they go, oh, it's such a lovely place. After this road goes through they will just say, oh. One thing about Evansville is that it really hasn't changed much. They wait until things build up and then they plow through a road and I'm thinking Burkhardt Road also at this time. I said I want to speak from the heart because I am concerned with my neighbor. Those of us who live between Old State and Browning Road have a marvelous neighbor. Our neighbor is Camp Reveal. This project would bring a road dangerously close to their community hall. The marvelous thing about Camp Reveal are the children that play on the grounds during the summer unfenced. They are not brought out to Camp Reveal and then it's said we don't trust you, you will not run away, but they are giving confidence to these children by having no fences. If this road goes through property will have to be fenced. I'm concerned about the safety of the children who go there. There isn't a weekend that goes by that the property is not used by a group, mostly children. As I said, I'm speaking from my heart. I hope you vote with yours. Thank you.

President Mourdock: Thank you, Mrs. Mallory. Sir.

Unidentified: Good evening. I had quite a little bit of information prepared and after the first two speakers I am pretty much down to about one question. I understand that it's...I figured if you expand both the eight foot lanes to 12 foot lanes and then two ten foot shoulders we are adding 28 feet and then how much farther beyond that are we talking in right-of-way or a clear cutting zone? I mean, what is the total impact that we are talking about in width?

President Mourdock: I will pose that question to County Engineer, John Stoll. While John is collecting his thoughts on what the total width would be I also need you to state your name for the record.

Don Lochmueller: Oh, yes. I'm sorry. I'm Don Lochmueller and I'm a resident living on Boonville-New Harmony Road.

President Mourdock: Okay, state your address.

Don Lochmueller: It's 1920 Boonville-New Harmony.

President Mourdock: Okay, thank you. John.

John Stoll: Right off the top of my head I'm not sure what that might be because it would depend on the depth of the ditches. You would probably have a 3:1 slope on the ditches, on the front slope and back slope of the ditches and then whatever area needed for the flow, so if you had a one foot bottom ditch and it was one foot deep you're going to be looking at another eight feet on top of that for an open ditch.

Don Lochmueller: Okay, so we're talking 28 feet highway and shoulder and then another eight feet for a ditch or are we talking about clearing any woodlands or anything past that point?

John Stoll: There again I'm not sure because it would all be dictated on what the federal aid standards would be at the time of a project like that.

Don Lochmueller: So this could vary greater than that?

John Stoll: It depends on if--

Don Lochmueller: Or less than that?

John Stoll: --I would--

President Mourdock: The answer is it depends. Sometimes it could and sometimes it wouldn't.

John Stoll: Right.

Don Lochmueller: It sounds to me like we're hearing just the bottom end of it.

John Stoll: It depends on if clear zones come into play. The federal highway guidelines have things called clear zones which you need an obstruction free zone from the edge of the pavement on out, so it depends--

Don Lochmueller: So it could in some places be more than that it sounds like.

John Stoll: It could be.

Don Lochmueller: Thank you.

President Mourdock: Thank you. Anyone else to speak on Boonville-New Harmony Road with new information? Yes, sir, you're closest. Two others after you.

Roger Steinkuhl: My name is Roger Steinkuhl. I live at 13425 North St. Joseph Avenue. I have a technical question. When the Town of Darmstadt incorporated they took over the roads and we have been maintaining Boonville-New Harmony Road from about an eighth of a mile west of St. Joe Avenue to the railroad track by the 4-H Center. Also, St. Joe Avenue from south of Orchard Road to Sensmeier Road. Now if those roads are ours what's the deal here?

President Mourdock: Not being an attorney I'll take a shot at that, Roger, but I'll expect Joe to help me here. First of all, I guess for the City of Darmstadt...the Town of Darmstadt to do something they would have to act independently and that would also pose the question which I think the Town of Darmstadt Board would have to endorse the EUTS plan as well since they are included in it. Is that right, Rose?

Rose Zigenfus: I don't know. That question has not been raised before.

President Mourdock: Yeah, that is an interesting question.

Joe Harrison, Jr.: I would concur that if, in fact, that is the case--

President Mourdock: Give me a law degree!

Joe Harrison, Jr.: --just like the city would have to endorse those areas within the city if, in fact, the Town of Darmstadt has the jurisdiction like you're stating I would assume that they would also have to give some consideration to the plan and consider the same. I'm sure that Rose can check on that for us though. I'm sure she will.

President Mourdock: Okay, someone over in this corner had a comment.

Rudy Montejano: Good evening. My name is Rudy Montejano. We reside at 2512 West Boonville-New Harmony Road. Our little community probably extends from St. Joe to the water tower and we have approximately 18 homes in that area. We all oppose it, of course. Let me put a little spin on this. The previous speakers have already covered more than adequately the substantive legal reasons why not. Let me give you a small projection into the future. This young lady...is it Zigenfus?

Rose Zigenfus: Zigenfus.

Rudy Montejano: Zigenfus, yes, ma'am, talks about modeling, reference modeling, at least 10 maybe almost 12 times earlier this evening. I don't know exactly what modeling she was referring to, but let me give you a model that is reality. I was born and raised in southern California. We moved here in 1991 and built our home on Boonville-New Harmony. We fell in love with the area. A beautiful area, rural, a natural asset which should never, never be destroyed. I suggest that instead of weighing the modeling of the EUTS representative all of you take a flight out to southern California and you will see

modeling in reality of what happens with these road improvements and these road enhancements. It becomes a zoo. Now, if that's what you want then you approve this ill-conceived plan. I suggest to you that you really want to retain the character of that area, residential and rural, and retain it for the benefit of the residents not the bureaucrats who have these abstract plans, but they tend to destroy neighborhoods, they tend to destroy residential areas, they tend to destroy natural, beautiful areas. Why on earth would you ever consider an ill-conceived plan based on so-called modeling? We oppose it. Thank you.

Ralph Mallory: My name is Ralph Mallory. I reside at 1027 East Boonville-New Harmony Road. You just heard my wife talk a little bit a few minutes ago. I heard something here this evening and let me prefix what I have say by I just...when we retired here I came down from Chicago where we have a good deal of ozone ordinances up there and we were used to them. I was also a Director of Environmental Affairs for the Sara Lee Corporation in Chicago and as such we had well over 200 plants here in the United States, all over the United States. One of the things that I heard this evening it was implied if not stated that this plan was a requirement for the state to meet its state implementation plan for the Clean Air Act. Then as Commissioner Mourdock asked, has the ordinance been factored into that plan? I would question whether you could even act upon that plan if that is not true. Especially if you have an ordinance at third reading already. Also there might be other ways around a plan for...a transportation plan other than just to go in and disrupt the streets that you have looked to disrupt right now. That's all I had.

President Mourdock: Okay, thank you, Mr. Mallory. Any other comments on Boonville...last one then.

Unidentified: I'll be short. Going back to what--

President Mourdock: Name and address.

Phil Sorenson: Phil Sorenson, 2220 West Boonville-New Harmony Road. The lady that was up here previously mentioned that this seemed like something that was being rushed into like we always do in Evansville. Living out in that area and seeing the traffic that we have now and seeing what is going to be in the future going from, you know, east to west I don't see why you would waste time with two lane roads when we can keep the two lane roads that we have and put in some four lanes and there is nothing even in the plan for this. I'm not talking about going up to the interstate. I mean, go out to Baseline and instead of making it two lane make it four lane. You know, you're not disturbing the residential areas that you are. You wouldn't have the impact on people's lives that far out. You would be more...we're going to grow that way anyway with the industry that is north it's already out there. Azteca, they're going to need east to west. I don't see why you are messing with a road like Boonville-New Harmony Road just to make it a two lane road. I mean, it's just a thought. I'm sorry.

President Mourdock: No need to apologize. Thank you. New information.

Eric Gries: Eric Gries, 1643 West Boonville-New Harmony Road. Where is all this traffic going? It's a residential neighborhood. There is no businesses to speak of west or north or east of where we live. You get a little traffic early in the morning. People are going to and from work. I want to get out of my driveway I might have to wait for four cars, big deal. You get a little traffic in the evening they're going back home. As Mr. Koch said, other than that there is not much. I wonder why we need...she has

proposed...Ms. Zigenfus has proposed a two lane road with a clear zone and so forth. That's a stepping stone. Nobody is going to propose a two lane road like they would propose a four lane road. It's a stepping stone. You get this passed all you've got to do is paint a few lines and you've got a four lane road. There is not enough traffic for this. Thank you.

President Mourdock: Okay, thank you. Any questions of the Board to any of the speakers on the base...or Boonville-New Harmony Road situation? Bettye Lou? Okay, I said before we wanted to narrow in on Boonville-New Harmony. Is there anyone here wishing to speak to any other part of the plan that was presented this evening? Okay, I'll presume you're all here on Boonville-New Harmony which doesn't really surprise me, but I just wanted to check that. Okay, general discussions regarding the plan?

Commissioner Tuley: The only thing, I've sat up here this is the fifth year that I have been sitting up here and I'm supposed to be up here, I guess God willing, for three more years at least anyway. Earlier you made the comment when they first got started that, you know, we may be...I'm not sure exactly the wording you used. Something about elected officials, but you don't have to hit us twice or three times or four times. This is the second time I've been hit with this same brick and here it is and here you are. I think we need to take it out of the plan.

President Mourdock: Okay. Bettye Lou, comments?

Commissioner Jerrel: I'm prepared to make a motion, but go ahead. Go ahead and make your comments.

President Mourdock: Yeah, let me just add my comments. I agree for several reasons and I think it was Ms. Mallory that brought Burkhardt Road in and if you notice closely as soon as you say Burkhardt Road in this room all the Commissioners automatically wince because we constantly hear about the problem that we have with Burkhardt Road and quite honestly even though we are spending millions of dollars on Burkhardt Road right now we are applying what is obviously a band-aid. As I look at the Boonville-New Harmony situation it appears to me all this plan would do would be to apply another band-aid. Band-aids may cause a little bit of healing, but in this case I think we need to do something totally different. Mr. Sorenson mentioned the possible use of Baseline. To be honest with you, by the time this plan would be in effect there will probably be, given our current growth, as many houses on Baseline as there currently are on Boonville-New Harmony. I would encourage EUTS in the strongest way I can say it to try to find a route, a brand new route, just as we have Eichoff-Koressel being designated a brand new route, try to find a brand new route between Baseline and Boonville-New Harmony. This would do two things. Number one, it will avoid a lot of the disruption that the people in this room have legitimate concerns about; number two, it would do something very novel from the point of Vanderburgh government. It would actually encourage a planned development. If we put a new road across that section of the county one thing you can be certain, at many of the 37 intersections that Mr. Koch mentioned there would be some new development. I don't mean necessarily Eastland Malls, but more the types of things that Mr. Shively spoke of. Just some local service-type things. I think those types of things can be made to fit into a residential area and make some sense. Most importantly, I feel and I would ask Rose based on our vote here in a moment, but I would ask you to find a way that we can come up with that type of road which would have even a better affect on air quality because you are not going to have necessarily the stop signs and all the intersections. If air quality is going to be improved by a new road it would be best improved by a straight road where there is not all the acceleration and

deceleration. That's my speech on this subject. Bettye Lou, I would look to you for a motion.

Commissioner Jerrel: Well, I'm not going to say anything. I'm just going to move that we remove Boonville-New Harmony Road from this project.

Commissioner Tuley: Second.

President Mourdock: I will say...I will say so ordered and hopefully this being the second time this vote has been taken, Pat, this truly has put a bullet in this thing.

Commissioner Tuley: I hope.

President Mourdock: For the record, we will also enter all the names of the folks who sent in the petitions and the brick that Pat held up a moment ago.

Unidentified: Will you take into consideration the people who put their name on the list, the people who were here today, too?

President Mourdock: Yes, that is what I am saying. We will enter all those names into the record. You bet. Alright, you're welcome to stay or if you like we will take a moment and let you exit. I don't know why you would want to leave a fun meeting like that! Okay, I would pass this notebook over. This is also part of the record to be entered. That is a list of signatures. Alright, I'm glad you didn't leave us, Rose. I feared you were going to be swept away there.

Rose Zigenfus: I almost did.

President Mourdock: We need to come back to the plan as a whole. Are there any other comments of this Board regarding the plan in its entirety or, Rose, do you have any other comments?

Rose Zigenfus: By the way, if I were to move it somewhere in between Baseline and Boonville-New Harmony it's going right through my house and that's not going to happen! Please don't put that in the paper. I'm teasing.

President Mourdock: Okay, we need yet to...go ahead.

Rose Zigenfus: If you look there is really not any good way to do it across there.

President Mourdock: Please do look at it. I've seen roads built in peculiar places and I'm fully aware and I thought what you were going to say a moment ago is if we did that the agricultural community would be in here with waving arms and they will be.

Rose Zigenfus: Then the Farm Bureau will be here.

President Mourdock: That's quite true, but I still think as a plan that is the better option.

Commissioner Jerrel: I was just going to say, going back to the question I asked you last week and I know this is a long-term 2020 and I have reviewed 2015 and I now have 2010, but just in terms of this Commission for the near future I ask you what would be your recommendation for what we should do next if the money is available in this

Commissions' life.

Commissioner Tuley: Still hasn't changed has it?

Rose Zigenfus: Eichoff-Koressel.

Commissioner Jerrel: You said Eichoff-Koressel. Okay, now perhaps you and...much as you did with Burkhardt, you and Area Plan and the County Engineer get us some, you know, current time span on how you would see that happening on Eichoff-Koressel.

President Mourdock: I'm sure you have this information already, but just to go with that I would be very interested in what the traffic counts are projected to be for that. I'm sure this is my own bias, but in looking at that it strikes me that there must be more traffic going east/west on Boonville-New Harmony than there is even on the projected new Eichoff-Koressel. That's my impression. If that's the case why are we saying Eichoff-Koressel is a greater priority than Boonville-New Harmony?

Rose Zigenfus: You just eliminated the Boonville-New Harmony project.

Commissioner Jerrel: I think the question, too, begs the answer will this provide a connector to all of the beltway around Vanderburgh County?

Rose Zigenfus: You know, the intent with Mill Road was to have some connector here. Then given this connecting to interstate and the Eichoff project gave you kind of an outer loop and then this gives you even an outer, outer loop. That was the intent in '79. It's still, I think, a credible plan. You know, the one man said it was ill-conceived. I don't know how else you can come up with a plan besides modeling and going through--

Commissioner Jerrel: Well, it would help me if you...you know, I've been hearing about these roads for a long time and I am looking just to, you know, what we can do to contribute the most as this body in the next three years.

Rose Zigenfus: Right. Well, it's get Lynch Road finished on out to the interstate. It's also, I think, Burkhardt needs to be widened to Lynch. That's a priority.

Commissioner Tuley: What about Oak Hill?

Rose Zigenfus: Oak Hill is another priority from this area. From the city limits which is somewhere in this area which is St. George.

President Mourdock: Charlene, are you getting this? I just wanted to make sure.

Rose Zigenfus: Oak Hill is another important project. I guess what the people who live up along that area fail to recognize is all the growth that is occurring on Old State Road, on Petersburg Road, on Boonville-New Harmony Road. There is just all kinds of subdivisions coming in and there is going to be more traffic. It isn't the coal trucks. It isn't the--

Commissioner Jerrel: It's the moving of people around. Okay, given what we've got we need...I need something from you, and I would like Barbara and John to be participants, much like you came up with what you saw us doing that made good transportation sense on Burkhardt Road, what makes good transportation sense in the near term as well as 2020?

Rose Zigenfus: Well, your money is going to be tied up with Lynch for now for the near term because of the cost of that project.

Commissioner Jerrel: Okay, but just say that we did have some additional funding. You need to tell us what the near term could hold if we had several million dollars available to spend.

Rose Zigenfus: We'll work on it. I'll get John and Barbara together.

President Mourdock: Okay, we will be done by 7:30. You'll be done far before then even. I guess the other thing that just for the record that I would like to see if we have any other comments on. Last week we spoke somewhat with the Eichoff-Koressel option of seeing if there was another way to look at that particularly in light of a west loop for I-69 should it ever happen. I know you had some comments where you didn't think the federal appropriations or state appropriations would necessarily go that way, but, again, as far as a study option it seems to me that is something that would be very helpful. Go ahead.

Rose Zigenfus: This is our boundary, our study area boundary and we don't really have the authority to do anything over in Posey County at this point.

Commissioner Tuley: Whose study are they included in?

Rose Zigenfus: They're not.

President Mourdock: They're not.

Rose Zigenfus: They're rural.

Commissioner Tuley: They're just 100% rural, okay.

President Mourdock: But it is my understanding that they are trying to work with you even to the point of coming up with funding to be included.

Rose Zigenfus: Are they? I know we talked about it, but I hadn't heard anything more.

President Mourdock: How would that change things?

Commissioner Jerrel: She's not getting you.

Rose Zigenfus: That means then that we would have the authority then to start collecting some data in Posey County.

President Mourdock: But on what basis? If they simply contributed to the funding of EUTS does that cause you to have that authority?

Rose Zigenfus: Right.

President Mourdock: Oh, okay.

Rose Zigenfus: We can do that. We can't do...see, we get planning money from the state and we can't spend it outside of this area.

President Mourdock: Okay.

Rose Zigenfus: If they were to contribute, yeah, then we can take those dollars and collect some data and get some information. Right now we have nothing.

President Mourdock: If they want to play they've got to pay.

Rose Zigenfus: Exactly.

Commissioner Tuley: Rose, at one time Eichoff-Koressel was really spoke about primarily because of USI and the commuting and what have you, but with on-campus housing now and some earlier reports I saw that the bulk of their commuter students come from Warrick County. What's the other...I mean, other than it gives us a good west side, north, south...that's the primary purpose I hope. I hope it is not USI is it?

Rose Zigenfus: This is USI.

Commissioner Tuley: I know it's USI at their door, but is that the primary rationale behind Eichoff-Koressel?

Rose Zigenfus: Yes, it was. And then with the interchange that you all did, yeah, it was the major emphasis to get the students--

Commissioner Tuley: And we still believe that needs to be done for that reason or other reasons? I guess what I am trying to--

President Mourdock: I see where you are going.

Commissioner Tuley: Because USI has on-campus housing now and if all the feeders are coming from Warrick County unless they are coming from the north and coming across I-64 and then down and that may be what some of them may do, but I understand Castle is probably the single largest high school feeder school into USI.

Rose Zigenfus: There is a lot that come from the north. The Jasper/Huntingburg area. It would be easier for them to do this than to come through town. There are some that come from over in this area.

Commissioner Tuley: I just want to make sure if that is the driving force for it that we've still got accurate information on that.

President Mourdock: But even with that number, Rose, I don't mean to yell, but I want to be sure and get picked up, even with that number the traffic count that you are projecting there is lower than the present Boonville-New Harmony numbers?

Rose Zigenfus: I can check, but I think that is correct.

President Mourdock: I realize--

Rose Zigenfus: That's why this was four lane to here and two lane to here. This was also, I think, the primary driving force for this in '79 was not so much USI, but to complete the loop.

Commissioner Tuley: Yeah, and if that is still viable, I mean, I guess I am just wanting some updated information that backs up that this should be our priority.

President Mourdock: Yeah, I'm certainly not looking to strike that from the plan, but that's my question, too. It just seems to me we need more north/south corridors. I mean, something parallel to Boonville-New Harmony. We need that more than we need the north/south connector.

Rose Zigenfus: After St. Joe there really isn't any to get north and south.

Commissioner Tuley: No, there is not much.

Rose Zigenfus: What about this Mill Road between Eichoff and St. Joe? You know, USI on our Citizen's Advisory Committee is the one that asked for an east/west connector besides the Lloyd.

Commissioner Tuley: We've not heard...at least I shouldn't say we. I'll say I haven't heard a single call from anybody on Mill Road at all. I'll tell you what, that is the most...not that the way you've got it, but I tried to drive from St. Joe Avenue west to 65 and drove 65 east back to St. Joe on Mill Road and I've gotten lost both times. If you don't know that road--

Commissioner Jerrel: What was the effect--

Commissioner Tuley: I mean, I knew where I was at, but I just wasn't on Mill Road.

Commissioner Jerrel: --of removing the city part of it?

Rose Zigenfus: What was...?

Commissioner Jerrel: The effect? I mean, is it still viable if you don't have the rest of it?

Rose Zigenfus: You can get over to First Avenue. You can get over to that area. You can get over to Stringtown and you can wind your way to Highway 41.

Commissioner Tuley: By Mill you mean?

Rose Zigenfus: Yeah.

Commissioner Tuley: Yeah, it would go all the way across. Of course, it got killed in the city last week.

Rose Zigenfus: Then these people could do that to get onto Lynch at some point to go east, so the only person that wanted this removed that I heard from was Mary "Tee" Tiemann. I told her that it was your vote.

Commissioner Tuley: Oh, yeah. She is the one that said to move it up to Boonville-New Harmony. That was real nice.

Rose Zigenfus: Absolutely. They want it up here at Baseline. Let's just go into Gibson County!

President Mourdock: I'll vote for it.

Rose Zigenfus: So if you are okay with that we'll leave that part on.

Commissioner Tuley: She is the only one I heard. They killed it in the city, but from the county side of it I'm sorry, but I don't care what happens in the city per se. I mean, I do, but I've not heard a sole. I didn't even hear anybody at all from Mill Road. The only people I've heard from are these.

Commissioner Jerrel: Well, it's the Mill Road city part that they do not want to take place, but I think we need to improve as many county roads as we can because that is where the population growth is and we need to make it safe because most of them are winding.

President Mourdock: I understand that people will always show up and say no before they will show up to say yes.

Commissioner Jerrel: To say yes.

President Mourdock: But I've not had any one person in support of Eichoff-Koressel. Now, again, I know some of what you said started with USI and I understand maybe just the pendulum has passed, but I never hear those comments.

Rose Zigenfus: Maybe.

President Mourdock: I've had one question about that, I think, in three years. (Inaudible) quite honestly, I didn't know because I hadn't heard anything about it.

Commissioner Jerrel: Well, could we then if we make a motion to approve the plan with the exception of the removal today and I'll make that motion now.

Commissioner Tuley: The only comment I would make on that when we get back to Eichoff-Koressel if you can get us new information and determine where in that priority it ought to fall, but I think that's prudent to go ahead and make that motion.

Rose Zigenfus: It's the Policy Committee that is going to make the decision on priorities eventually.

Commissioner Tuley: Right.

President Mourdock: Okay, with the motion and the second then, I will say so ordered. Again, I'll just say it informally, we don't need a motion per se unless others feel compelled to do so, but I would urge that EUTS try to work with the Posey County folks in some way and I think they'll be contacting you, but to see if, in fact, there is some support there for that type of corridor. Maybe that is something that we could look at in lieu of Eichoff-Koressel perhaps just depending on what happens with I-69.

Rose Zigenfus: Let me say, too, I really do understand your position with the project, the Boonville-New Harmony--

President Mourdock: Okay.

Rose Zigenfus: --and I hope you understand where I am coming from.

Commissioner Jerrel: Do you think--

Rose Zigenfus: I didn't mean to cause you problems.

President Mourdock: No.

Rose Zigenfus: Here is where we think things are going to happen.

Commissioner Jerrel: Are you going to recommend it again?

Commissioner Tuley: At least not for three more years anyway.

Rose Zigenfus: I don't have to do this again for five years and I am going to be retired.

Commissioner Jerrel: Okay, then for the record it is not going to be recommended by you.

Rose Zigenfus: Not by me.

President Mourdock: Okay, thank you, Rose.

### **Tape change**

President Mourdock: Okay, sir, did you have a comment about Boonville-New Harmony or the EUTS plan? You need to come to the microphone and state your name and address please.

Bruce Ungethiem: My name is Bruce Ungethiem and I live at 2037 Fleener Road. I guess I should have asked this while Rose was in the room, but have we considered building a new road instead of trying to follow the snake path that Boonville-New Harmony Road runs across the county? Have we considered building a new road, and I was just looking at the map, at the dividing line between Center and Scott Township it appears...I don't know what the land lay is there, but it appears to be a fairly straight through shot with the exception of where you live, Richard, you might have to go over the top of your house, but other than that--

Commissioner Tuley: As one official said, not while I'm here!

Bruce Ungethiem: Other than jogging around the Kahre Subdivision it appears to be a fairly straight road. Would that be an option just to build an east/west four lane road across the county at that point?

Commissioner Tuley: That was...well, I'm just starting to say earlier when this whole thing started, Bruce, that was his question. Why keep trying to work up these roads that are in place and snaking them and two lane them and stuff. Why not consider building an entirely new...that was Richard's question to her.

President Mourdock: My comment was further north than that. It was suggesting perhaps between Baseline and Boonville-New Harmony.

Bruce Ungethiem: Well, Baseline is a fairly straight shot across the county. The problem is it is probably too far north to effectively move traffic east and west if they are coming from Evansville and trying to cross the county. They wouldn't go to Baseline and then come back down.

President Mourdock: My comment to that, it might be too far north today.

Commissioner Tuley: Right.

Bruce Ungethiem: That's true.

President Mourdock: The plan we just dealt with, obviously, is a 2020 plan and the development in this county is going to be such that it is going to keep moving further north. As far as right on the Scott Township/Center Township line I've not heard that suggested before, Bruce.

Tony Greubel: For your information that is Hillsdale Road. I looked.

Bruce Ungethiem: It's Hillsdale Road for a portion of it, but Hillsdale is only about a probably a mile or mile and a half wide.

President Mourdock: Yeah, just along 41 immediately right there.

Bruce Ungethiem: Yeah, 41 and east.

President Mourdock: It would take quite a bridge to cross Kahre Lake, but--

Bruce Ungethiem: Well, we would have to jog a little bit south. I'm sure there are people who own houses on Kahre Lake that would be willing to give those up for a road project.

President Mourdock: I'm going to let that comment go by. Okay, thank you. Any other comments about the EUTS plan? We've voted and seconded and got that in that we support it.

### **Final reading - Ordinance amending Chapter 72, Schedule II**

President Mourdock: Okay, next item on our agenda is yet another ordinance which is the final reading on some stop signs that John had presented. I don't know that we need to read them all into the record since that is a very extensive list, but is there a motion to enter them into the record and to pass on final reading?

Commissioner Tuley: I will so move at this time.

Commissioner Jerrel: Second.

President Mourdock: I will say roll call vote for an ordinance. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: I vote yes.

### **Suzanne Crouch - Submission of Fixed Asset Report**

President Mourdock: The County Auditor has submitted the Fixed Asset Report. Long awaited and much anticipated. Suzanne, do you have any comments?

Suzanne Crouch: We're passing these out. I think it is fairly self explanatory. The only changes...the second page of the report really has changes that would be of note to you. Changes between the report we submitted the beginning the year in February and then this report and that is State Board of Accounts, one of the main changes is the State Board of Accounts has requested that the Fixed Asset Report reflect acquisition costs not replacement costs which means we had to reduce the cost on the buildings to reflect that. That reduced the building category by over \$16 million. They are still insured at replacement cost, but for Fixed Asset Report purposes they reflect the acquisition cost. They did on all other assets, it's just when we were compiling the fixed assets we were told to go ahead and do it at replacement cost and now they're reflected at acquisition costs. That's a major change. Another major change is the addition of the West Heights Trade School located at 1430 New Harmony Way and that is fairly self explanatory in the report. That increases the buildings by \$250,000. The final area is, again, the county owned vehicles. Interestingly enough the amount of vehicles stayed the same at 169, but there has been a shift between the Sheriff and the non-Sheriff vehicles. I do know that the Sheriff is purchasing some additional vehicles. I would assume that is because they have sold some off at surplus in anticipation of those new vehicles. They haven't come across the Fixed Asset Report yet, but I think that will then...next year's report will probably show an increase in vehicles. So those are the three major areas and I would be happy to answer any questions that I can.

President Mourdock: Okay, one quick one. You've got the value of all buildings excluding the Vanderburgh Auditorium. Was that taken out last year when we sold the building?

Suzanne Crouch: No. No, no, the acquisition cost has been changed on all buildings except the Vanderburgh Auditorium because we are in to...there was a change in ownership and we are in to paying, you know, paying some monies to the Building Authority. State Board of Accounts advised us to reflect that at the actual replacement cost. All other buildings--

President Mourdock: Okay, let me ask the question again because I think you answered, but I'm not sure. The previous report showed the value of that building and under today's rules at least we would be showing that number at its original acquisition cost?

Suzanne Crouch: No, the prior report had it reflected at the--

President Mourdock: Replacement.

Suzanne Crouch: That is correct.

President Mourdock: But under today's rule with all other things being equal we would show it according to its acquisition costs. Now that we've sold the building is that sum removed from the total county asset base?

Suzanne Crouch: No, because the State Board of Accounts indicated that even though there was...Joe...I had a conversation with the County Attorney, so feel free to jump in and help me out on this, but we still own a percent of the land. The corner of the building and the land, the parking lot, so State Board of Accounts said we could not take it off of the Fixed Asset Report. We had conversations with Joe and the State Board of Accounts. There is a future value and it was suggested because we have not relinquished full ownership that we continue to reflect it at the cost that it was on in February and that is what is on the report.

President Mourdock: Okay. Any other comments or questions?

**Any group or individual wishing to address the Commission**

President Mourdock: Okay, any group or individual wishing to address us who has not otherwise been heard?

**County Garage**

President Mourdock: Okay, we have, to summarize a couple of things, the County Garage report is submitted to us.

**Burdette Park**

President Mourdock: The Burdette Park package is submitted to us.

**Superintendent of County Buildings**

President Mourdock: Tony, do you have anything for us this evening, under Superintendent of County Buildings?

Tony Greubel: Don Hunter was wondering if one of the Commissioners could attend...could go to Indianapolis in January and attend a land use change seminar.

President Mourdock: Okay, if you have any written information just make sure it circulates.

Tony Greubel: That's it.

**John Stoll - County Engineer**

President Mourdock: Okay, County Engineer, John Stoll. We've got two 7:30 meetings, so we ask you to move along, please.

John Stoll: I've only got two items. First of all I've got a Quitclaim Deed that was prepared by the County Attorney. This is to transfer the Ohio Street Bridge, any rights that the county has in that bridge, to the City Park's Department. This is the result of an agreement that was signed between the Commissioners and the Park's Department back in 1995 and this is for their...for them to use the bridge as part of the Greenway.

President Mourdock: Okay.

Commissioner Jerrel: I'd like to move approval of the Quitclaim Deed that the county has from the county to the city for the use in the greenbelt of our Ohio Street Bridge.

Commissioner Tuley: Second.

President Mourdock: Okay, so ordered. We are the grantor?

Joe Harrison, Jr.: Yes.

President Mourdock: Okay, next.

John Stoll: I need to have a hearing date set for the apparent right-of-way hearing for the Eichoff Road right-of-way north of Hogue Road. This was discussed a few weeks ago and we now have an apparent right-of-way that's been drawn up as a 20 foot wide right-of-way which may be disputed by the property owner, but we need to have the hearing in order to discuss this matter. In working with Cedric Hustace, in Joe Harrison's office, he had said that we need to give three weeks notice to the property owners as far as advanced notice goes for the hearing and that would put us at the 29th, so since there is no meeting then and I didn't figure you would want to have it the first meeting of the year with all the other appointments that you end up having to make at that meeting, I thought either the 12th or the 20th might be more appropriate. I didn't know what your schedules might be.

Commissioner Jerrel: What is the 12th? Is that second or the third?

President Mourdock: The 12th is the second Monday.

Joe Harrison, Jr.: I think we ought to go to the 20th just to be safe with the publication and everything. I think it would probably be better to go to the--

President Mourdock: The 20th shows as a Tuesday.

Joe Harrison, Jr.: Is that a holiday?

John Stoll: The 20th is a Tuesday, so Monday is the holiday.

Joe Harrison, Jr.: Okay, so we'll do it on the 20th.

Commissioner Jerrel: I'll move that we have the hearing for the right-of-way on Eichoff on the 20th of January.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: I also need approval for advertising all the notifications that we need. We need to publish a legal ad with the legal description and a map showing that apparent right-of-way, so I need approval for that as well.

Commissioner Jerrel: Okay, I move approval of the ads to be placed that are both advertising the hearing and the legal description.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all I have.

President Mourdock: Okay, as I mentioned for the record we have to submit the County Highway report and the park's report.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, you have some bids to report on?

Joe Harrison, Jr.: Yes. The tax bill bids for the Treasurer's Office came in. There were three bids submitted. That was the 1998 tax bills, VC9801-A. The three bids are as follows:

1. Standard Register Company of Dayton, Ohio  
\$37,650.00
2. Moore USA, Inc. of Lake Forest, Illinois  
\$25,500.00
3. SRI, Incorporated of Indianapolis, Indiana  
\$15,900.00

Commissioner Tuley: Joe, you want to make sure because I think on the original bid on this that \$37,000 may have included postage. Can you double check?

Joe Harrison, Jr.: On the original--

President Mourdock: We're going to take them under advisement anyway.

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: Okay, so that would be \$37,650 and it says mailing is approximate, so I am assuming that would include mailing.

Commissioner Jerrel: Is it appropriate to just make a motion to take these under advisement?

Commissioner Tuley: Yeah, it is.

Joe Harrison, Jr.: Yeah, and let me take a look. I don't think I saw another one that mentioned it. I didn't know what the heck that meant. The other two didn't mention that, so I would ask that the Commissioners take these under advisement and review them with the Treasurer's Office and make a recommendation thereafter.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: I had a couple of other matters. Kronos has submitted a contract for consideration by the Commissioners. We've been negotiating with them concerning the time accrual project for the Auditor's Office. The contract has been reviewed with representatives from Kronos and county officials. I have a copy of...an original and a copy of the contract for execution by the Commissioners and would ask that you approve that agreement with the Commissioners' Office. One change that is noteworthy is at this time I believe 14 time accrual devices will be purchased at this time and then the county will have an option then to buy an additional 14 down the road should the

county so desire. That's the substantial change to the contract.

Commissioner Jerrel: I'd like to move approval of the Kronos agreement to enter into the time accrual project and we will be receiving from the Auditor at a later date an implementation schedule so we can have an idea of when all this is going to take place. But I would like to move approval of the contract.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other item that I think we talked about several times in the last month or two was a travel ordinance. There has been some discussion among the Commissioners about that and if you would like for me to proceed forward with that I will and try to get that to you in the next couple of weeks for advertising purposes. Whatever your pleasure is, but there has been, I think, September was the last time you all talked about it.

Commissioner Jerrel: I think that's a good idea with one thing I would like to ask you to do if you don't mind, is to touch base with the County Council because this will be a benefit to them when they get into budgeting time if they know the guidelines or have some input into the guidelines and I think they probably would have some recommendations.

Joe Harrison, Jr.: Okay, and I am also...I've got some inquiries out to some other counties to see what exactly they're doing, but there is a state statute that pretty much dictates the charges, etc., but I want to see what a couple of other counties are doing as well. So I'll move ahead if that is what you want me to do?

President Mourdock: Okay, sounds like it. Anything else in your report, Joe?

Joe Harrison, Jr.: No, that's it.

### **Consent items**

President Mourdock: Okay, next we have our consent items including employment changes, travel requests, the County Coroner is declaring a dead computer, which is fitting I guess, County Auditor's account payable vouchers, the Auditor submitting monthly financial, expenditure and cash reports, the County Clerk's monthly report, and the County Treasurer's monthly report all included in the consent items. A motion to approve those?

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

### **Scheduled meetings**

President Mourdock: Scheduled meetings.

**Old business**

President Mourdock: Any old business to discuss?

Commissioner Tuley: I've got one item of old business. Last week we had a discussion and I made a motion to temporarily suspend the driving take home vehicle privileges of the County Highway Department with the exception of the Superintendent, Assistant Superintendent and the foreman on call. I met last week with the Assistant Superintendent, Milton was on vacation. I talked to him at length this morning and I would like to amend that to give the Superintendent or the Assistant Superintendent in his absence the sole authority that during inclement weather that they would have the permission to allow their foreman to take the vehicles home that night if they feel it would be necessary to bring them back out prior to scheduled work time the next day. They felt it was important, like tonight, if this weather happened after they had already gone home it was important for them to have access to their vehicles, so I am willing to amend that motion from last week to reflect that.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Any other items of old business?

**New business**

President Mourdock: New business we have listed on our agenda items making our Commissioner...our particular Board appointments. Currently I serve on the Vision 2000 Board, the Area Plan Board, the Area Plan Commission. Commissioner Jerrel serves on the Data Board, the EARC Board and Community Corrections. Pat, I'm showing you on the EUTS Board. You're on something else, too, are you not?

Commissioner Tuley: No, I actually think that is it.

President Mourdock: Okay. Lucky you.

Commissioner Tuley: Oh, yeah.

President Mourdock: Any volunteers or comments--

Commissioner Jerrel: I have one question. I would be...I mean, I think the EUTS Board is very important and I think it would help if you would give us a little something so we know what is going on and you've been responding, but I think it would be helpful because when I question Rose about some of these she spoke about everything coming before and being approved by your Board.

Commissioner Tuley: Yeah.

Commissioner Jerrel: Okay, so I am just asking you to--

Commissioner Tuley: That's no problem. I will make available to all Commissioners all copies of minutes and what have you.

Commissioner Jerrel: Okay, that's what I wanted.

Commissioner Tuley: That's not a problem.

President Mourdock: The year I served on EUTS those tended to be kind of slam dunk type meetings.

Commissioner Tuley: Yeah, that's a pretty good description. You've got to be on your toes because they get moved around and times get change.

President Mourdock: Right. You almost need a long-term perspective, meaning on that thing year after year after year to keep up.

Commissioner Tuley: That's right.

President Mourdock: The Boards that are listed here are there any suggestions? Normally we make appointments, obviously, the first meeting of the year. Area Plan Commission has asked that we give them the appointment name ahead of time so that whoever that person is would have time to review the materials for the first Area Plan meeting which is the first Wednesday of the month? Do any of the other Boards need appointments at this point other than that one?

Commissioner Tuley: No. You've had it for two years in a row, so--

President Mourdock: I've been on APC for two years. It works well for me because it is in the evening, but if we want to shift it--

Commissioner Jerrel: I'll be glad to share mine if anybody wants one of them.

Commissioner Tuley: I mean, I only had one. It doesn't make any difference to me if someone wants to trade off I'll be glad to take any of them. It doesn't make any difference.

President Mourdock: The President of the Board is always the Vision 2000--

Commissioner Tuley: And the Vice is always the Community Corrections.

President Mourdock: The Vice is that. Okay, how about, Bettye Lou, I would imagine you want to stay with the Data Board, is that correct?

Commissioner Jerrel: Right, because I'm in the process and we're negotiating Amendment 5 tomorrow and the court's negotiations.

President Mourdock: Alright. How about, Pat, if you take APC?

Commissioner Tuley: That's fine. I don't mind being on APC.

President Mourdock: I'll go to EUTS.

Commissioner Tuley: That's fine.

President Mourdock: And then the rest of them kind of fall out.

Commissioner Tuley: That's fine. I'm like you. It don't bother me to serve on the Area Plan. It kind of works out, it's in the evening.

President Mourdock: Would you notify Barbara Cunningham then that Pat will be that appointment? Okay, any other new business this evening?

Commissioner Tuley: Can I sign...is it okay if I come in the morning or sign right now?

Commissioner Jerrel: We have the Drainage Board meeting, so we need to hurry.

Commissioner Tuley: I forgot about that.

President Mourdock: Any new business?

Commissioner Tuley: I have none.

President Mourdock: Motion for adjournment?

Commissioner Tuley: So moved.

President Mourdock: Is there a second?

Commissioner Jerrel: I seconded.

President Mourdock: So ordered.

The meeting was adjourned at 7:30 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
John Blair  
Jim Holderread  
Ken Brasseale  
Terry Raley  
Rose Zigenfus  
Les Shively  
Gene Koch  
Julie Mallory  
Don Lochmueller  
Roger Steinkuhl  
Rudy Montejano  
Ralph Mallory  
Phil Sorenson  
Eric Gries  
Bruce Ungethiem  
John Stoll  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
December 15, 1997**

The Vanderburgh County Board of Commissioners met in session this 15th day of December, 1997 in the Commissioners' Hearing Room of the Civic Center Complex at 5:41 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the December 22, 1997 meeting of the Vanderburgh County Commission to order. There are our normal agenda on the far table and by way of introduction at my far right, Tony Greubel, who is our office assistant sitting in as Superintendent of County Buildings; County Attorney, Joe Harrison, Jr.; County Commissioner, Pat Tuley; County Commissioner, Bettye Lou Jerrel; County Auditor, Suzanne Crouch; and Charlene Timmons, our Recording Secretary. Please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: The first item on our agenda this evening is the approval of minutes from the meeting of December 8th.

Commissioner Jerrel: I'd like to move approval of the December 8th Commissioners' minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: The second item is to verify with just our summary minutes we had an Executive Session of the Vanderburgh County Commission that began at 4:30 this afternoon and was completed at 5:30. That Executive Session dealt with collective bargaining negotiations and county personnel matters. I would ask for approval of the summary minutes.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. A momentary pause while I fill in the pertinent information here.

**Open bids - VC9718, Computer server for County Assessor**

President Mourdock: Okay, action items. The first one up Lynn Ellis, from City/County Purchasing on several bid items.

Lynn Ellis: Okay, the first item is to ask for permission to open bids for VC9718. That is for a server for the County Assessor.

Commissioner Tuley: At this time then...do you have bids, Joe?

Joe Harrison, Jr.: Yeah, I think they're here. These three?

Lynn Ellis: Yes.

Commissioner Tuley: Okay, I would move at this time that the County Attorney be directed to open the bids and read them into the record at a later time in the meeting.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Award bid - VC9801-A, Printing of 1998 tax bills**

President Mourdock: Keep going, Lynn.

Lynn Ellis: Okay, the second item is to ask permission to award bid number VC9801-A. This is a rebid of the printing of the 1998 tax bills and the request is to award to Moore Business Communication Services at a cost of \$25,500 for the printing and the postage would be billed separately. It would be billed directly to the Commission Office.

President Mourdock: Okay, and County Treasurer, Jayne Berry-Bland, is in attendance. Jayne, do you have anything to add to this since it is relative to your group?

Jayne Berry-Bland: I'm here in case there are questions.

President Mourdock: Okay, are there any questions of either Lynn or Jayne on this particular matter to award the bid?

Joe Harrison, Jr.: You've submitted the bid sheet retab...tabulation as to the reasons for the bid?

Lynn Ellis: Yes.

President Mourdock: Yeah, that's attached to my copy so we'll attach that for the record.

Commissioner Tuley: It's attached to mine.

Commissioner Jerrel: I move approval of the tax bill printing to Moore Business Forms in the amount of \$25,500.

Commissioner Tuley: Second.

President Mourdock: So ordered. Vanderburgh County residents will sleep better knowing their tax bills will be printed!

Commissioner Jerrel: I didn't get the rest out. The mailing is another item on there and that should be included also at \$22--

President Mourdock: Hold on, hold on. The mailing was not included in that bid price?

Commissioner Tuley: No, not at \$25,500.

Commissioner Jerrel: No, and the mailing is .261 cents per bill and that will be approximately \$19,575. I didn't get to finish my motion.

Commissioner Tuley: You hesitated and I was afraid I wasn't going to second.

Jayne Berry-Bland: You do understand why that is approximate because my bills vary every year and they will try to get us as many of those at the .261 rate that they possibly can, but we do mail a bunch of them into groups, so they are like in packages. So until they get all of the commitment from me, which is sent from our computer services, they really have no idea what the mailing is, but they actually give us a meter postage readout of everything they've mailed for the county.

Commissioner Tuley: So it is actual cost?

Jayne Berry-Bland: So it is actual postage cost. There is nothing else.

Commissioner Tuley: I'll second your second motion.

President Mourdock: Okay, and that also is so ordered and just for the purpose of the minutes, the second speaker was Jayne Berry-Bland, County Treasurer.

Jayne Berry-Bland: Thank you.

President Mourdock: Okay, thanks, Jayne.

<p><b>Execute contract - Philip Lieberman &amp; Associates for Burdette Park</b></p>
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President Mourdock: I think you've got another one, Lynn?

Lynn Ellis: Right. The last one I have this evening is to approve and execute a contract this evening with Philip Lieberman & Associates for software development services for Burdette Park Day Camp. Lieberman & Associates has done some work out at Burdette before and the fee for this work is \$2,825. This is professional services. The firm was approved by SCT. They concurred with using Lieberman as a qualified vendor to do that work. I would request that you execute that contract for Burdette.

President Mourdock: Okay, and, again, if necessary acting Director of the park, Steve Craig, is here. I didn't know, Steve, if you had anything to add to this? I presume not, okay.

Commissioner Jerrel: I would like to move approval of the contract with Philip Lieberman & Associates for software development for the Burdette Park Day Camp in the amount of \$2,825.

Commissioner Tuley: Second.

President Mourdock: So ordered. The way the breakout looks on this example I would presume, Steve, we would then get periodic updates from this as far as the billing, enrollment and all those kind of things?

Steve Craig: Yes.

President Mourdock: So that would be very helpful to the Board, obviously, once those things start to roll in.

Lynn Ellis: Right.

President Mourdock: A good data base to work from. Okay, anything else?

Lynn Ellis: Thank you.

President Mourdock: Thanks, Lynn.

### **Local Welfare to Work Planning Council appointment**

President Mourdock: Next item on our action list this evening is related to our Welfare to Work Planning Council. As you know the State of Indiana reenacted the law last year that we needed to reappoint our Planning Council. We have done that. However, just in error we did not appoint the member of the County Council who had previously served. We...state law does...I don't know that it requires, but it suggests having County Council represented. Councilman Royce Sutton is interested in again serving on that position, so I would look for a motion to appoint Royce to fill that slot.

Commissioner Tuley: I would so move at this time.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

### **Any group or individual wishing to address the Commission**

President Mourdock: Okay, any group or individual in the audience wishing to address the Board on any issue that has not been discussed thus far this evening or is otherwise not on the agenda? Everyone is waiting on bids I take it.

### **John Stoll - County Engineer**

President Mourdock: We'll go to our department head reports. John Stoll.

John Stoll: The first two items that I've got are in regard to the Westwood Hills Barrett Law project. The first item is a change order for \$18,869.83. This is a decrease from the original contract amount.

Commissioner Jerrel: Would you repeat the amount again?

John Stoll: It's \$18,869.83. This change order would result in the final construction cost being \$127,180.17. The reason for the underrun is that when the concrete was being patched the streets didn't fall apart as badly as we expected so we significantly underran the quantities of concrete needed. It is recommended that the change order be approved.

Commissioner Jerrel: I'd like to move approval of the change order which would now be for \$127...the contract would be for \$127,180.17.

Commissioner Tuley: Second.

President Mourdock: Who is the contractor?

John Stoll: Crane Construction.

President Mourdock: Okay. I will say so ordered.

John Stoll: Now that the project is complete I also have the street acceptance forms for that subdivision. The street acceptance request is for 1,190 feet of Boehne Camp Road, 481 feet of Woodland Knoll Lane, 1,039 feet of Westwood Hills Drive, 733 feet of Crescent Court and 410 feet of Sandalwood Court.

Commissioner Jerrel: I'd like to move approval of those recommended streets.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Jim Flynn and Jim Ackerman are here and Jim...Jim Flynn would like to speak about the project.

Jim Flynn: Thank you. Mr. President, members of the Commission, I just wanted to express the gratitude of the Westwood Hills Neighborhood Association for the wonderful cooperation we had in the rehabilitation of these roads. I can't tell you how good it is and how pleased the neighbors are. I would ask for copies of the acceptance form. We're going to...and I hope you'll sign your name on there real big because we are going to make those...hand those out in the neighborhood for Christmas presents. Joe Harrison, I especially want to thank you for the assistance that you gave us throughout. We just couldn't have done it without you and we're very grateful. Thank you.

Commissioner Jerrel: A job well done.

Jim Flynn: Thank you.

President Mourdock: It's nice to have someone on that side of that microphone saying complimentary things, so we appreciate that.

Commissioner Tuley: Thanks.

John Stoll: The next item that I've got is a change order on the Oak Hill Road Bridge. This is for an increase of \$45,467.67. This is the change order that covers that transfer that was discussed back on November 11th.

Commissioner Jerrel: I'd like to move approval of the change order.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item is also a change order. This is on the paving contract. This was for \$9,000...an increase of \$9,000 and this was for two days of use of milling machines for Mill Road, Elmhurst Drive, Rode Road, April Drive, Camellia Drive and

Wimberg Road. The milling of these streets was not included in the original contract, but this was needed so that the County Highway Department crews could finish some of the paving projects that they were doing. It is recommended that this change order be approved.

Commissioner Jerrel: I'd like to move approval of the change order for \$9,000.

Commissioner Tuley: Second.

President Mourdock: So ordered and I guess just a question procedurally, John, and, Milton, you can jump on this one, too. Since that was affecting paving why is that necessarily coming through the Engineer's Office as opposed to the Garage specifically?

John Stoll: We had a provision for milling on Ruffian Way in our paving contract.

President Mourdock: Right.

John Stoll: So since the milling equipment was here as part of our contract we figured we just change order our paving contract rather than have them go out and get a separate PO to cover the milling that was needed.

President Mourdock: Okay, I gotcha.

Commissioner Jerrel: Well, if we do a calculation of the costs of paving at the end of this year we can just add that \$9,000 to those costs.

John Stoll: To those roads, right.

President Mourdock: Yeah, okay. Yeah, that's a good point. Okay.

John Stoll: Next I've got another street acceptance. This is for Tekoppel Avenue. When Bill Higgins and I were discussing Tekoppel last week Bill found that back in 1992 when Tekoppel was constructed it was never officially accepted so there was no paperwork submitted to the state, so in order for us to get gas tax revenues this is something that needs to be submitted to the state, so as a result I am requesting that Tekoppel be officially accepted even though we've been maintaining it for the past five years.

Commissioner Jerrel: I move approval of accepting Tekoppel Avenue.

Commissioner Tuley: Second.

President Mourdock: Seems like a good idea. So ordered.

John Stoll: The final item I've got is for the county wide bridge inspection. I've got two agreements. One is between the county and INDOT and that is for the county to pay 20 percent of the cost and the state to pay 80 percent of the cost of the project and the other agreement is between the county and Beam, Longest & Neff, the consultant on the project. The total dollar value of the agreement is for \$72,300 of which 20 percent will be ours. It is recommended that these agreements be approved.

Commissioner Jerrel: I move approval of the bridge agreement that we pay 20 percent of the cost and INDOT pays 80 and that we enter into a contract with Beam, Longest &

Neff in the amount of \$72,300 for which we'll pay 20 percent.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: That's all I have.

President Mourdock: Okay, anything for John?

Commissioner Jerrel: Oh, yes. I was going to give this to Milton, but I think I'll give it to you first. Wanda Johnson from the School Corporation came over and it's where the railroad is doing their work on Wimberg Road. She has drawn a map here and while it could involve the garage you need to make sure that the dimensions are correct. They don't do any work on the roadway that goes under the bridge there, but what has happened is over the years the paving has been added on and added on and the clearance of the bridge is now nine feet ten inches and the busses are ten feet eight inches so they no longer can go that way because they can't get under the bridge. She wondered if you could look at, you know, clearing that and changing it. She explained it to me, but I think it would be a good idea for you to call her in transportation and Milton probably knows what I am talking about anyway.

Milton Hayden: I do.

Commissioner Jerrel: Okay, so there it is.

John Stoll: The milling that was done out on Wimberg was to try and address that problem. There hasn't been any check of how much clearance there is now that the road was milled underneath that railroad bridge, but that was one of things that was addressed in that change order.

Commissioner Jerrel: Has there been asphalt on it?

Milton Hayden: Yes, it was also milled (inaudible comments not made from mike).

Commissioner Jerrel: Yeah.

John Stoll: We were trying to increase that clearance.

President Mourdock: Yeah, it's not going to take it from ten foot eight to nine foot nine.

Milton Hayden: (Inaudible comments not made from mike.)

Commissioner Jerrel: Well, if you wouldn't mind talking to them because I, you know, just so they know what we've done.

John Stoll: Okay.

Commissioner Jerrel: Thank you.

John Stoll: Thanks.

President Mourdock: Anything else for John?

**Milton Hayden - County Garage**

President Mourdock: Milton. Okay, for the record we have in our packets dated as of December 5th through December 11th the County Highway Department progress report and we also have the ditches completed in '97 and the road paving report with the update graphs present. We're showing 9.3% of our miles remaining to be paved. We started out with 29.9 and we're down...we've got 2.7 miles left. Paving-wise we're not doing as well. We had a goal of 18 miles and we've got 33% or six miles left.

Commissioner Jerrel: The miles, I think...am I right? We put Browning in and we took Browning out?

Milton Hayden: Yes, we took Browning out.

Commissioner Jerrel: Yeah.

Milton Hayden: Browning is on next year's list.

President Mourdock: But we took it out of both...we took it off the list. We also took it out of the total miles?

Commissioner Jerrel: No, if we took it out of the total miles your chart would show 100%.

Milton Hayden: That's correct.

President Mourdock: Okay, so we didn't take it out then?

Commissioner Jerrel: No, we didn't take it out.

Milton Hayden: No, we didn't take Browning out.

Commissioner Jerrel: I meant to say something last week. In fairness to the paving crew they have done 100%.

President Mourdock: Okay.

Commissioner Jerrel: So maybe, John, new chart.

John Stoll: Delete Browning?

Commissioner Jerrel: Yeah.

President Mourdock: Right.

Commissioner Jerrel: It shows in there that it is contracted next year, but not awarded.

President Mourdock: I don't know that we need to schedule it now, but normally we have our road hearing in about the second week of March.

Milton Hayden: Yeah, because there is going to be more than that. I think there was two roads that we had that we looked at that we were going to do and we have them scheduled for next March.

President Mourdock: Okay. How far along are you now, Milton, with that list? How much of what we'll be discussing in March do you know already?

Milton Hayden: Yes, we've got too much now. Some of it is going to have to be done in '99 because we won't be able to do it all in '98.

President Mourdock: Okay. Well ahead of the March meeting if you can begin to get us and get with John as far as what that list is and, again, I'm hearing you say you know what it is. I would just like to start working on that now so we can have some idea.

Milton Hayden: Well, we're working on it now.

President Mourdock: Yeah.

Milton Hayden: I should be able to get each Commissioner one.

President Mourdock: How about the paving side...I'm sorry, the ditching side?

Milton Hayden: The ditching as well.

President Mourdock: Is this, the ditching one, pretty well accurate as far as we didn't add anything, we didn't take anything--

Milton Hayden: Yes.

President Mourdock: Okay, I won't make a long discussion of it now, but it begs the question did we schedule too much that we didn't get the productivity out of the equipment or was there some other reason why we didn't get to our target?

Milton Hayden: No, before we got that last gradall, you know, we had trouble with the other one.

President Mourdock: Uh-huh.

Milton Hayden: That stopped us quite a bit, too.

President Mourdock: Okay. When did we get the new gradall? May?

Milton Hayden: We didn't get it in May.

Commissioner Tuley: I don't think we got it that early.

Milton Hayden: No, we got it in...it just came in August.

President Mourdock: Okay.

Milton Hayden: So I had--

Commissioner Tuley: You had one that didn't work properly to start with.

President Mourdock: Okay. Well, we want to take a look at that forecast for next year as well as see what we can do and see how we can do better next year.

Commissioner Tuley: Paving was good.

President Mourdock: Yeah. Do you have anything to add to this one, Milton, other than what we have here? Or any questions for Milton?

Milton Hayden: If you don't have any questions for me, I don't have any questions.

Commissioner Tuley: Spoken like a true person who wants to get away from that microphone!

President Mourdock: Okay, well, I guess we'll enter these for the record as we always do.

Milton Hayden: Thank you.

President Mourdock: Okay, thanks.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, are you ready with your bid totals?

Joe Harrison, Jr.: Bids were taken for the Assessor. I believe it was the Assessor's server project. It's VC9718. Three bids were submitted, however, the first one from DP Connections of Charlotte, North Carolina, they failed to submit a bid bond, so I will not read their bid into the record. They failed to submit a bid bond as required. The next one:

Automated Office Solutions of Evansville  
\$32,391.00

Advanced Microelectronics, Inc. of Evansville  
\$33,566.90

I would ask that you take these under advisement and have them reviewed for their responsiveness.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The only other thing that I had was some good news on one of the lawsuits that was filed against the County Commissioners and the Drainage Board. The Rasche case, we prevailed in the Trial Court on that case.

President Mourdock: Was that the one in front of Judge Palmer?

Joe Harrison, Jr.: Yes, that was in front of Judge Palmer. The Trial Court affirmed your Board's decision in total and although it is my understanding there might be an appeal

that will be filed by counsel for plaintiff, but that doesn't surprise me and we'll go from there and see what happens, but at least for now we're in good shape. That's it.

Commissioner Jerrel: May I give you a real quick update on something? Just for the record, SCT representatives are here and the fifth amendment is going before Data Board on Wednesday and if it is approved in the form that it is in it will come to this Board on Monday.

President Mourdock: Sounds so impressive to hear it referred to as the fifth amendment. Maybe even amendment five, right?

Commissioner Jerrel: I don't know. It sounded kind of good. I've never been able to use that before.

President Mourdock: That's true. Take the fifth! Do you gentlemen have anything to add to that? Okay.

Commissioner Jerrel: We're sick of talking about it.

President Mourdock: I'll bet. Okay, Joe, you said that was it for your report?

Joe Harrison, Jr.: That's it.

### **Superintendent of County Buildings**

President Mourdock: Okay, next up, Tony.

Tony Greubel: Actually, I have six different items today. Capital Cable, they do...they provide cable service to a few homes on the Vanderburgh/Posey County border. They're going to be refinanced by FINOVA Capital Corporation. Since we're their franchisor they need our consent for that, so they sent a letter of consent and I put that in the signature file if you want to approve that. The County Attorney has looked at it. He said it was fine.

Joe Harrison, Jr.: It's fine. It was just something that they need. I don't know how many homes are served by them, but they have a small number here in the county.

President Mourdock: Okay, as a separate item I had the question is that something that we need to do under consent or separate since it is a--

Joe Harrison, Jr.: You might want to bring that up in a separate vote.

President Mourdock: Okay, why don't we look to do that at this point just to be clear with it.

Tony Greubel: Okay, and then--

President Mourdock: One of you make the motion, please.

Commissioner Tuley: I would move then the letter approving the sale or recapitalization...what did you say it was?

Joe Harrison, Jr.: I think it is a consent letter, isn't it?

Tony Greubel: Yeah, just attaching a franchise or consent.

Commissioner Tuley: That we sign the consent letter.

Commissioner Jerrel: Second.

President Mourdock: So ordered. That's for Capital Cable refinancing.

Tony Greubel: The other issue had to do with Environmental Management Consultants. Originally, when the contract was signed with them earlier this year, I think it was in March, it was thought that the asbestos abatement was going to occur after the Auditorium had closed or else the Auditorium would have been closed, perhaps, earlier in the fall. Instead the Auditorium is staying open until January 5 and they had to do the abatement while it was still open and workers were inside there and so there is more safety measures, more air samples had to be done and different issues like that. As a result, the fee is going to go up by \$7,500 to cover that. There is a change order.

President Mourdock: What was the initial cost on that?

Tony Greubel: It was about \$18,000.

Commissioner Jerrel: I have a question. Why did they do it before, instead of after?

Joe Harrison, Jr.: Well, they were directed, I guess, to do it before. They've got it done now and the only time they could get it done was when the place was open. I mean, it has been open during this whole period of time and as opposed to doing the work after January 5th, but they were instructed by others that aren't sitting here, I think, to do it earlier.

President Mourdock: But I think what part of that is, is that to get started on January 5th there was going to be a lead time because the very first item that they were going to work with was going to be in this area.

Joe Harrison, Jr.: Right.

President Mourdock: I mean, the area where they were working.

Joe Harrison, Jr.: Right.

President Mourdock: Was that also the section of the building that was still owned by the county or was it strictly liability that caused us to sign that contract--

Commissioner Tuley: Liability.

Joe Harrison, Jr.: Yes. No, strictly liability, but the bottom line is that they had to get this done earlier than to do it all during the month of January or so when it was closed, so they got it done up to this point not knowing that the bids would have to be relet as they were.

President Mourdock: Sure. As a suggestion to the Board, before we act to accept that change order what I would suggest is maybe we would pass that on to the County Engineer and have him review it and also talk to the people with Environmental Management Consultants and see fully what we are getting for that change order that is

50% above what the price was.

Joe Harrison, Jr.: This also...I've talked to them. This also includes work that will be performed. There is some other work that has to be performed after it is closed and this includes that amount as well, so they will not be billing any more. They have to go in there once it is closed and do some more work and this will include that sum.

President Mourdock: Based on what they found, I presume?

Joe Harrison, Jr.: Yes.

President Mourdock: Do you know how that...what the split of that \$7,500 is? Maybe this isn't as big an issue as it seems.

Joe Harrison, Jr.: No, I know that they still have some work to do. I can't tell you how much, but, I mean, it's probably another week or two. Also, some of the work that they had to do had to do with some of the wage issues over there, too, that was included with that.

President Mourdock: Is that included in this figure?

Joe Harrison, Jr.: Yeah, yes.

President Mourdock: Okay.

Commissioner Jerrel: Well, I am going to...may I make a motion to approve?

President Mourdock: Sure.

Commissioner Jerrel: I'm going to make a motion to approve the change order for Environmental Management in the amount of \$7,500.

Commissioner Tuley: Is it minimal the amount what they are coming back to do? The work that they are coming back, do you know is it a minimal amount of work?

Joe Harrison, Jr.: Well, it's...yeah.

Commissioner Tuley: In terms of the \$7,500 increase.

Joe Harrison, Jr.: Yes.

Commissioner Tuley: That's what I am saying.

Joe Harrison, Jr.: The thing is because they had to have one of their people over there the whole time when it was opened if there were people in the building monitoring the air quality during that period of time so that it didn't get over the environmental level.

President Mourdock: In the added costs that will be incurred after the true construction begins are already covered in this change order?

Joe Harrison, Jr.: Yes, that's correct.

Tony Greubel: Commissioner Jerrel, you might have to amend. It's \$7,900. I'm sorry

about that.

Commissioner Jerrel: Okay, I'll amend that amount to \$7,900.

Commissioner Tuley: Okay, second.

President Mourdock: So ordered.

Tony Greubel: Okay, the third item, if you wish to take this up tonight, ASAP Transportation dropped a clean copy of a contract this morning for their services. We have already approved that last month to award them the bid to take over from SLR. The County Attorney looked at it last week and he suggested two minor changes and then they were done with so I have it this morning...I got it this morning if you would like to sign it tonight.

President Mourdock: Yeah, that we voted on previously so I don't know that we need to vote on it.

Joe Harrison, Jr.: It's fine.

Tony Greubel: It will extend from November 1, 1997 to October 31, 1998.

Commissioner Jerrel: So we don't need a motion?

Joe Harrison, Jr.: Yes.

President Mourdock: Correct.

Commissioner Jerrel: We do?

Joe Harrison, Jr.: To approve the contract.

Commissioner Jerrel: I move that we sign the previously amended contract for ASAP.

Joe Harrison, Jr.: No.

Commissioner Jerrel: Or move that we sign the contract we agreed to.

Joe Harrison, Jr.: Yes.

Commissioner Tuley: Is that a motion already?

Commissioner Jerrel: Yes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Tony Greubel: Okay, that's the major stuff. A smaller item, I finished our encumbrance letter to the County Auditor today and that was turned in. That included...it may not have been absolutely necessary, but that includes the Welfare to Work money. It is already tied with purchase orders, but I did make note of that on the encumbrance letter. Let's see, also the Welfare to Work on this Wednesday, and I hope you got my E-mail,

Richard, the Deputy County Clerk will be there to swear in the last of the members who haven't been able to make appointments with her. Finally, this afternoon I attended the Airport Advisory Team meeting. It was to approve a vision statement. We've decided that we are going to meet quarterly next year to help implement it. We don't have final assignments done yet, but I am going to ask to be part of the foreign trade zone and help work on that issue.

President Mourdock: Are they continuing to meet...will they meet quarterly on Mondays as they have in the past?

Tony Greubel: Right. It will be quarterly. This year they were meeting about an average of twice a month. I'll pass out the vision statement that we came out with and other than that, that's all I have.

### **Steve Craig - Burdette Park**

President Mourdock: Okay, Steve Craig.

Steve Craig: I only have a couple of things to cover. One of them is the roof work is supposed to begin tomorrow...no, Wednesday, the 17th. Kind of the wrong time of the year to do it, but they got a break this week so I think they're going to take off with it. Joe approved our revision of our lease that we had sent to him and he made some revisions and we made a couple of little ones and sent them back, so we're ready--

President Mourdock: That's the form lease for the chalets and shelter houses?

Steve Craig: Yeah. I got the problem taken care of yesterday.

President Mourdock: Okay. I was in Sunday morning about 9:00, I guess, and the phone rang back here and someone had a chalet or building rented and couldn't get the heat on.

Steve Craig: The thermostat was on 50 like we tell them to turn them when they are not in use to save energy, but we took care of the problem. Richard called me at home.

President Mourdock: We tracked Steve down. The job never ends, right? Sunday morning, too. Okay, any questions for Steve? Just for the record, we have the Burdette Park work part-time employees and full-time employees completed tasks for the week of December 5th through December 11th in our packets this evening. Okay, thanks, Steve.

Steve Craig: Thank you.

### **Consent items**

President Mourdock: Consent items, we have several. Obviously, the normal pink slip employment changes; we have several travel requests; and also the County Coroner has submitted a vehicle for surplus, a 1986 Chevrolet station wagon that only has 200,000 miles on it. Another asset has died at the Coroner's Office.

Commissioner Jerrel: I'd like to move approval, but I have one item that I think is okay, but just to make sure that the Knight Township Trustee Office Poor Relief pink slip really belongs in our pink slips. I'm not sure that they are paid under our funding arrangement,

but the Auditor is going to check on that. I move approval of all of them, but to verify that.

Commissioner Tuley: Okay, second.

President Mourdock: So ordered. That approval was for all the consent items not just the pay items?

Commissioner Jerrel: Right, yes.

### Scheduled meetings

President Mourdock: In the packets there is a list of scheduled meetings. Just as an advisory to those members of the press we will not be meeting the 29th which I know you're disappointed by--

Commissioner Jerrel: Unless you want to.

President Mourdock: --but we will again meet for the last meeting of the year next Monday, the 22nd.

Commissioner Jerrel: Let's have a report on how we are doing.

President Mourdock: At that meeting?

Commissioner Jerrel: Well, yeah, it's the end of the year.

President Mourdock: No, I mean as opposed to right now. You're saying at that meeting on the 22nd.

Commissioner Jerrel: You can do it right now if you want to. Well, the paving is going to be corrected.

President Mourdock: Okay. Yeah, why don't we do it next week. We can knock all those things out and have some numbers to go with it and I think that would be appropriate. We'll do that next week. I will mention kind of under new business sometimes as you move ahead you feel like you step back. I received a call today from the Indiana Department of Environmental Management and they're looking, the good news is, starting to take a more regional approach in that they are in seven different areas of the state trying to put together different groups within those seven areas to work together to begin to educate elected officials and the public at large as to the standards of the new air quality regulations that apparently are coming down from D.C. The preliminary thought is they might try to combine Warrick, Posey and Vanderburgh counties to begin to put some folks together within those three counties to deal with that issue, so we've long said we have a regional problem and it looks like at least there is some thought to heading in that direction so I suspect I'll have more to report on that in the coming weeks, but as I say sometimes it feels like we move forward and we move backwards at the same time.

### Old business

President Mourdock: Old business this evening?

Commissioner Jerrel: I have just one item and that would be to authorize payment by Council from their line item 1971 which is the payout item for the Vanderburgh County Auditorium employees for their accumulated time.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: You want to take this and verify it with Sandie and make sure those numbers are right.

President Mourdock: Any other old business. Pat, do you have any?

### **New business**

President Mourdock: Okay, new business. Any items? I'll start with one here. Just informationally...in fact, maybe it goes to the issue I just said, but I am meeting tomorrow at lunch with some folks from both Posey and Warrick County to kick some common issues around, so I suspect the air quality issue may be one that will come up as part of some other discussions, but everything from EUTS type information to air quality or what have you will probably be on the table. I guess just since we've got time before our zoning meeting, any thoughts regarding the jail situation? It's been getting a lot of press lately. Clearly we have a situation there where the county continues to run some liability and a good time for a discussion as far as how we might want to begin to address that. I just lay that on the table and see from either of you when or how or what your thoughts are.

Commissioner Jerrel: Well, Pat and I have had a chance to just talk a little bit about his past employment of a long time ago which I didn't realize and I have prepared a little information that you might want to just look at. I think this thing can be divided into several issues. One is the physical condition of the jail. That's one issue. According to our attorney there is...I mean, we actually rent the facility from the Building Authority and it is their responsibility in many instances in this building to provide upkeep and maintenance. However, the jail we understand is a different animal, so we probably need to review that and somewhere in this we need to be dealing with the Building Authority. If they're not going to be able to maintain it for whatever reason, then I think we need to meet with the Sheriff and find out how we can arrive at a way to fix the plumbing and the visitation phones and the painting. I mean, the housekeeping part of it first.

President Mourdock: Okay, you said that's one issue. Do you have a list?

Commissioner Jerrel: Yeah, that's one. Well, yeah I do.

President Mourdock: I thought you might.

Commissioner Jerrel: The other issue is, and this one Pat gave me a lot of insight on and what you've got in your packets is really what he gave me, we know that the system we have now is not the system that is generally used in other bail bond arrangements around the country and this state. So I would like to say that's another issue that there is a glitch in the bonding or bail process that we need to...I love that body language down there. It's so (inaudible). That's not for the record.

Suzanne Crouch: We can't take something off the record.

Commissioner Jerrel: Well, leave it on the record. You don't know who I am talking about. I do believe that we need to...that's a judge's decision. The process of how that is handled is the judge and I don't know that all of the records and the information that I have is accurate, but if you can't afford to make bond you don't get out of jail. If you can, you do. So that is an issue we need to evaluate because it is part of the mix. The other issue deals with while we may have a good record on moving through a felony charge, you know, it is in the stockbroker business it's called churning and in the court system it is called stirring, but you keep the same people in the system before any sentencing is actually accomplished. So, you know, everybody that has a part of this has a different aspect about it. Pat's--

Commissioner Tuley: Experience, so to speak.

Commissioner Jerrel: Well, I mean, I learned a lot from you.

Commissioner Tuley: It's something that we need to go back and just ask the courts. For those of you who don't know I used to...there was in one of those editorials there was reference to a Bond Commissioner and that's not what we were called, but in essence that is what we did. We worked during non court hours late at night, weekends and holidays. Basically we were the first contact the arrested person had with the court system in terms of doing interviews to determine qualifications for either no bond or reduced bonds or whatever the situation was and we had guidelines provided by the courts that we operated and we had quite a bit of leeway as well, but basically someone arrested on a misdemeanor charge that based on a point system qualified for enough points based on employment, residency, family and friends or what have you, if that information was verifiable and was verified and proved to be accurate a lot of those people could be released.

President Mourdock: Is that what you did was to do the verification?

Commissioner Tuley: I did the interview, the verification and the setting of bonds within the standards given to us by the court during non court hours and, you know, particularly I mean it may sound like well, if you've got somebody arrested on some pretty serious charge you are not going to release them anyway and they are going to go to court or the judge has the right if you release someone the next morning he can either up their bond or make them post bond or just throw them in jail with no bond depending on, you know, things that they find out over and above what we found out. The point is it did allow people, and I am sitting here thinking next year is a fine example where the Christmas holidays will be on...the county will be closed Thursday, Friday, Saturday and Sunday. I don't know what they do right now, but in my time when I was there we came in during that period of time. Someone came in and did that interview and there was some people that were released straight from the jail based on that information that we received from them. They don't do that right now. I don't know what happens. I guess if you go to jail on Wednesday night after court closes if you can't post bond you sit there with no chance of being released until you go to court Monday. Some of this may be part...I'm not suggesting...the courts for some reason apparently don't have those positions in place. It is one of the questions that I was telling Bettye that we need to find out why and see if that is something that maybe needs to be reinstated.

Commissioner Jerrel: Yeah, I think that's...we've got bail bond issue, we've got the multi charges that go for one and that may last 92 days and then the next one may last 92

days and it's an ongoing system that needs to be evaluated. The physical condition. The pauper system is another one. You know, if you're behind the bars you are complaining more because you're not being able to...if it takes from August until October to find out if you are a pauper or not, and we do have a very sizable pauper budget, and that again is under the control of the judges and that's their responsibility not ours, but I don't know enough about it except the 301 sheets that I read and there was a lot of delays because of the defense attorney not being available or not being present which was extending the days. There is a system we can take a look at. The law was passed and I included that in your packet, too, that we can examine a Public Defender Board where...it wouldn't be cheaper. I'm not sure that it would be more expensive because nobody has costed it out and the costs are commingled in all parts of the budget, but we would have public defenders, and you could contract with people just much like you're doing now, but you would have a responsibility level that would be separate from the courts. That's another thing we can look at.

President Mourdock: And if we did that whose control would that be under? The Commission, I presume.

Commissioner Jerrel: We have the authority to establish that now with nobody else's--

President Mourdock: Okay, but once it is established--

Commissioner Jerrel: There is a Board that governs it and the courts have appointments and we have appointments.

President Mourdock: So we're at Community Corrections. I mean, same type of thing?

Commissioner Jerrel: Type of thing, yes, but there is--

President Mourdock: Well, I guess what strikes me about this and they can write books and books about what I don't understand with all the legalities of this system, but you've just listed five separate--

Commissioner Jerrel: And there is one more. May I list it?

President Mourdock: Sure go ahead. Keep going.

Commissioner Jerrel: Because if we do not examine the system and say build a new jail...I told you I met with Lake County Commissioners last Thursday. They have 745 in their jail now and they are building a new jail and it will hold 800, so that in my mind is not practical. Whether or not we need a new jail is a major tax implication that we...I mean, if we order it we're going to have everybody paying for it, so I think we have to put that in there, too.

President Mourdock: Sure, we do. Maybe that one makes my point because of the four that you've stated that is the only one that I know for sure sitting here right now this Board has really the ability to grasp. Clearly the Building Authority is somewhat a voice on their own as far as the physical condition of the jail. The bail bonding and posting of the bond issue, that's a judge's issue. The stirring issue is one of the Prosecutor's Office. The pauper system is a system of the courts. If you go back to something like the Community Corrections system and following this thing this is about the most frustrating one that I've run across in three years on this Board because when the liability comes due I know who is responsible then.

Commissioner Tuley: Oh, yeah.

President Mourdock: It's clearly us. Yes, Joe.

Joe Harrison, Jr.: Simply because Indiana statute says that the Commissioners are responsible for maintaining and repairing a jail.

President Mourdock: Yeah.

Joe Harrison, Jr.: In a county and that's the bottom line.

President Mourdock: It is the bottom line. It truly is. There are always dangers in working with committees because sometimes you come away without a clear majority. On rare occasions, especially with an issue like this, the best you might hope for is some sort of meaningful consensus, but as a suggestion as to direction I wonder if this Board, since we carry the liability, if this Board can solicit representatives in...I don't know what you call it here, a Blue Ribbon Commission, for lack of a better word, to look at this issue bringing in people from the different groups that we've just talked about, but do it under the spirit of this bulletin board that we have over here with a specific time as to when they need to report back and act from there. Probably the best thing that is happening with this right now is that it is getting the publicity it's getting because I guarantee the consensus in this community is I don't care when somebody is in jail. They're there for a reason and I don't care if they have to sleep on the floor. That isn't right because most of the people in that jail have not yet been convicted of anything.

Commissioner Tuley: That's one more issue. If they've been convicted of anything why are they in that jail?

President Mourdock: Well, now we're back to the stirring issue, you know, where they are putting them back in there to try them on another charge.

Commissioner Tuley: Which maybe to that committee or something does IDOC maybe need to have a seat on that commission?

President Mourdock: Excellent point. Excellent point.

Commissioner Jerrel: Who?

Commissioner Tuley: IDOC.

President Mourdock: Department of Corrections.

Commissioner Jerrel: Oh, yeah.

President Mourdock: Let's just run through the list. If we did something like that we've got, and I'll just read my list, the Building Authority, a judge or two, Prosecutor's Office, Community Corrections, I would presume.

Commissioner Tuley: I would think.

President Mourdock: Since they've got a dog in this fight. I'm just going to keep going here, the Commissioners--

Commissioner Tuley: The Council.

President Mourdock: --the County Council because they've got to pay the bills.

Joe Harrison, Jr.: Defense lawyer.

President Mourdock: A defense or several defense lawyers. I see the County Sheriff plus the Police Chief of Evansville involved. Others? Who did I leave out?

Commissioner Tuley: Did you get the representatives of the court? Circuit and Superior Court, did you say that?

President Mourdock: Circuit and Superior Court. Bettye Lou?

Commissioner Jerrel: No, I was just going to say boy what a group to work with!

President Mourdock: That's the problem though isn't it? I mean that's really the problem.

Commissioner Jerrel: I know, that is the problem.

Commissioner Tuley: It is...I'm sorry, go ahead.

Commissioner Jerrel: No.

Commissioner Tuley: It's a problem and its real easy and Joe pointed out the law says we're responsible. I dread the thought that until we do some sort of self evaluation we're headed down the road that includes the words "build a new jail" because I am of the opinion that until we do a self evaluation and determine that if we do build a new jail and let's say we build it for 400 that we're not going to have 450 people in that jail.

Commissioner Jerrel: That's a given.

President Mourdock: Yeah, and that is where the demographics of this whole thing are very, very interesting to me and what I truly did not expect at all which is the population of the city and the county is not increasing. Violent crime has actually gone down and still we're holding more people in the jail. I credit you, Bettye Lou, you dug out a lot of those numbers and that is the important part of this whole thing. I mean, something has fundamentally changed but it isn't the population, it isn't the crime rate, it's what we are doing procedurally.

Commissioner Jerrel: I would like to invite Larry Landis down if I can get him the second or third week in January just to take a look at the cost.

President Mourdock: Who is Larry Landis?

Commissioner Jerrel: He is the Director of the Public Defender Commission for the State of Indiana. Just to take a look at the defense cost that we have because if we are not getting...you know, every day that someone is in there longer than they need to be in there before they are sentenced or set free, I'm assuming that they're guilty, but they could be innocent--

President Mourdock: They are assumed innocent.

Commissioner Tuley: Under our constitution they are assumed innocent.

Commissioner Jerrel: --but I think if they are assumed innocent that we, I mean, we need to weigh the costs.

President Mourdock: Sure.

Commissioner Jerrel: In other words, if there is an increase if we establish a Public Defender...that's what the judges always say to me. If you do this it will cost more money, but no one has ever looked at every line item in each budget as to what costs are allocated to public defense and I bet you and I could find them though, don't you, Ms. Crouch?

President Mourdock: But is not their standard answer the same people who are saying that would cost more money, isn't their standard answer build a jail?

Commissioner Jerrel: Yes, but nobody has every really looked at those costs.

President Mourdock: But my point is that's a big cost, too.

Commissioner Jerrel: Yes.

President Mourdock: I mean, that's real dollars there.

Commissioner Jerrel: Right.

President Mourdock: Let's try to foresee the conclusion. If we put a group like this together, if we invited them to attend number one, do you think we would get participation and number two, this is the big stretch, do you think we could reach some level of consensus for a direction?

Commissioner Jerrel: Well, I'm going to give you past experience. I've met three times with a similar group like this. They've been judges, Sheriff and I don't know what title I had at the time, the Prosector, and I don't know what kind of setting we should have because it is very difficult because everybody feels that they are being the ones that have to make some sort of adjustment. I think it would be a good idea to get everybody together initially, but maybe break up into smaller groups for actual study and come back and report to the group the findings.

Commissioner Tuley: I think the answer to your questions, I think, will depend on how we frame it. If we set it in such a tone that, I mean, it's obvious we have a problem. We need to address the problem, but we need to identify it and not identify by pointing a finger and saying you're responsible or you're responsible. We collectively are responsible and we have to come up with a solution.

President Mourdock: Yeah. I would hope that no one would come into this setting thinking it's going to be a finger pointing exercise. If they do they ought not be here because that's not going to be the basis.

Commissioner Tuley: No, that's not what we need it for. I mean, you know, obviously we have a problem that we need to address and like I said earlier, an expansion or rebuilding or new or whatever is...financially just the impact is terrible to think about. I don't even want to think about that. If there is any way possible that we can look at

things and I think that we've talked about some of the things. I think that is a good list of some of the things that we need to be talking about and looking at.

Commissioner Jerrel: I believe the judges are...individually when you talk to them most of the judges are very realistic and it is just that it's easier to continue like we are now then to address any other facet of this and it is a very multi faceted problem.

President Mourdock: And it's at its base in many ways a political problem because no one in elected office wants to be seeing that negative TV ad like a Willie Horton ad of a few years back run against them.

Commissioner Tuley: That's right.

President Mourdock: Certainly we don't want a Willie Horton in Vanderburgh County, but like you said, Pat, we've all got a part of the problem. We've all got to be part of the solution somehow.

Commissioner Tuley: Yeah. It's...I don't think the county jail is...to me it is a holding place. It's not housing, that's what it is intended for is to hold people until they go to court and once they go to court then they need to be somewhere else. Maybe that is Community Corrections, I'm not sure. Maybe we need to reevaluate the role that plays in our program, but also we need to be very careful there because the description you just gave we had already out there once.

President Mourdock: Yeah, exactly right. Okay, why don't we try this. How about if next week we each put together our list and...even one step further. Why don't we each put on a piece of paper and circulate it to the others how we see such a committee functioning, what their goal to be or goals and who we think ought to be on that group? Do you want to just circulate that and we'll--

Commissioner Jerrel: Obviously we're not going to do anything until after January 1.

President Mourdock: Right.

Commissioner Jerrel: Perhaps we ought to at least direct the...the judge would be...we ought to direct the letter to the Chief Judge and the Circuit Judge.

President Mourdock: Which letter?

Commissioner Jerrel: To establish.

Commissioner Tuley: I think you're talking about a composite letter aren't you? I mean, once the three of us put our--

Commissioner Jerrel: Yeah, right, but I mean to the--

President Mourdock: I thought you were thinking of something in front of that.

Commissioner Jerrel: No, no.

President Mourdock: Well, like I said, I am frustrated with the whole situation. Clearly it's a problem that no one person or group of people can solve, but maybe we can do something. At least this may bring a smile to Joe's face, at least by even starting this

process we have something in the record that we are doing which could some day work to our advantage. Okay, any other business? New business? Motion for adjournment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:40 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
Jayne Berry-Bland  
John Stoll  
Jim Flynn  
Milton Hayden  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
December 22, 1997**

The Vanderburgh County Board of Commissioners met in session this 22nd day of December in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: I'll call the December 22, 1997 meeting of the Vanderburgh County Commission to order. If there are some in the room for the Drainage Board meeting, that meeting will take place immediately following this meeting, so you are in the right room, just be patient with us. By way of introduction and for the minutes, in attendance this evening, Recording Secretary is B.J. Farrell; the County Auditor's office is represented by Mr. Bill Fluty; County Commissioner, Bettye Lou Jerrel; County Commissioner, Pat Tuley; County Attorney, Joe Harrison, Jr.; our Administrative Assistant from the Commission Office is Tony Greubel. After we get started here in a moment, if you need them, there are agenda for the meeting over on the far table. If you wish to speak please come to the microphone, state your name and address for the record because we take all of our minutes verbatim. Please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: First in our action packets this evening is the approval of the minutes of the meeting of December 15, 1997.

Commissioner Jerrel: I move approval of the December 15th minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Second is our Executive certification minutes. B.J., did you bring that folder with you by chance? Okay, we can sign it next week.

B.J. Farrell: I think Tony has it.

President Mourdock: Okay, I wanted to mention it here and if it comes through we'll sign it in a moment. We had an Executive Session which began at 4:15 this afternoon and was concluded at 5:30 this afternoon and that Executive Session dealt with union negotiations and also with litigation against the County. So with those being the summary minutes would there be a motion to approve those?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Third on our list, Mike Shoulders in what he hopes will be his final presentation regarding the Auditorium to the Vanderburgh County Board of Commissioners.

Mike Shoulders: Good evening Commissioners. My name is Mike Shoulders, President of Veazey Parrott and Shoulders, principle architect in charge of the Vanderburgh Auditorium project. My address is 528 Main Street. I wanted to come and update you regarding the bids on our project, the Vanderburgh Auditorium, and kind of give you the lay of the land in terms of this project moving ahead, we hope. We met last week with financial consultants, this is Lucy Emison, from Ice Miller Donadio, and Ryan and Colette Irwin-Knott, from Umbaugh Associates, out of Indianapolis, to review the funds available year end and be sure that whatever we recommend is doable within those funds. So what we found on their report was that the available funds, of course, are a \$35 million bond issue, there is also \$750,000 in Riverboat dollars available to this project. Another interesting fact is that the architects fees have been paid via County funds, County cash on hand, Food and Beverage accumulation of funds. So the dollars for fees have been taken care of to date and they do not deplete the \$35 million bond. I will be going to the City/County Building Authority's scheduled regular meeting for this month on December 30th. At that meeting of the City/County Building Authority I will be making the following recommendation based on bids received. I will be recommending a base bid price from the apparent low bidder of \$32,915,393.00. I will be recommending that the Building Authority accept our alternate number 17 which is the completion of six meeting rooms, finishing those rooms out. That number for that part of the bid is \$667,218.00. I will be recommending that they accept alternate number 19 which is the completion of the ballroom, finishing out the ballroom. By the way, alternate number 17 includes the restrooms adjacent to be completed to the six meeting rooms, and alternate 19 includes the adjacent restrooms on the upper floor adjacent to the ballroom plus the completion of the elevator that connects these two floors. Alternate number 19 for completion of the ballroom is \$657,076.00. By my math and adding the three numbers for the apparent low bidder of the general construction we have a number which is \$34,239,687.00. We will also be recommending as part of the furnishings bid, an item that needs to be done early in this process, which is the removal of the present auditorium seats which would be in the contract of the apparent low bidder for provision of new or refurbished auditorium seating. The reason I'm recommending this at the outset is that's one of the first things that will happen upon demolition is the removal of those seats so they can be stored for refurbishing. That low bid amount under a separate contract is \$495,247.50. If I add the apparent low bids for the general contract and the award of the auditorium seating contract I have a grand total of \$34,734,934.50. This will leave slightly in excess of \$1 million for our contingency that the Commissioners have stated that they would like to see in this project. So we will have an excess of \$1 million contingency. I will recommend to the Building Authority at their meeting on December 30th that they

sign contracts, that they send a written notice to proceed no later than January 2nd that will take effect on January 5th simultaneous with the closing of the building. So we would anticipate that the public closure of the building as scheduled all year this year at January the 5th will, in fact, be the closing to the public. There will be a transition between the period of January 5th to the 10th that transitions all management and workers and move out, that transitions the building over into the hands of the general contractor. With that I would like to say to you that we are on budget and we're also very much on schedule for this project. I would like to thank the County Commissioners for their patience, their forbearance, for their good advice through the process. I think we are going to have a very successful Vanderburgh Auditorium Convention Center program. I will entertain any questions that you might have on any of these figures or this budget or schedule.

President Mourdock: Pat, any questions or comments?

Commissioner Tuley: I think first off, Mike, after we've talked and different things in the last couple of weeks, would you elaborate a little bit, I would not call this a bare bones project.

Mike Shoulders: Yes, had we not been able to take alternates 17 and 19 which we were very concerned about it may have been a little more bare bones than it is today. We will have a finished building ready for use by the tenants for conventions, for arts performances. I would prefer to utilize rather than bare bones, Mr. Tuley, I would prefer to use a lean and mean building that is flexible, that is adaptable, and that is expandable.

Commissioner Tuley: Good, thanks. I just want to publicly thank you Mike. I know you guys have done a ton of work and we still have a lot of work to do. I don't want to steal Mike Buente's thunder here but we've been doing a lot of talking, let's start pouring some footers.

Mike Shoulders: Okay, thank you, Commissioner.

President Mourdock: Bettye?

Commissioner Jerrel: No, I've had the opportunity to sit down with Mike and he did a good job of briefing me and I'm prepared to watch it proceed.

Mike Shoulders: Thank you, Commissioner.

President Mourdock: I'll just add a couple comments. While Pat was speaking I went back through my notes and I had on here that you first appeared before this group to begin speaking to this project on May 15, 1995.

Mike Shoulders: Has it been that long?

President Mourdock: Yes, it has. It's been two and a half years. At any rate I'm glad that we are at this point. I

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

think, I don't know, lean and mean and kinder and gentler and all those phrases can run together. My nightmare scenario when we went back for the second bid was that we would have a project that we could do, but we wouldn't be able to afford any of the alternates in which case we would have had a building that the day it was finished the first question would be when will the building be finished? Obviously we're not going to have that problem. I think we're going to have a very functional building. So I wish you well in going to the Building Authority. I guess two other quick comments, just somewhat procedural, we've got that the \$34 million, whatever it worked out to, the final number, \$34,734,000 with a million dollars left. We've got about 2.9% in our contingency, so obviously we're really going to have to watch that close through the duration of the project. I know your biggest concern, justifiably, is on the demolition side and getting going with the auditorium, but that's where the surprises might be.

Mike Shoulders: Right, we would like to hope that there is something left in the contingency to put some embellishments, but no one would count on that at this juncture. We would devote the full contingency to any unforeseen items in the wall, in the old existing walls, or under where the footings are being dug out.

President Mourdock: Assuming that the Building Authority does act in the positive on this at their meeting, I certainly expect that they will, even though at that point your responsibility to this group pretty well passes away and you go to the Building Authority, because of our connection with the Visitors and Convention Bureau and doing the future scheduling, I would still appreciate a quarterly update on the schedule so that we can coordinate with them. I would very much like to have that to keep on the wall over here so everybody sees it.

Mike Shoulders: I failed to mention that it is my understanding, you didn't hear anything about the furnishings and other improvements related to furnishings in my report, and it's my understanding that the Commissioners' intention is to go before the Convention and Visitors Bureau to apply for a grant which would then in turn fund what we'll call improvements and furnishings for this project.

President Mourdock: Very much so, yes. One other bit of unfinished business that may be a little out of order here, but I would ask at this point, we have the last invoice from Veazey Parrott & Shoulders that we held pursuant to this work being put out for rebid and the second bid coming back within our budget limitations. That is in the packet, it wasn't in our consent items, but I think it would be appropriate since this is wrapping up the function of VPS for the Commission that we have a motion to go ahead and pay that.

Commissioner Tuley: I'll gladly so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Mike Shoulders: Thank you, Commissioners. I appreciate it.

President Mourdock: Okay, thank you.

Mike Shoulders: I enjoyed working with you and happy holidays to you.

**Deferral of bid awards for VC97-18 & VC97-17**

President Mourdock: Alright and on that happy holiday note, the second item is from Lynn Ellis and City/County Purchasing. The first item is to award a bid for the County Assessor's new server, VC97-18.

Commissioner Jerrel: These have both been delayed so there's no action on either one.

President Mourdock: Okay so VC97-18 and VC97-17 are deferred.

Commissioner Jerrel: Yeah, I make a motion that they both be deferred.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Contract for evaluation services at Futtrell Landfill**

President Mourdock: Bettye Lou, I did not have a chance to speak with you about this next item, but I would appreciate it if you would handle this one because otherwise it involves a conflict of interest from yours truly.

Commissioner Jerrel: Oh, okay. Let me get to the section. At this time I would like to move approval of the contract, and I did go out there last week to the Futtrell Dump. If you're ever interested in going out there and looking at it you take a left and you go south off of...if you are heading east on the Lloyd you take a right and if you're heading west you take a left, and you go around a bridge, kind of a bridge abutment and then you continue about two hundred feet and on your left is the lovely Futtrell Dump. So I did go out there and I'm very pleased to make this motion that we enter into a contract with Koester Environmental Services, Inc. for the survey of the facility so that we can begin this cleaning process. It's in the amount of \$9,919.45 which was the low bid.

Commissioner Tuley: I'll second.

Commissioner Jerrel: I'll say so ordered.

**Approval of Amendment 5, Information Resources Management Agreement with SCT**

President Mourdock: Thank you. The next item then is the famous Amendment 5 with Information Resources Management regarding the City/County computer system. Bettye Lou, you might have a couple of comments, I know you worked on that one.

Commissioner Jerrel: Well, I just would be very pleased to make the motion to approve Amendment 5. Having said that the highlights of the contract, Bill would be very happy to refer to you about, but in essence we are adding three, two PC and one system programmer to take care of the major increases in usage that the County and City are both experiencing. We do have some clauses in here that give us some opportunities and rights. Bill negotiated with Leslie and I for as long as he's been here and that, I'm sure, was a very interesting experience for him. I'm not going to elaborate on that, but I would be very happy to move approval on this.

Commissioner Tuley: I will second.

President Mourdock: Okay, and so ordered.

Bill Cottun: Thank you very much.

President Mourdock: You are free to make any comments.

Bill Cottun: I would like to thank Bettye Lou specifically and also the Data Board members that have worked with us on this. This has been I know a long time coming for you and SCT would like to thank you for your patience and your guidance. I wish you a happy holidays.

Commissioner Jerrel: You know we ought to give a little credit here to Gene Koch, he's our citizen appointee. There were a lot of people that offered a lot of good ideas, so anyway it's agreeable and everybody is happy.

President Mourdock: Good, very good.

<b>Appointment - Welfare to Work Local Planning Council</b>
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President Mourdock: Next item in our packet we have, I believe, a real community asset, Mr. Roger Frick, who has been working with United Way for a number of years, is leaving the Evansville area to go to Indianapolis. He is worked among his many other duties with United Way as our appointee to the original Welfare to Work Planning Council that we were mandated under the state to put together. Because he's leaving we need to make another appointment and one of his cohorts at United Way who has expressed an interest in serving would be Mr. Dan Hayden. So if that is agreeable we need a motion to appoint Dan to replace Roger.

Commissioner Jerrel: I'd like to move approval of Dan Hayden as our interim appointment for the local Welfare to Work Planning Council.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Appointment - Chairman for Welfare to Work Local Planning Council</b>
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President Mourdock: On that same subject of the Welfare to Work Planning Council, when that group was originally formed Mr. Gary Heck, who was at the time working with Junior Achievement, was appointed as the Chairman of the group. He basically put together the agendas and drove the conversation. As you may know he subsequently left the Junior Achievement and went to work for Lieberman & Associates. Lieberman & Associates then, after the bidding process, ended up being hired by the County as the Gatekeeper through the Welfare to Work project. It's no longer appropriate, therefore, that Gary serve as the head of that committee and I would recommend that we have Tim Suenram who is a local pastor with a Presbyterian church, I believe, to fill in that position. He is interested in doing it and I think we're on a pretty, to use the words again, lean mean meeting so...

Commissioner Jerrel: I'd like to move approval of that recommendation.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Torian Hofmann & Dillow - Insurance applications and acknowledgment**

President Mourdock: Next we have in our packets a document from Torian Hofmann & Dillow regarding insurance applications and acknowledgments. Perhaps Tony or Bettye Lou, one of you can add to this more than I can.

Tony Greubel: Actually these are just applications for some of the new policies, for example with the Deaconess HMO program and with the new dental policy and the new vision policy, and then acknowledgment forms.

Commissioner Tuley: What is this first one? Just so I know what it is.

Tony Greubel: That's just saying --

Commissioner Tuley: It's a blank form.

Tony Greubel: The first letter is just for the insurance carrier to prove that he's being compensated by...or the insurance agent to prove that he's being compensated by the insurance company and not by the County Commission for advertising the health plans, showing them to the county employees.

Commissioner Tuley: Just an acknowledgment that we know he's being compensated by them instead of us?

Tony Greubel: Right.

Commissioner Jerrel: The Spectera vision insurance is something that, as I understand it, we needed another vision, is that correct, Tony?

Tony Greubel: Yeah, the Guardian plan that we had come up with

was dropped because of a 25% requirement from the county employees.

Commissioner Tuley: Mr. Hofmann called me about that one. Apparently somewhere along the line that didn't come up until after the fact.

Commissioner Jerrel: I saw the first application and it didn't have that in there and then it appeared.

Commissioner Tuley: Yeah, but it sounds like they are working on something that may even be a better deal anyway, so that's fine.

Commissioner Jerrel: Do you have copies of these in your office so we don't need to give you our --

Tony Greubel: I have the originals in the signature file.

Commissioner Jerrel: Oh, okay.

President Mourdock: Is there a motion then that we approve the Torian Hofmann & Dillow items in the packet as submitted?

Commissioner Jerrel: Yes, I move approval of the items as requested.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Those are the last of our listed items. We turn to the audience at this point and any one here wishing to speak to any issue that is not on the agenda, assuming it's not a Drainage Board issue.

Bill Harty: It could fall under that.

President Mourdock: Well, give it a shot. If we tell you sit down don't be offended, we just want to fit it in the right place.

Bill Harty: No not as much as this has been put off. Mr. President and members of the Commission, my name is Bill Harty, H-a-r-t-y, and I live at 4112 Cort Street, it's on the west side. Why I'm here tonight is the ongoing problem with the flooding of Carpenter Creek. Carpenter Creek was once a legal drain, but it is no more. It is under the jurisdiction of the Department of Natural Resources. Since you have passed the law requiring developers to put in screens and bale to stop soil erosion and solidification of the creeks it has improved along the Expressway and the west side. However there is one claimant who disregarded you and everything else and that happens to be Jerry David. They are the subjects of the state hearing which I came tonight to make you aware of so that it may behoove you to send a representative to this hearing. At this time I will pass copies out so you can all have one and look them over.

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

9

There are several people on there, this is an ongoing problem. Mr. David has always dumped anything he wanted to on the south side of the creek and that creek has been raped by several developers along the way out there. We require attention. I don't know whether you will act on it as a Drainage Board, but I do urge you to have somebody attend the state meeting because it's been going on for years. I happened to bring the packet with me tonight, I have pictures in here and everything else, the ongoing packet of the number of delays by the state so on and so forth. I do have pictures of the flooding at Rosenberger and Hogue Road. This is what I'm mainly concerned of. The creek is full of silt. The floodplain has been disrupted by Mr. David and he shows no regard for doing anything. He is about the only developer left on the west side that hasn't done anything as far as plastic screens or retention of anything, any kind of a retention bed for solidification, you know, to hold back the solidification.

Commissioner Jerrel: This is a matter that he's the claimant versus the DNR.

Bill Harty: Uh-huh, well, he's dumped in the floodplain, filled the floodplain so to speak. It stops the water from going down.

Commissioner Jerrel: But it's not the DNR suing him, it's him suing DNR.

Bill Harty: It's back and forth. It's because of past violations reported by different groups and everything else.

Commissioner Jerrel: But is he wanting...why is he suing DNR?

Bill Harty: I think they have a restraining order keeping him from dumping.

Commissioner Jerrel: Okay, and that's why he's trying to get that lifted?

Bill Harty: There's been so many things happen and I missed the last meeting. I can't bring you up-to-date because they postpone it so often.

Commissioner Jerrel: But it's set for January 12th at noon at the DNR office at 3101 Green River Road?

Bill Harty: Right.

Commissioner Jerrel: So at that time they will rule on whatever it is he wants to have removed?

Bill Harty: Or they'll let him do what he wants to do, you know. He's supposed to have an engineer. He's saying right now that he hasn't filled the floodplain out there, but he's dumped debris behind the levee, he's blocked trains from the levee and everything. It's a mess out there and people don't know it and haven't went back there to see it. It is really a mess on the south side.

President Mourdock: Let me turn to counsel for a second. Joe,

do you have any comments on this procedurally?

Joe Harrison, Jr.: No, other than, again, it's not a County drain. He's advising us of this information. It might be that the County Surveyor may be interested or the Soil and Water Conservation District representative may be interested. Also the thing is it has a cause number. This leads me to believe, this is '95, that means this thing was filed in '95, so it's been going on for a while.

Bill Harty: Numerous delays.

President Mourdock: Following up on those comments, it would seem to me to be appropriate maybe from the point of view of the Board of Commissioners since it's not a legal drain that we follow that bit of advice and simply take Mr. Harty's request and pass this information on to the County Surveyor's Office and also Mr. Wathen with Soil and Water Conservation District and then hopefully they will attend.

Bill Harty: Well, I was just wanting to bring it to your attention because --

President Mourdock: It worked.

Bill Harty: It does drain the whole west side. I know there's other water problems out there, other areas that are not draining. So I thought it would be best to bring it to your attention.

President Mourdock: Sure, and that's fine and by happy coincidence as soon as this meeting adjourns both the Surveyor's Office and probably Mr. Wathen will be here in about 30 minutes, so we will make them aware of this.

Bill Harty: Thank you for your indulgence and merry Christmas.

Commissioner Jerrel: Thank you.

Commissioner Tuley: Thank you, Bill.

President Mourdock: Anyone else wishing to address the Commission? Okay.

<b>County Engineer</b>
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Tim Spurling: I'm Tim Spurling. I'm here on John Stoll's behalf. He's taking a well deserved vacation. All I have for you tonight is the claim requesting payment to settle the condemnation suit. This is with Euler, Martino and others. This is regarding the right-of-way condemnation for Burkhardt...the southeast corner of Burkhardt and the Lloyd.

President Mourdock: Joe, any comments since it's a legal issue?

Joe Harrison, Jr.: Well, it's actually not settling, but is paying into the court the amount that was reported by the appraisers who are appointed by the court...the three appraisers

who were appointed by the court in connection with the condemnation lawsuit. Their appraisal amount listed on the report is \$35,100 for the property that is being sought. We're asking the County to approve the blue claim so we can pay that into the court and the issue of whether or not that amount is sufficient to meet the needs of the owners of that property will be determined at a later date whether or not they want to agree to that amount, or whether or not they intend to file exceptions to this report. We'll find that out in the next couple of months, but at least by paying that amount into the Clerk's Office thereafter the County will be able to go upon the property and do the necessary work.

Commissioner Jerrel: Is this in the file for signature tonight, Tony?

Tony Greubel: I don't think that particular one is.

Commissioner Jerrel: Do you have a blue claim with you?

Tim Spurling: I have it with me.

Commissioner Jerrel: May I see what account you're taking that out of. I think it's out of the account where there is some funding left in there.

President Mourdock: Just to put it in the record it is invoice number 9708-CP-2741.

Commissioner Jerrel: Okay, I'd like to move approval of the payment of \$35,100 to the courts for the appraisal for the Euler property.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else, Tim?

Tim Spurling: Thanks a lot and merry Christmas.

President Mourdock: Before you leave are there any questions for Tim?

Joe Harrison, Jr.: If you can stick around whenever I have my report I have to bring something up. If you could just hang on for a second.

Tim Spurling: Okay.

### **County Garage**

President Mourdock: Okay, next is the County Garage and I don't believe we have a representative from the County Garage here this evening, but we do have in our items the Highway and Ditching Report. We filled in the circle up there for the paving list. As you may recall we still ended up with about two thirds of the work done on our ditching that we had hoped to complete, so we're going to take a better look at that one next year.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Then we will move to the County Attorney's Report.

Joe Harrison, Jr.: In connection with the Westwood Hills Subdivision Barrett Law project, I've been working with the County Engineer's Office to come up with an assessment schedule for the amount to be paid by the homeowners for the improvements to the roads out in their subdivision. Last week John Stoll presented the final cost estimate to the Commissioners. I have with me for submission into the record a report, in fact I'll give you two of them in case you need two, or a schedule of assessments for the homeowners out on that property. I would ask that the Commissioners accept this preliminarily proposed assessment schedule, and ask that the Commissioners approve a public hearing for January 5th for the purpose of holding a public hearing on this assessment schedule which is in front of you. The Auditor's Office is aware of our needs for this and they already have a copy of the proposed notice. I do have that also in front of you, if that could be approved to permit a public hearing on the proposed schedule of assessments and then thereafter...after that hearing, the homeowners will then be mailed a letter notifying them of their individual assessments. If they wish to pay within 30 days they can pay that sum that they will be assessed, they're all assessed the same amount which is \$1,472.29 for the improvement of the roads out there. Those who wish to pay up front will do so if they can within 30 days. Those who decide to have it financed over a period of ten years can then select that option and then the bond will be issued for that balance. So if there could be a motion to accept the schedule of assessments and also approval to publish notice regarding the public hearing on January 5th.

President Mourdock: Let's simplify it a little if we may. Is there a motion to approve the Westwood Hills Subdivision Barrett Law project assessment schedule as presented by the County Attorney?

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: Okay, so ordered. Secondly, I guess we need a motion to file the advertisement for a public hearing to be held on January 5, 1998 for the purpose of accepting the final assessment roll which reflects the assessments to be levied against property owners to be benefited by the Westwood Hills project which includes Lots 3 through 96 in the Westwood Hills Subdivision.

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: That's all I have.

President Mourdock: Alright, thank you, Joe.

**Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings, Tony, do you have anything for us?

Tony Greubel: Yeah, I've got two issues. One of them has to do with an old car nicknamed old blue at the auditorium. It hasn't been driven for a while and I'm not even 100% sure...I don't think it's on the fixed asset list anymore. I think it has kind of slipped through the cracks. It hasn't been driven, it's not licensed anymore, but perhaps we have to declare it surplus again in case it never has been.

President Mourdock: Where is this vehicle now?

Tony Greubel: It's parked at the auditorium. It used to be driven for errands, but the last couple of years it has just been sitting there. So if we can declare it surplus, it's not worth anything anymore. Randy told me it's not safe to drive anymore. So if we can take that over to the County Highway Garage if we declare it surplus --

Commissioner Jerrel: May I ask a question? If it's not worth anything why are we taking it to the Highway Garage?

Tony Greubel: Well, at first we take them to the Highway Garage where they take off the decals.

Commissioner Jerrel: Does it even have decals on it?

Commissioner Tuley: I wouldn't bet on it.

Tony Greubel: No, it will be towed over there.

Commissioner Jerrel: I'll approve that, but why don't you check and see if it has decals on it and call Wolfe's. You know, somebody may want it for parts. I don't know how they do this, but there's no point in --

Tony Greubel: Well, normally they first go to the County Highway and then after they do whatever they do over there with them then they take them out to Wolfe's.

Commissioner Jerrel: But if it's not driveable and it has no value, where...is there a place where you put those to sleep forever?

President Mourdock: Yeah, and let's not tow it twice. Let Wolfe's take it directly to Wolfe's.

Commissioner Jerrel: Well Wolfe's doesn't dispose, I mean, you know, where do we take those that have passed away?

President Mourdock: I think they all go to Wolfe's.

Commissioner Tuley: They all go to Wolfe's. Wolfe's tries to

sell them.

Tony Greubel: Yeah, Wolfe's gets a little bit of money out of them.

Commissioner Jerrel: Okay, well let's see if we can't just take it to Wolfe's because unless it has a decal that needs to come off and...

Tony Greubel: Okay, and for the record that's car number 205. It used to be a Sheriff's car, I believe.

Commissioner Tuley: No wonder it's not worth anything.

President Mourdock: Is there a motion to declare that auto in surplus?

Commissioner Jerrel: Yes, I'd like to move that we declare it surplus.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Tony Greubel: I don't know if you want to do any action on this tonight, but Lark Buckman, the Director of the Vanderburgh County Office of Family and Children, called me requesting that he would like to be appointed to the local Welfare to Work Council.

President Mourdock: I thought he was already on it.

Tony Greubel: No, he is not an official member of it.

Commissioner Jerrel: Who is from the Welfare Department?

Tony Greubel: Phyllis Donahue.

President Mourdock: Let me take that one under advisement. We don't want to stack it up with any particular group.

Commissioner Jerrel: Right, I just move that be deferred.

Commissioner Tuley: Second.

President Mourdock: So ordered. Okay, anything else, Tony?

Tony Greubel: That's it.

**Steve Craig - Burdette Park**

President Mourdock: Burdette Park, I think I saw Steve Craig.

Steve Craig: My name is Steve Craig and I'm with Burdette Park. First of all I'd like to thank the Commissioners for taking action on the Futtrell Dump because as you probably know we get the end result of his cleaning every spring, it ends up in the park. We have reported this to the West Side Improvement and in

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

15

turn I think reported it to the appropriate people. I just want to thank you and all of the wildlife between his dump and the river thanks you, too. I had sent a request out last week for if there would be any of the bushes and trees from the auditorium that were not going to be used or if they were that we could take care of them until they were reused.

President Mourdock: You did indeed, Steve, and I received that and I pulled it out to pass on to Steve Utley since he officially he now has title to, or the Building Authority owns the auditorium now. I don't think there will be any problem in doing what you want to do, but you really need to address that to Steve in the Building Authority instead of us. It's part of the thing in the renovation, they actually bought the building so it's their property.

Commissioner Jerrel: I also have something for you. I met with Steve today to try to get the schedule of removing property that is ours and we will share with people who have requested it as well as some that will go directly to the Building Authority in case we need it when they reopen. This was your request, you know that you sent in, and Steve went through and the items that have been crossed out are items that are going to be stored for the Building Authority for future use back at the new auditorium. So I left word, Bob Hinton, Steve won't be there tomorrow, but if you could call Bob Hinton. We've got tomorrow and Friday. Tomorrow they are going to be getting their items out which we'll declare surplus tonight, the ones mostly these that are crossed off. And then either Friday or Monday or Tuesday if you could work out something, do you have a truck? Well, I've got the schedule of their men that are working and if you could call Bob and work with him. We've kind of figured out the days that we can do this, the 22nd, the 29th, the 30th, and January 2nd to move out these pieces of equipment.

Steve Craig: Okay.

Commissioner Jerrel: I've got a question mark by this big TV, but I would think... If you have any question we've been fiddling with this all day today.

Steve Craig: Do you have Bob's phone number?

Commissioner Jerrel: If you want to --

Tony Greubel: It's 435-5800.

Commissioner Jerrel: And then 5801 is Steve Utley's. You know he'll be gone tomorrow, but he will be back so if you need to get him on Friday or another time that's his number.

Commissioner Tuley: Bettye, along that line is Bennie available any of those days?

Commissioner Jerrel: Well and they have already got Bennie. Everybody has been working on this. For instance, I'll just give you a for instance, we're going to get the stage union, a member from the union to come help the man and they'll take down the auditorium. The only events that are going to be happening

at the auditorium the rest of the season will take place on the 24th, that's the Christmas Homeless Dinner in the Gold Room, the comedy show in the Gold Room on the 27th, and a dance in the Gold Room on the 31st. So they will take down the auditorium and they're going to keep those 12 linen carts and they are going to take down the curtains and fold them up and put them on the 12 carts. If the weather is nice they're going to walk them out the door and walk them in this door and walk them down and put them in a drapery room. That's the only one I'll describe, but all the belongings will be taken care of and put in some controlled situation. So does that help you? They'll get it worked out with you.

Steve Craig: Okay. Number 17 and 18 and the lake side restrooms now have new roofs, we have three of them done. At the Park Board, or Advisory Board meeting last week we discussed about not waiting until January 2nd to take reservations on buildings for next year. January 2nd becomes a nightmare and we have no buildings right now, per se, rented for January, February or March because we always tell the people that they have to wait until January 2nd to rent for next year which doesn't allow us to rent in advance.

President Mourdock: Why is that Steve? I'm sorry I'm missing something.

Steve Craig: The way we take our rentals is what I'm discussing, we want to be able to take them a year in advance. Right now you will only take them after January 2nd which doesn't allow us to --

President Mourdock: Okay why is that?

Commissioner Tuley: I'm only going to say that it is probably... that it's just kind of always been that rule for some reason.

Steve Craig: Well I looked into it and what they had told us was something about the state not wanting us to take revenue from 1998 because we'll be renting a building in 1998, but we are doing it in '97. So we'll be taking that revenue in and depositing it.

Commissioner Jerrel: Couldn't you just take a down payment and accept the balance of the money and the tax so that the tax is reflected in the year in which it's received? That's all they care about.

Steve Craig: Yeah, but what do we do with the down payment then?

Commissioner Jerrel: Well, you probably ought to open a special account and --

Steve Craig: That's what we brought up that we'd have an escrow account where the money was put in and held. That was the reason I was told that it was never done before was because they didn't want to keep the money in the safe and they didn't have another account to put it in and it would be registered in the wrong year's money.

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

17

President Mourdock: Yeah, well we certainly don't want the money sitting in a safe somewhere while the calendar changes.

Steve Craig: Well, people would get mad about their checks, too.

President Mourdock: No doubt they would. So it sounds like we just need to have the Council create a new line item --

Commissioner Jerrel: Oh, the Auditor can do that. The Auditor's Office can create it, the Council doesn't have to. I'd cash all the checks and deposit it and do a running account of the down payments and that'll work.

Steve Craig: Okay, well that's what we had brought up and discussed at the meeting and I was wanting to go over it with you.

President Mourdock: Okay, I appreciate it. It sounds like a more business like way of doing it.

Commissioner Jerrel: Should we make that in the form of a motion? I'd like to move approval of establishing an account in which the advanced reservation deposits could be placed for the chalets at Burdette Park.

Commissioner Tuley: Second.

President Mourdock: So ordered. I presume that would go beyond the chalets, but any kind of shelter house.

Commissioner Jerrel: Yeah, any rentals, advanced rentals.

President Mourdock: Okay, any other questions of Steve?

Steve Craig: That's all I have for you.

President Mourdock: Okay, and for the record we have the weekly Burdette Cleaning and Task Report in our packets.

Steve Craig: Thank you and merry Christmas to everyone.

Commissioner Jerrel: Same to you.

Commissioner Tuley: You too, Steve.

<b>Consent items</b>
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President Mourdock: Next on our agenda we have consent items this evening consisting of employment changes, travel requests and a report from Weights and Measures. Yeah, their monthly report. Is there a motion to approve?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Attached is scheduled meetings and to the great delight of everyone on this side of the desk we will not meet next week. The next meeting will be January 5, 1998. Just for the record, I will not be in attendance the following week which will be the 12th.

Commissioner Tuley: I'll be late.

President Mourdock: Okay. Have a good meeting, Bettye Lou.

Commissioner Jerrel: When is this?

President Mourdock: The 12th I will be out of town --

Commissioner Jerrel: Okay I knew that, and you're going to be late?

Commissioner Tuley: You don't know specifics, but I told you guys I was going to start school. Enrollment for me will be at 5:00 that night, so I have a feeling I won't be here at 5:30, but I'll get here just as soon as I can get here.

Commissioner Jerrel: Well, I'll find something to entertain or do in the mean time.

President Mourdock: We will want to check the minutes real close.

Commissioner Jerrel: That's right.

**Old business**

President Mourdock: Old business this evening that has come before us, we have listed on our agenda the one issue that we started to discuss last week. I think we have several members of the audience who wish to address that issue. We had our discussion last week about forming a Blue Ribbon type committee to look into the jail overcrowding issue. Commissioner Tuley submitted to me a listing, which I've misplaced, of possible groups or individuals and I'll just read that for the record. To be on that committee Pat's suggestion was the Sheriff's Office, the Sheriff Department, actually it says the Sheriff. I should read it literally. The Sheriff, a member of IDOC, Director of Community Corrections, Judge - Superior Court, Judge - Circuit Court, Police Chief, Prosecutor, defense attorneys, the President of the Commissioners, the President of the Council, and then suggested also two lay members, someone without a dog in the fight who might represent some of the inmates who otherwise may be hesitant to discuss conditions within the jail.

Commissioner Jerrel: I think you need to add the Building Authority since they own the building and they are really responsible for the upkeep.

Commissioner Tuley: That was left off as a typo. It's something

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

19

we talked about last week and you're right, they should be on there.

President Mourdock: Are there any other thoughts as to who, or even by name, who we might put on here, for instance, the several defense attorneys?

Commissioner Jerrel: Well, I've not talked to them but I know there's one...is that defense attorney that you were recommending I spoke with?

Commissioner Tuley: Are you talking beyond me to Joe?

Joe Harrison, Jr.: Yeah, I can get with you on that. I don't know if you want anybody from my office on there. I would be interested in attending the meetings, but not being on the Board because of being the County Attorney. I'd just like to be willing to sit in and listen.

Commissioner Tuley: A non-voting member.

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: I'd kind of like to recommend Jeff Lantz. He has been in the role of Prosecutor, he has also been Public Defender. He is a defense attorney, so I'd like to recommend him. I haven't talked to him, so I don't know whether he consents to serve or not.

President Mourdock: What is the Board's feeling, Pat as you wrote this you did put in the optional plural form of attorney, do we want more than one?

Commissioner Jerrel: I think so.

President Mourdock: Okay. Any other --

Joe Harrison, Jr.: I think you might want to think about it, but I think you might want to have two or three. They may have a different perspective than some of the other office holders.

President Mourdock: One that I thought of, and I've not spoken a word of this to him so I have no idea whether he would be receptive or not, would be Terry Noffsinger.

Joe Harrison, Jr.: That's another one that I work with so I'm not too sure.

President Mourdock: Oh, he's with you guys?

Joe Harrison, Jr.: Yeah, he is. I'm thinking about down the road.

Commissioner Jerrel: It's probably the largest firm in town, it's going to be limiting.

President Mourdock: Is it a conflict given the type of committee we have here?

Joe Harrison, Jr.: The only thing I'm thinking about is hopefully there will never be a lawsuit, but I wouldn't want anybody from my office being on a committee that might be recommending something that might be something that is brought up in a lawsuit at a later date.

President Mourdock: But let's take that a step further. Let's assume we pick somebody from XYZ's law firm and XYZ serves on that committee and a year and a half from now you're not in that chair and somebody from XYZ's office is in that chair, is that lawsuit just as likely to happen then?

Joe Harrison, Jr.: Oh, I don't know about whether or not a suit will ever occur, hopefully there never will be anything.

President Mourdock: Well, might the claim be the same?

Joe Harrison, Jr.: Oh, yeah, sure.

President Mourdock: So how do you avoid it?

Joe Harrison, Jr.: I would just be leery about having someone, either myself or someone from my office, be participating in any type of recommendations made by this body. I would love to sit in, or have someone from my office sit in if I can't be here, to listen, to provide the Commission with laws, state laws, or cases etc. regarding, you know, things that they may want to consider. But to actually be a recommender, I don't think that would be appropriate. But to be a facilitator and provide information and that sort of thing, that would be the role that I would see either me or someone from my office serving with respect to that Commission. I just think more of a clearinghouse for some information if that's needed.

Commissioner Tuley: And too here, if we go down through this thing, well we've got two of them sitting here, but when I say Sheriff, you know, I either suggest it be the Sheriff or the Sheriff's designee and that could be the Jail Commander, that could be one his Chief Deputies, that could be the Sheriff. I mean, I don't want to be that...I probably should have said Sheriff's Department and not necessarily the Sheriff. Because we're going to end up the same way with the Prosecutor's office, if we say the Prosecutor and he gets in a lengthy trial or something, you know, they're going to have to have that flexibility.

Commissioner Jerrel: Do you...let's follow through and see if we can come up with some names. You've done somewhat of a letter that I think would be excellent.

President Mourdock: Yeah, just in the packets, and I apologize for not getting that to you sooner, I wrote that up Saturday, but it's just a draft letter to whomever we feel is appropriate to serve on this. A letter that basically just describes what it is we're doing, what we're trying to do. The key points of that letter being that we do not want this to be an exercise in finger-pointing. We want it to be constructive. We don't want it to be just a forum for people to get up and give their speech. We want people to show up for these sessions to work

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

21

toward a logical conclusion. The point of providing that letter tonight is so that we can fill in the blank after the word dear. Who do we want to send those to? Your comments a moment ago, Pat, regarding the designee, that might solve it for most of these. For instance, well again working through the list, it would take care of the Sheriff's Department, if we sent that to the head of IDOC, I presume they would make such an appointment?

Commissioner Tuley: I would think.

President Mourdock: The Director of Community Corrections is pretty specific given the staffing over there --

Commissioner Jerrel: Well, and I had a conversation with Harris today on another matter and he also served as head Bond Commissioner.

Commissioner Tuley: He was my boss at one time.

Commissioner Jerrel: That's right, so I mean he would bring some perspective of previous...so we've really never talked about that, what use to work and why it was changed and that sort of thing.

President Mourdock: Okay. Judge from Superior Court?

Commissioner Jerrel: I think we should probably invite whoever the Chief Judge is next year from Superior Court. No, that's Judge Knight I'd like to recommend.

President Mourdock: Will it be next year?

Commissioner Jerrel: I think, I don't know he may not be chosen. He and I worked on Amendment 5.

President Mourdock: Okay, how about Circuit Court?

Commissioner Jerrel: That's Judge Young.

Commissioner Tuley: It doesn't sound like that's going to change any time soon either.

President Mourdock: That's true, yeah. Chief Gann's Office, Prosecutor's Office, defense --

Commissioner Tuley: If you want to go with three, each one of you came up with a name, give me until next meeting to talk to someone and I'll come up with a third one.

President Mourdock: Okay, but I need to come up with another one because the name I submitted works with Joe.

Commissioner Tuley: Oh, that's right.

Commissioner Jerrel: What about...let me throw out some defense... you don't want to throw out some names? Well, how are they going to know who defense attorneys are?

President Mourdock: That's the only problem, I don't know who is

a defense attorney.

Joe Harrison, Jr.: There's lots of them.

Commissioner Tuley: There's some on staff, I mean, obviously there's several on staff--

Commissioner Jerrel: Yeah, but see I can give you all the 13 members in this one court and the rest of them in the others, but do we want perspective just from people who are paid from County money to be Public Defenders?

Commissioner Tuley: No, they don't have to be.

Commissioner Jerrel: Okay, well Jeff Lantz is a Public Defender, but he's also an outsider and he's been a prosecutor. What about Jim Kornblum, does he do defense work?

Commissioner Tuley: I assume he does.

Commissioner Jerrel: That's a name that's not associated with anything.

Commissioner Tuley: He's not a Public Defender is he?

Commissioner Jerrel: No.

Commissioner Tuley: I didn't think so.

President Mourdock: Kornblum?

Commissioner Jerrel: Kornblum.

Commissioner Tuley: I know who Jim is.

Commissioner Jerrel: No, there are some excellent Public Defender people, but I don't know how many you want from that pot.

President Mourdock: Yeah, I think we have the pot pretty well filled with people who are representing this thing from one point or the other of the County. I'd like to get some people, that's why I kind of like Terry--

Commissioner Tuley: Jim is not part of the political system right now, he's private. We're throwing some names out here that we haven't, unless you've talked to them, I haven't talked to them.

Commissioner Jerrel: No, I haven't talked to anybody. What about some private citizens? Do we want to think of a couple people?

President Mourdock: Yeah, that's the lay members, I think, you're referring to.

Commissioner Jerrel: Why don't we each come up with one name for next week?

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

23

Commissioner Tuley: Alright.

President Mourdock: Okay. Let me just total here, fifteen. Just to have a size that is workable, fifteen is a bunch.

Commissioner Tuley: How large is the Riverboat, 21?

President Mourdock: Yes, I think that's right. Yeah, because I was one out of twenty.

Commissioner Tuley: It was twenty and one.

President Mourdock: Yeah, you're right. I guess my question though is it likely...in the Riverboat process there was going to be one clear winner, one recommendation --

Commissioner Tuley: Right.

President Mourdock: I see in that situation where we could do what we ultimately did which was we each did our rating system and voted for whomever we thought was the first place winner. But with this we are talking about something a whole lot more abstract. I don't know that if we have that many it's going to reach a conclusion.

Commissioner Jerrel: May I make a suggestion?

President Mourdock: Sure.

Commissioner Jerrel: Sometimes what we are trying to get to is a way to solve or determine we are dealing with an elephant by feeling the legs and the trunk. What I would recommend we do is divide this into phases of concern. That's something that maybe...in your conversation with me the other day you said something about a facilitator. Maybe we could have a facilitator. Like if I were on that committee my first concern would be to get the place clean, painted, the plumbing working and the visitation phones in order. I mean, that would be something we do just because it should be done.

Commissioner Tuley: Has to be done regardless of what else we do.

Commissioner Jerrel: Yeah, and then all these other things if you had a good facilitator like you suggested maybe that person could focus everyone on deciding what other factor would rise to the top. That would help focus us on what we need to do.

President Mourdock: Let me elaborate a little bit more on the facilitator thing. The reason I think a facilitator could be important for this type of group, I think this group is doomed if they think they're sitting there because the County Commissioners want them there. Practical reality is a lot of the people in this group, in fact, if you look many of them on this group and they are use to reporting to themselves. Constitutionally that's the way it's set up and there's nothing wrong with that, but I think we have to work toward some conclusion without them thinking they are being directed one way or another to an answer because if they think that's going to

happen we're going nowhere with this. So, yeah, I have a person in mind and quite honestly I'm not sure and I need to talk to the City/County Clerk and probably Joe and everybody else to see if we hire somebody like that to facilitate it how that might come together.

Commissioner Tuley: Yeah, I think the idea is right, now it's just working out the details. But I think the idea is right.

President Mourdock: Well, I'll take that as a consensus.

Commissioner Jerrel: Yeah.

President Mourdock: Okay, so I guess wrapping this up from our point of view for the moment, we'll each come back with a lay member, we'll revisit the defense attorney discussion, and is it the Board's wish that the letter in its basic form be sent to these other offices so that they can begin to think about the people they would have appointed?

Commissioner Tuley: Yes.

Commissioner Jerrel: Yes, I'd like to move that we use this letter and send it to everybody we know we've nailed down and then Monday we'll fill in all the blanks and pick a date.

President Mourdock: Okay, a week from Monday.

Commissioner Jerrel: A week from Monday, and that's a motion.

Commissioner Tuley: Second.

President Mourdock: Okay, and I will say so ordered to that, but I don't want to preclude Deputy Woodall or Deputy Ellsworth. Chief Woodall, any comments you want to make? I presume that's why you are here is this issue and if you have things to add please feel free to add them. If you'd like an advanced copy of this letter you're free to get a copy realizing that it is in advanced draft form. Okay, the next item we have under old business, I think it would be appropriate to take just a minute, last week we talked about our yearly review and our list over here of what our objectives were for '97. Only because it's at the far left and ladies go first, Bettye Lou, do you have any comments about east side planning financial and traffic alternatives?

Commissioner Jerrel: No, we've got it paid for and I'm working on more money. I won't necessarily say it needs to go to the east side, but I thought maybe we would proceed at the beginning of next year with similar goal setting. I think that worked well this year.

President Mourdock: Okay, I thought you were going to change areas on us from east side to something else.

Commissioner Jerrel: No.

President Mourdock: Okay, so I better make a note or two. So we've made good progress on that one, but it's one that we need

to continue working toward on the east side.

Commissioner Jerrel: We've got the money, we've let the contracts, we're up to Morgan Avenue. We've got the state ready to go on the air quality money for the intersection. We're going to have Lynch completed by April, maybe before that I hope. I'm working on planning which I think we need to continue this process the first meeting next year.

President Mourdock: Okay. Pat, do you want to take a shot at anything up there?

Commissioner Tuley: I think, you know, we commissioned the study and I think we need to take a closer look at what was shown as a result of that survey and what have you that we did regarding Burdette. I think most of us were a little surprised about the knowledge of the park and the visiting to the park and what have you. I think it's something that we need to develop a little bit more. We did the survey this year and I think we got a feel for what's out there and what's on the peoples' minds. So I just think we need to continue in some direction. We need to take some kind of a direction with that and go with it one way or the other.

President Mourdock: Yeah, I think of that survey the thing that astounded me most of all was I think everyone had the frequency of notion that the west side folks tended to use Burdette Park a lot more than the people on the east side of town and the fact when the County is divided into four quadrants the usage was almost perfectly equal which was astounding. Okay, as for me up there we have the ozone ordinance and ozone officer. As of a couple of weeks ago you'll recall we did finally pass our ordinance. It wasn't quite as firm and strict as some would like, but politics being the art of compromise at least we do have something we didn't have before and the city is following our lead in putting their program together. We do have the ozone officer budgeted for next year which is through the Health Department. Given that our enforcement of the ordinance will be the first of July, I would expect probably the hiring of that person early in the second quarter. The IBAT, the Initiative Based Assistance Program, Welfare to Work, we've completed that by ordinance. We issued the RFP, we hired Lieberman & Associates, and that program is up and working. It's based on a third of the Riverboat funds. The big shocker there, and one that we need to investigate and keep looking at next year, is how that money is best used. We said we would use that money for child care assistance, for education and job training and for transportation. Again, to everyone's amazement I think, the job training has gotten very, very little response. On the one hand we have employers saying I can't hire people, and on the other hand we have no one showing up to do training toward a specific job. There's a message in that somewhere and we have to figure out what it is. Quite honestly as far as coming back, as you said Bettye Lou, two weeks from tonight and putting some new ones up there, I've got to give some thought, since those are somewhat mine, as to what the new ones should be. Those that are listed under all of our responsibilities, Personnel Policy and Handbook, been there, done that. We got that done in July, I think. Economic development plan, we've continued to

use some of the money from the Riverboat for that. Ah, the big one, Auditorium Convention Center construction, schedule, budget. Last meeting of the year we got this thing finally wrapped up. It's turned over to the Building Authority. The drainage plan schedule of maintenance, the real key to that one I think is just slightly to the left and above it. We did two thirds of what we said we were going to do for county drainage, for roadway type ditching. If we can't do that one completely then obviously our full drainage plans remain to be dealt with. Purchasing policy manual development, something I think we desperately need and we are a ways out on that one yet. Coordination of budget issues, I don't really have a comment on that one. Bettye Lou, I don't know if you do or not?

Commissioner Jerrel: Well, I think the very fact that we are working very closely with Council and they are informed on all of these issues has made that work well.

President Mourdock: Okay, and the last one, infrastructure development plan, what geographic areas and how we finance it. I guess this year probably the best example of the need and maybe, at least from my point of view, some continuing frustration is the Phoenix development and how we started down the road and through things beyond our control we haven't seen that on quite finished up. Also regarding the term what geographic areas, I've been meeting regularly with people from Posey County and Warrick County and I feel like we're building some alliances there that cross political boundaries, both on a map and Republican/Democrat type. So I think we're going to make some progress there. So that's 1997, the year in review, huh? We've got some done and got more to do. I think it's been a good think to keep us on track though. Okay, other old business?

<b>New business</b>
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President Mourdock: New business. Okay, we have in our packets... well, not in our packets but delivered to us just before this meeting, a tentative agreement that we have reached with the Community Corrections facility bargaining unit which is the Chauffeurs, Teamsters, and Helpers Local Union #215. Obviously, it would not be appropriate for us to sign this since the membership has not seen it, but I think as a sign of good faith it might be appropriate if by motion we move to have this submitted to Mr. Whobrey to continue his review. I'm quite comfortable that he's comfortable, but at least by motion we would show good faith and send that message to him and to the members of the bargaining unit.

Commissioner Jerrel: Well, and they are here and I think, Pat, and you and I, all three, appreciate all the work that went into this and I would like to commend Jim Casey for his efforts and move that we approve this in concept until we get the final vote from the membership.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any other new business to come

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

27

before us before we go to the Drainage Board?

Commissioner Jerrel: I'd like to move that the following properties be entered into the record. This represents items that the county purchased and are currently at the Auditorium and will be used by the Building Authority when that building is completed. So this would be conveying these to the Building Authority.

Commissioner Tuley: That's a motion?

Commissioner Jerrel: Yes, that's a motion.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: There's the list for you to incorporate.

President Mourdock: Okay, any new business to come before the Board of Commissioners this evening? I would ask for a motion for adjournment.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Meeting adjourned at 6:50 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Bill Fluty  
B.J. Farrell  
Tony Greubel  
Mike Shoulders  
Bill Cottun  
Bill Harty  
Tim Spurling  
Steve Craig  
Others unidentified  
Members of the media

**Board of Commissioners  
Vanderburgh County**

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Richard E. Mourdock, President

**Vanderburgh County  
Commissioners Meeting  
December 22, 1997**

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

Recorded by B.J. Farrell. Transcribed by Todd Hochstetler