

**Vanderburgh County
Board of Commissioners
January 4, 1999**

The Vanderburgh County Board of Commissioners met in session this 4th day of January, 1999 at 5:38 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce to you in the audience the people before you. On my far right is Tony Greubel, the Superintendent of County Buildings; Joe Harrison, Jr., the County Attorney, is next to him; Pat Tuley, Commissioner, on my right; far left, Charlene Timmons, our Recording Secretary; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel and I would like to invite you now to stand and join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: I appreciate you all coming out on a cold night. We didn't plan it this way, but the first item on the agenda is the approval of the minutes of the previous meeting. Is there a motion?

Commissioner Mourdock: I'll move approval of the minutes of the meeting of December 21st.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: Next, the certification of the Executive Session. We did talk about employee matters and that was it.

Commissioner Mourdock: Okay, I'll move approval of the summary minutes of the Executive Session dealing with county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bid - Demolition of flood mitigation properties

President Jerrel: The first item is the opening of bids for the demolition of flood mitigation properties, the cleanup of the Futrell Landfill and Evergreen Heights sanitary sewer. If we could just have a motion--

Joe Harrison, Jr.: Why don't you do them separately.

President Jerrel: Yeah, a motion for each of those and then Joe can be...you've got your hands full tonight. Is there a motion regarding the flood mitigation properties?

Commissioner Mourdock: I'll move approval of the opening of bids for the demolition of flood mitigation properties.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bid - Cleanup of Futrell Landfill

Commissioner Mourdock: And I'll move a motion for the opening of bids for the cleanup of the Futrell Landfill site.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bid - Evergreen Heights sanitary sewer project

Commissioner Mourdock: And I'll move that we open bids on the Evergreen Heights sanitary sewer project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**DMD - Resolution approving qualified airport development project
(Anchor Industries)**

President Jerrel: We'll move on while he is doing that to Item D, which is Mike from DMD. We have in our packet a resolution approving the qualified airport developmental project.

Mike Robling: In 1997 the Indiana General Assembly made an amendment to the Airport Development Zone state statute that included Evansville and Vanderburgh County as a qualifying area. The statute as it applies to Vanderburgh County only applies to Vanderburgh County and the only incentive it provides is for the enterprise zone inventory tax credit as an economic development incentive. The other locations in the state have a broader range of incentives available. The threshold criteria for qualifying as an airport development zone or a qualified airport development project are that the project be located on the airport property and have a minimum investment, I think it's a half million dollars. If it's to be located outside the airport property it has to have a minimum investment of \$2 million and create new jobs. The first application that has been received for this designation in the county was received from Anchor Industries which is proposing to undertake \$2 million worth of real estate improvements at their location at 41 and Burch Road and approximately a quarter of a million dollars in new manufacturing equipment and other equipment at that site plus creating additional jobs at that site. They also considered carrying out this function at a plant that they currently own in Florida as an option.

Commissioner Mourdock: I'm sorry, what was the last part?

Mike Robling: They also have a plant in Florida where they considered doing this expansion. The Airport Authority has taken the initial step in adopting a preliminary resolution designating their property as an airport development zone. The second step in the process is your approval of that resolution and your approval of the qualified airport development project. A tax impact analysis has been done and distributed to all the underlying taxing districts and a public hearing has been advertised for next Monday before the Airport Authority District for them to hear remonstrances and to adopt a confirming resolution if that is their conclusion. After that the final step is that the project has to go before the fiscal body of the unit, meaning the County Council, who will have to approve or disapprove the actual tax credits for the project. The representative of Anchor is here if you have any questions about the project itself.

President Jerrel: Is this Mike?

Mike Elliott: Mike Elliott.

President Jerrel: Mike, I would like to thank you for coming. We appreciate it. I don't know that unless you have something to say I was going to call for any questions that the Commissioners might have.

Commissioner Mourdock: I would just beat the County Council to the question because I'll know they'll ask it, how many jobs are you looking at creating with this project?

Mike Elliott: It's 40 new jobs in the first year.

Commissioner Mourdock: In the first year?

Mike Elliott: Almost \$700,000 in payroll.

Commissioner Mourdock: Oh, very good.

President Jerrel: This is a little bit different than what we've had come before us before.

Mike Robling: Right. This is a whole new process. This is the first time we've attempted it.

President Jerrel: I read all the packet that I got and I can tell you just how long it will be before we start recouping the money, but, you know, I don't have a problem with the process as it is set up. I don't really have any personal questions other than what I had already gleaned from talking with Mike on the phone about the positions. Are there any questions?

Commissioner Tuley: No, Richard got the question out there because Mike said create jobs and you answered specifically what we're talking about in terms of jobs and payroll so that's fine with me.

President Jerrel: Is there a motion regarding this resolution?

Commissioner Mourdock: I'll move approval of the resolution of the Board of Commissioners of Vanderburgh County approving a qualified airport development project, namely the Anchor Industries, Inc. project as submitted in our packets this

evening.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Mike Elliott: Thank you.

President Jerrel: Thank you.

Willard Library - Local archives services agreement

President Jerrel: The next item on the agenda is a carryover from last week. I did speak with--

Commissioner Tuley: Greg?

President Jerrel: Yes, with Greg and they had given higher to their part-time person...a higher increase in order to keep her and he assured us that next year he'll get us in on the loop prior to that as far as Council is concerned. So I would recommend that we do approve the Willard Library contract.

Commissioner Mourdock: I'll make the motion, but before I do that though I had to note on the letter that they sent with it that the '99 salaries will place these two positions on the scale therefore in the 2000 proposal there will be a more standard increase. I'm not quite sure what a more standard increase is.

Commissioner Tuley: County lines.

President Jerrel: That means what Council...what our Council approves.

Commissioner Mourdock: Maybe that's the way it could be read. I suppose it could be read as something else, too. I'll move approval of the contract with Willard Library as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

SIGECOM - Consent of collateral assignment

President Jerrel: The next item on the agenda is the SIGECOM approval of consent to collateral assignment. Is there someone here from SIGECOM or will you speak to it, Joe?

Joe Harrison, Jr.: No, I don't think there is anyone here this evening. This relates to the franchise that they were granted by the county. As part of the franchise agreement for the cable tv system franchise the agreement set forth language that said if they wish to pledge the franchise agreement, it's an asset of SIGECOM now, they will have to obtain consent from the Vanderburgh County Commissioners should they desire to do that and they have and apparently are in the process of pledging their assets with...the name of the lender--

Commissioner Mourdock: AT & T Commercial Financial.

Joe Harrison, Jr.: Yes, Corporation and as a part of that process they need not only the County Commissioners' approval to this consent, but they are also seeking similar consent approval from the City of Evansville and, I think, Warrick County.

Commissioner Mourdock: Do I read this correctly, Joe, the long and the short of it is if in their business entity things go terribly south for them and AT & T Financial Corporation has some recourse that they can, in fact, claim the leases that...or the easements that we've given them as assets that would then go on to them, to AT & T or to whoever the successor in interest would be?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Okay.

President Jerrel: Is there a motion regarding this consent?

Commissioner Mourdock: I'll move approval of the consent to collateral assignment on behalf of SIGECOM.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I've got the original.

President Jerrel: The original, let me put it in the file so we can...

Joe Harrison, Jr.: I believe it is the original.

President Jerrel: Okay.

Resolution establishing 1999 meeting dates

President Jerrel: Okay, the next item on the agenda is the County Auditor, acceptance of resolution establishing '99 meeting dates and permission to advertise.

Commissioner Mourdock: Just for the record, that resolution is declaring that the Vanderburgh County Board of Commissioners shall meet on the first, second, third, fourth and fifth Monday of each month at 5:30 with rezoning petitions to be heard on the third Monday of each month beginning at 6:30 and with the Drainage Board meetings to be held on the fourth Monday of each month immediately following the Commissioner meetings. I would add if the holiday falls on a Monday then the meeting will be held on the following business day unless otherwise stated. So with that as the set meeting dates for 1999 I'll approve that resolution...make the motion to approve the resolution.

Commissioner Tuley: Second.

President Jerrel: So ordered. We have advertised...you will advertise the two that are out so that we know we're doing those correctly?

1999 Board appointments

President Jerrel: Okay, we're ready to make the Board appointments for 1999.

Commissioner Mourdock: Okay, we'll start through the list here alphabetically. The first one is for the **Alcoholic Beverage Commission**. Our appointment as in the previous year, I would nominate Joe Kiefer for that position.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: For the **Burdette Park Advisory Board**, two appointments would be reappointments which would be Mr. Don Hess and Jerry Schmits. The third appointment would be Commissioner Tuley's appointment of Rob Kerney.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Just for the record it is K-e-r-n-e-y. The next group is the **Convention & Visitors Bureau**. Both of these are reappointments, Joe Harrison, Sr. and Joy Payne.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: **Data Processing Review Board** would be Mr. Mike Russ.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Motion for the **Domestic and Sexual Violence Committee** would be three of the four positions which we are ready to fill this evening. The first is Lori Carroll Bryant, second is Joanne Reid and the third would be Elizabeth Kalb.

Commissioner Tuley: Second.

President Jerrel: So ordered. Elizabeth is our proxy.

Commissioner Mourdock: Right. The fourth position we are deferring this evening. Actually, the third position since the fourth is the proxy.

President Jerrel: Right.

Commissioner Mourdock: On the **EMA Advisory Council**, three appointments. Mr. John Buckman, Mr. Maury Nichols and Sheriff Ellsworth by function of his office.

President Jerrel: Mr. Nichols, we are waiting to hear back from here, so the first and

the third we can make tonight.

Commissioner Mourdock: Okay, I'll withdraw Mr. Nichols then from the motion and just make the motion for John Buckman and for Sheriff Ellsworth.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: **Board of Health** is a four year appointment. All those previously have been one year appointments. The Board of Health is a four year appointment and the candidate is Dr. Gregg Gormley.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: My Irish Setter would recommend him highly, he's a good Vet. **Human Relations Commission**, two year appointments, Mr. Phil Mortis.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: For the **License Examining Review Board** there are three positions. We're ready for two this evening. Mr. Michael Talbert and Carl Shepherd.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Both of those are one year appointments. For the **Parks Board** two four year appointments, both reappointments. William Phelps and also Sandra Singer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Lastly we have five one year appointments for the **Redevelopment Commission**. All are reappointed. Harold Calloway, Dick Harris, Rolland Eckels, Brent Weil and Ms. Joan David.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: For the traditional Commission, County Commission, appointments that we serve on we have six different groups that we divide between us, so I would nominate Pat Tuley to hold the Board positions on the Evansville Area Retarded Citizens and also the Area Planning Commission.

Commissioner Tuley: I guess I can second my own, second.

President Jerrel: So ordered.

Commissioner Mourdock: For the EUTS Board and for the Data Board I would nominate Bettye Lou Jerrel.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And for my positions I would nominate for Vision 2000 and the Community Corrections Board.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Just formally, it occurs to me we should have done this at the outset of this meeting.

President Jerrel: Oh, we didn't even think about it.

Commissioner Mourdock: That's right.

Commissioner Tuley: What, reorganize our own Board?

President Jerrel: That's right. We're just moving right ahead.

Commissioner Mourdock: That's alright. Old habits are hard to break. I'll nominate Bettye Lou Jerrel as President for the 1999 year.

Commissioner Tuley: You want to do it two years in a row?

President Jerrel: Yes.

Commissioner Tuley: Second.

Commissioner Mourdock: Glutton for punishment!

Commissioner Tuley: Better you than me.

President Jerrel: So ordered.

Commissioner Tuley: I guess I'll nominate, then, Commissioner Mourdock to be...oh, never mind...for Vice President, I'm sorry. I started to do Drainage Board.

Commissioner Mourdock: Let's not rush into that.

Commissioner Tuley: I'll nominate Commissioner Mourdock then to be Vice President of this Board.

Commissioner Mourdock: I'll second.

President Jerrel: So ordered.

Commissioner Mourdock: Okay, Drainage Board--

Commissioner Tuley: We have to do at the Drainage Board.

Commissioner Mourdock: --we actually do in the Drainage Board.

President Jerrel: Yeah, when we're there.

Commissioner Tuley: When we only do this stuff once a year I get confused.

Commissioner Mourdock: Right.

President Jerrel: Well, I appreciate your confidence in me. Okay, is there anything else?

Commissioner Mourdock: That takes care of our Board appointments.

Any group or individual wishing to address the Commission
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President Jerrel: At this point if there is anyone that wishes to speak to this Board, is there anyone here that would like to address the Board?

New business

President Jerrel: I'm going to move some of these items up a little bit because I've got to let him have time to open these bids. I would like to begin, maybe under new business I had a couple of items and then we could go over our goals and assign responsibility for those. Under the new business item Steve is not here this evening and if you recall last year Grandy's did a billboard for the park and they would like to do that again this year at no cost to them and he asked if we would run that through the meeting.

Commissioner Mourdock: Did we swap some service for that? Did Grandy's use a shelter house or something?

President Jerrel: No, they just...no.

Commissioner Mourdock: Goodwill?

President Jerrel: Yeah, I looked at the minutes last year and you said you mean it doesn't cost us anything? That's right. They'll do a renewal.

Commissioner Mourdock: Yeah, I remember that when they did that. I'll move that we accept Grandy's offer by way of the letter at the same price as last year!

Commissioner Tuley: Second.

President Jerrel: So ordered. And they'll get us the '98...they just provided that service and the only thing that they do, they have a place where anybody brings in material that they can leave at the desk and that's the only thing that they get out of

it.

Old business

President Jerrel: Okay, under old business if you would get your goals and we're going to see if we kind of decide how these need to be allocated. I don't really have any...John Stoll are you here? You might get in on some of this goal business. Okay? Do you want to put one of our names by each one of them or...?

Commissioner Mourdock: It was my thinking last week when we discussed this that we would either put our names individually as Commissioners or on some of them, in fact I had written John's name by one or two here as well.

President Jerrel: Yeah. Okay, well you want to just go through the list?

Commissioner Mourdock: Sure.

President Jerrel: What about...let's begin with completion of the Fulton Street/5th Avenue bridge by the end of '99.

Commissioner Tuley: I think that has BLJ written all over it.

Commissioner Mourdock: I think so, since that was yours, yeah.

President Jerrel: Okay, alright, I accept. Two, plan right-of-way purchasing for Lynch Road/I-164/Burkhardt corridor and three, plan right-of-way purchasing for...I would be happy to take both of those with John Stoll's partnership. Okay, John? Okay, how about implement North Green River traffic plan.

Commissioner Mourdock: That was one of them that I had mentioned. It's taken a little...it's not worded quite correctly here. What we talked about was developing the traffic plan more than implementing it because it will be implemented as the thing happens out there, but as far as helping to develop it you can certainly put my name on that one.

President Jerrel: Okay, take a more proactive role with EUTS including high priority projects as well as cooperative regional and request the EUTS Director to report monthly to the Board. I'll take both of those.

Commissioner Mourdock: Right. I think our best stated goal for this year is this next one which is improve the county's bridge ranking to the top ten percent by the state by the year 2000. That's very clear, very concise, very attainable and I'll put John Stoll's name on it. As John rushes to the microphone!

President Jerrel: It's going to improve right away because you've got new information.

John Stoll: One problem with that is since the inspections are only done biannually we may not have an inventory report that spells it out that it has improved by the end of 1999. It will, like you said, by getting rid of problems like Heckel and some of the ones we've been recently replacing, but we may not have anything that documents it.

Commissioner Mourdock: So the actual documentation wouldn't come out until the year 2000?

John Stoll: Correct because we just had the inspection done at the end of last year, so it won't be due again until--

President Jerrel: Well, the goal says 2000.

John Stoll: Okay.

Commissioner Mourdock: Yeah. It says by the year 2000.

President Jerrel: Yeah, you can handle that.

Commissioner Tuley: In order for it to be in the 2000 report it will have to be done by 2000 anyway.

President Jerrel: That's right.

Commissioner Mourdock: Right. We'll all be here in 2000 and we'll remember it, John!

John Stoll: Okay.

Commissioner Tuley: We may not be here in 2001 when the report comes out!

President Jerrel: Okay, develop a funding allocation plan by February 1 utilizing review data from previous ISTEA allocated funds and I asked for that one, so I'll take it.

Commissioner Mourdock: Okay, Number 9 was one that I put on here based on some comments that I've gotten from west siders over the last couple of years which is review and develop a plan to alleviate Carpenter Creek drainage concerns. We can put my name by that one and what I thought we might do just as a suggestion is dedicate a Drainage Board meeting as a public meeting to get that started.

President Jerrel: That's a good idea.

Commissioner Mourdock: Improving government efficiency, review county highway equipment needs to better facilitate ditching.

Commissioner Tuley: What about 911?

President Jerrel: We missed the 911.

Commissioner Mourdock: Oh, I'm sorry.

President Jerrel: We didn't get to continue our--

Commissioner Tuley: Right.

President Jerrel: Do you want to take that?

Commissioner Tuley: Yeah, and I'll work with our appointment to the Board.

Commissioner Mourdock: That was the other one.

President Jerrel: We need a lot more information on that.

Commissioner Tuley: Sure, okay.

Commissioner Mourdock: That was the other one we couldn't think of was 911.

Joe Harrison, Jr.: Which one was that?

Commissioner Tuley: Upgrade 911 infrastructure.

President Jerrel: It's already in process, but we don't have a lot of information on the financial side.

Commissioner Tuley: We need a little more input and information on it. A little more dialogue going back and forth to us.

Commissioner Mourdock: Okay, then the next one was review county highway equipment needs to better facilitate ditching in rural parts of the county. I'll take that one.

President Jerrel: Okay, initiate a workforce training program for county departments, develop partnerships with local institutions. Maybe we could all three--

Commissioner Tuley: Three.

President Jerrel: --do that. I think that is something that all three of us could offer some...you might get some ideas from Gary and you just bring your ideas from Koester and we can...I've already had...we've had one in-service program last week.

Commissioner Tuley: Did you have that last week?

President Jerrel: Yes. Joe said it went well so we need to keep it moving.

Commissioner Mourdock: Okay. Item 3 under that group is integrate another function of local government that is currently done separately by the city and county.

President Jerrel: That's yours.

Commissioner Mourdock: Yeah.

President Jerrel: Yes.

Commissioner Mourdock: I hear the footsteps running in the opposite direction. Okay. Other goals, monitor the early fall completion date for The Centre. I think really that is all of us probably.

Commissioner Tuley: That's probably all three.

Commissioner Mourdock: Next one, dealing with the Blue Ribbon Jail Commission, obviously that's got my initials by it.

President Jerrel: Y2K, you know the Data Board is doing that, but we're really in very

good shape in terms of the county because SCT did a review of all of our computers and identified the ones that were in compliance, those that needed to have an upgrade in order to meet and be in compliance and those that were not in compliance and then all of those that were not were evaluated as to what they were actually used for and if they were simply word processing machines or were not used where a date would be significant they were maintained otherwise new computers were purchased, so I think we're in good shape. We need to keep...so you can put me by that since I'm on that Board and will keep you all informed.

Commissioner Mourdock: Okay. The next one is raising community awareness about ozone and support the Ozone Officer's missions. My initials fit there. The next one is expand regional cooperation with neighboring counties, meet quarterly with other County Commissioners. I suggested that one.

Commissioner Tuley: Yeah, but don't you think that could use all three of us working on that?

Commissioner Mourdock: Exactly. Exactly what I was going to say. Lastly, have County Highway Superintendent and Burdette Park Manager establish a series of goals for their respective organizations.

President Jerrel: Neither one are here this evening and Erik, I hope he is sleeping.

Commissioner Mourdock: Oh, yeah.

Commissioner Tuley: I hope a lot of them are sleeping.

President Jerrel: Because they may be...yeah, I hope a lot of them are sleeping because they're going to probably be out again tonight.

Commissioner Tuley: There is something that I don't see on here and it just dawned on me. I think specifically--

Commissioner Mourdock: Before we move from it, is that one Bettye Lou's?

Commissioner Tuley: Which one.

Commissioner Mourdock: That last one, getting with the Superintendent and Burdette Park Manager.

President Jerrel: Oh, I don't--

Commissioner Tuley: Oh, I'm sorry. We need to assign that before we--

President Jerrel: Yeah, I don't...I mean, we'll just send them a letter and tell them to do it.

Commissioner Mourdock: Okay, alright.

President Jerrel: Then it will come back to all three. I'll just put all three of us down for that one.

Commissioner Tuley: What I don't see on here was something that came out when we talked. We wanted to really closely monitor the development at the corner of

Red Bank, the Expressway and Boehne Camp and the roads leading to and in and around that area and the traffic plan, so I don't know if that is going to fall under EUTS?

President Jerrel: I don't know. That didn't come up when we gave our--

Commissioner Tuley: Yeah it did.

President Jerrel: Did it?

Commissioner Mourdock: I don't remember--

Commissioner Tuley: We talked about Eickhoff/Koressell.

President Jerrel: Right.

Commissioner Tuley: I think that is specifically one of the ones that I mentioned. We want to make sure that progresses smoothly and all the roads leading to it and everything. Remember, at one time we talked about seeing if there was even a possibility of expanding one of the roads out towards the university to keep people off the highway and what have you?

Commissioner Mourdock: Right, yeah, I remember that discussion.

Commissioner Tuley: That discussion was prior to this, but that would be part of it.

President Jerrel: Sure.

Commissioner Tuley: I would gladly take that one.

President Jerrel: Okay. West side transportation expansion, how is that?

Commissioner Tuley: Okay.

Commissioner Mourdock: So we'll need to add one for the board there.

President Jerrel: There has been some funding dedicated that we can use for right-of-way purchase or whatever might be needed.

Commissioner Tuley: Yeah.

President Jerrel: Okay, anything else? Okay, well, Tony, did you get them all? I wrote notes on them so if you could post those so we'll have them to look at and make sure we do what we say we're going to do.

John Stoll - County Engineer

President Jerrel: Going to the department head reports, how are you coming, Joe?

Joe Harrison, Jr.: It's going to be a few minutes.

President Jerrel: Okay, moving on, County Engineer.

John Stoll: I don't have anything new to report tonight.

President Jerrel: That's a new--

Commissioner Tuley: You came in on a cold night like this to tell us you don't have anything to report?

John Stoll: Other than that deal with that stack of bids that Joe has got.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Okay, well, the County Garage...the County Attorney is tied up. Superintendent of Buildings.

Tony Greubel: Kerry Kamp from the city came down on Wednesday...actually it was Tuesday. We discovered that one of the county vehicles was mixed in with a city vehicle at the auction held at Wolfe's last year and Wolfe's has been holding the check so we did some research and found out that vehicle was Old Blue from the auditorium. It wasn't even on the fixed asset list any more. When it was taken out there we didn't know it was there, so anyhow, we can get the check for that tomorrow as soon as we sign the title tonight.

President Jerrel: Okay, is it in the file?

Tony Greubel: Yeah...no, I have the title right here.

Commissioner Mourdock: Okay, then I'll move approval of the signing of the title for the--

Tony Greubel: We'll get about a \$400 check tomorrow.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there anything else?

Tony Greubel: No, that's it.

Weekly reports

President Jerrel: Okay, we have reports from Soil & Water and the Ozone Officer. Is there any more business under department heads?

Commissioner Mourdock: I would go back up the list and just say--

President Jerrel: Approve the--

Commissioner Mourdock: --I move that we approve the Garage report that was submitted and also the addendum. We had one in our packet, but then they gave us the update as well.

President Jerrel: Right.

Commissioner Mourdock: So I'll move approval of those reports.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And then move approval of the Burdette Park, Soil & Water District and the Ozone Officer's report as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under the consent items you had one late pink slip. Is there any...if there are no questions is there a motion to approve them?

Commissioner Mourdock: I'm not sure I saw the late one.

President Jerrel: Didn't you tell me it was in yours, Pat?

Commissioner Tuley: What's that?

President Jerrel: Delbert's.

Commissioner Tuley: Yeah, I saw it.

Commissioner Mourdock: It's in there then, it's not late?

President Jerrel: Yeah.

Commissioner Mourdock: Okay, I'll move approval of the consent--

Suzanne Crouch: (Inaudible comments.)

President Jerrel: It's in the consent items.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: The scheduled meeting list is attached. I've run out of items, so you all will just have to sit here and wait with me while he opens those bids.

Charlene Timmons: Would it be alright if I turn off the tape?

President Jerrel: Sure, it makes sense.

Joe Harrison, Jr. - County Attorney

President Jerrel: Are you going to do the flood mitigation first?

Joe Harrison, Jr.: Yeah.

President Jerrel: Okay.

Joe Harrison, Jr.: Ready?

President Jerrel: Yeah.

Joe Harrison, Jr.: Sorry it took so long, I'm slow. There were three bids that we had to open bid proposals on. The first is flood mitigation demolition properties and it looks like there were four bids submitted to the County Commissioners. They are as follows:

Company name	Amount bid
Koberstein Trucking, Inc. Princeton, Indiana	\$24,970.00
Floyd I. Staub, Inc. Evansville, Indiana	\$29,850.00
Deig Bros Lumber & Construction Co. Evansville, Indiana	\$38,945.00
Ray Stradtner Excavating, Inc. Boonville, Indiana	\$59,236.00

I would ask that you take these under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Mike, do you want these? I'll give the sheet to her, is that okay? The next set of bids relates to the Futrell Landfill cleanup site. These are the following bids:

Company name	Amount bid
August Mack Environmental, Inc. Indianapolis, Indiana	\$365,599.10
Complete Environmental Services Evansville, Indiana	\$288,700.00
Koester Companies Evansville, Indiana	\$305,652.60

Crane Environmental Services, LLC Evansville, Indiana	\$265,100.00
Floyd I. Staub, Inc. Evansville, Indiana	\$231,888.00
Koberstein Trucking, Inc. Princeton, Indiana	\$324,088.33
Blankenberger Brothers, Inc. Cynthiana, Indiana	\$243,205.20
Capital Environmental Enterprises, Inc Indianapolis, Indiana	\$291,834.50
Industrial Environmental, Inc. Richland, Indiana	Total bid amount not available
US Tech Group, Inc. Evansville, Indiana	\$359,572.00
Campbell Contracting, Inc. Indianapolis, Indiana	Total bid amount not available
LMS Environmental Contracting, Inc. Madison, Indiana	Total bid amount not available
Womack Brothers Lenzburg, Illinois	Total bid amount not available
Kelchner Environmental, Inc. Centerville, Ohio	Total bid amount not available

I would ask that all these be taken under advisement and have them reviewed. Joe Ballard is going to also be reviewing these matters and advising the Commissioners.

Unidentified: There should have been one for Kelchner Environmental.

Joe Harrison, Jr.: I could have easily missed it. From...can I take a look here for a second?

Commissioner Tuley: Sure.

Commissioner Mourdock: I'd be glad to have you take a look.

Joe Harrison, Jr.: Can you repeat that name again.

Unidentified: Kelchner.

Commissioner Mourdock: K-e-l-c-h-n-e-r. Did you turn that in just this afternoon?

Unidentified: Yeah around 2:30.

Joe Harrison, Jr.: Who did you turn it in to? Did you turn it in here?

Unidentified: Yeah.

Joe Harrison, Jr.: Well, then it has got to be back here.

Commissioner Mourdock: I'm glad you were in attendance to point that out.

Joe Harrison, Jr.: Pardon me?

Commissioner Mourdock: I said I was glad he was in attendance to catch that.

Joe Harrison, Jr.: Did you turn it in to Mr. Greubel?

Unidentified: I'm not sure who it was turned in to.

Joe Harrison, Jr.: Was it turned in to this room right here?

Unidentified: Yes.

Joe Harrison, Jr.: I'm just going to look through here. Campbell Contracting, that's not what I want.

Commissioner Mourdock: Did you find it, Joe?

Joe Harrison, Jr.: This might be it here. I've got a bid from somebody and I can't tell you...here, Kelchner Environmental, Centerville, Ohio.

Unidentified: Uh-huh.

Joe Harrison, Jr.: Sorry. It looks like this is a copy. Again, there is no total bid cost reflected in this bid. However, I would again ask the Commissioners take this bid under advisement and review the same for its responsiveness and, again, Joe Ballard from the Solid Waste District will advise the Commissioners with respect to these bids.

Commissioner Mourdock: On those several that you don't have a price that is immediately determinable, Joe, is it your feeling those are just basically bid as a unit price then?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Is that what they did?

Joe Harrison, Jr.: Yes. Again, they're going to have to all be reviewed.

President Jerrel: Could...are their numbers for everybody on there so that Joe, if he has questions, can contact and get answers concerning the bids when they evaluate them?

Joe Harrison, Jr.: If that is appropriate. I do see information. I'm just trying to look here, for Kelchner there is sufficient information provided. I think there is, there is an address listed. It's Centerville, Ohio, is that correct? Okay.

President Jerrel: So should we amend the motion to make sure that one is included?

Commissioner Mourdock: We didn't quite get to the motion, so I'll move now that we take the bids for the cleanup of the Futrell Landfill site under advisement.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there any--

Joe Harrison, Jr.: I've got another set.

President Jerrel: Okay, we have Evergreen Heights, excuse me.

Joe Harrison, Jr.: The next set of bids relates to Evergreen Heights sanitary sewer project, the Barrett Law project. There were several bids submitted. The first bid is from B.M.B., Inc. of Evansville. There is a total bid amount that is going to be read plus an alternate bid amount that is going to be read. The addendum or alternative bid, it's listed in that fashion. John Stoll may want to address this issue in a minute. I'll have him explain the purpose of the addendum/alternative bid.

Company name	Amount bid	Addendum bid
B.M.B., Inc. Evansville, Indiana	\$130,886.38	\$71,462.60
Deig Bros Lumber & Construction Co. Evansville, Indiana	\$148,809.00	\$78,114.00
Koberstein Trucking, Inc. Princeton, Indiana	\$131,871.00	\$65,743.00
NFH, Inc. Evansville, Indiana	\$116,655.00	\$54,526.00
Blankenberger Brothers Cynthiana, Indiana	\$116,007.90	\$99,968.35
Ray Stradtner Excavating Boonville, Indiana	\$120,487.15	\$39,089.50

I would ask that you take these bids under advisement and review them for their responsiveness.

Commissioner Mourdock: I'll move the bids for Evergreen Heights sanitary sewer project be taken under advisement.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: John Stoll may want to speak to the fact of the addendum and what the purpose of that was.

John Stoll: The addendum was added last week to address the compaction of the backfill back into the trench once the sewer has been installed. The problem is the time of the year. There was some concerns on how the contractors were going to meet that compaction so a revised spec was put out in that addendum with the revised bid items sent out to the contractors.

Commissioner Mourdock: So that isn't truly an alternate, it is simply an addendum?

John Stoll: It is an alternate because the way it was bid. There was a percentage compaction stated in the original bid and then there was a variation placed in the alternate, so if...I guess we'll just have to see how it comes out relative to the budget for the project, but the intent was that if the original compaction established in the original bid documents came in too high then the alternate may still allow the project to be bid...I mean, be awarded.

Commissioner Tuley: Did you have a question?

Unidentified: No, I just couldn't hear him.

Commissioner Tuley: Okay.

Commissioner Mourdock: Joe, do you want to do your smoking ordinance?

President Jerrel: Do you want to do your no smoking?

Joe Harrison, Jr.: Um, I provided another revised draft of the smoking ordinance for consideration or for comment prior to advertisement purposes. I would appreciate any further comments or suggestions before it is advertised and considered formally by this Board.

Commissioner Mourdock: Okay. The last time we had a brief discussion about the chalets out at--

Commissioner Tuley: Burdette.

Commissioner Mourdock: --Burdette. Did we...I don't see them listed here.

Joe Harrison, Jr.: No, I didn't list that. It was my feeling that maybe this Board would discuss that with Mr. Craig and then develop a plan for smoke-free chalets separate as far as a policy at Burdette as opposed to an ordinance relating to the same.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: Was that your understanding?

President Jerrel: The two hearing dates are February...the first part of February?

Joe Harrison, Jr.: I think it's February 1st and February 8th, is that correct?

President Jerrel: Okay, so next week if we give you--

Joe Harrison, Jr.: Well, we need to advertise it really by the end of this week. I would like to put it in the next couple of days, so if you have any further questions can you get with me in the next day or two?

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: Is that okay, Charlene? Will that gives us enough time?

Charlene Timmons: I think so. Yeah, we can still do it next week.

Joe Harrison, Jr.: Okay. Try to get something by the end of the week.

Commissioner Mourdock: Do you need a motion to advertise that?

Joe Harrison, Jr.: We've already done it.

Commissioner Mourdock: Alright.

Joe Harrison, Jr.: If there are further, you know, considerations down the road we can always amend, but I would like to try to get it in the paper within the next week if possible.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: The only other thing I had was with regard to the letter that I sent to IDEM regarding the Koch Label matter.

President Jerrel: Yes.

Joe Harrison, Jr.: I did hear back from Janet McCabe, I think I mentioned to a couple of you, from IDEM regarding the letter that was sent to them on December 7th. I received a phone call from Janet McCabe on December 10th and they were looking at the issue and they were going to respond back in writing as to the interesting suggestion that they received from us and they would try to respond appropriately. They weren't sure what their response was going to be, but they were going to respond in some fashion, so they were doing some research and were hopefully going to get with us this month.

Commissioner Mourdock: Very good.

President Jerrel: Okay.

Commissioner Mourdock: Motion to adjourn?

President Jerrel: Yes, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. The meeting was adjourned at 6:45 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Mike Robling
Mike Elliott
John Stoll
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
January 11, 1999**

The Vanderburgh County Board of Commissioners met in session this 11th day of January at 5:35 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners to order. The first item on the agenda I would like to introduce those members before you. To my right is the County Attorney, Joe Harrison, Jr.; next to him is Commissioner Pat Tuley; my far left, Charlene Timmons, the Recording Secretary; Suzanne Crouch, Auditor, is next to her; and Commissioner Richard Mourdock is to my left; my name is Bettye Lou Jerrel and I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: Thank you. The first item, action item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the January 4, 1999 minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jayne Berry-Bland - County Treasurer

President Jerrel: The next item on the agenda is the County Treasurer.

Jayne Berry-Bland: Jayne Berry-Bland, County Treasurer. Actually, I have three items. The first I'll get out of the way is the report that I have to submit of the interest earned on everything that I invested in 1998. The copy that you have it does show the General Fund plus all the other funds that I invest, but I would like to make a note that the General Fund alone made over \$2.5 million in 1998 which is another record. The budgeted amount was \$1.3 so I am pretty proud, even though we saw some decline in the interest rates towards the end of the year, that we were able to really go over what our budgeted amount was. I just hope the interest rates stay up for '99 or I could be in trouble.

President Jerrel: What is the most recent rate you've been able to obtain?

Jayne Berry-Bland: About 4.81. Once in a while I can get almost 5.0, but it is real hard to get 5.0 right now, so I'm not making too many long-term. It's a guessing game as you well know.

Commissioner Mourdock: How times change though that you would refer to that as the interest rate staying up!

Jayne Berry-Bland: Really.

Commissioner Mourdock: Historically those are pretty low.

Jayne Berry-Bland: Right. We saw a time when we were getting 2.33 and those were...that was a killer year several years ago. Actually, that was in 1993 that we had such a bad year which was my first year in office. What a way to come in. If you have any questions about the format or how we presented this, but it does show every investment and the total amount that we have accumulated for the whole year of 1998 and we've done very well. The next item that I have according to Indiana Code I have to submit a settlement report for 1998 or for the previous year. Actually, as you well know I collect the money, but the Auditor's Office actually distributes the money. I do part of the form, the Auditor does the other half, so we combine the form and I do, because it's such a large copy, we make settlement twice a year as you all know in June and December. This is the copy for one settlement, so I talked to Charlene and she was satisfied that because this just has to be for the record I did only make one copy because it is very hard to copy this kind of information, so I do present this for the record.

Commissioner Mourdock: I move we accept for the record the annual settlement account from the County Treasurer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jayne Berry-Bland: The last and final item that I have is according to the Indiana Code Books once a year we have to hold our Board of Finance meeting. In the past we have...the Board of Finance is the Commissioners plus myself. We have combined this into this meeting because we've had Charlene to be so kind as to be the Secretary for this. During this time we are to elect a President and a Secretary.

Commissioner Mourdock: As I recall from past practice the County Treasurer was elected the President of that group, is that correct?

Jayne Berry-Bland: It has in the past, but I believe maybe Bettye was President last year. It's kind of just a formal thing. Let me explain to you really what the Board of Finance is in place for. We would not even have another meeting during the year unless there would be a time that we would either need to designate another depository or remove a designated depository.

Commissioner Mourdock: With taking the two items separately let me then nominate as President for the Vanderburgh County Board of Finance for the 1999 fiscal year President of the County Commission Bettye Lou Jerrel.

Commissioner Tuley: I'd second that.

President Jerrel: So ordered.

Commissioner Mourdock: And then in the past, Jayne, did you serve as Secretary or did the Auditor serve as Secretary?

Jayne Berry-Bland: I kind of think we connived Charlene into doing that because actually we wanted the minutes of the Board to be included with your Commissioner meeting minutes.

Commissioner Mourdock: Okay, well you said she had done it before. I didn't know if she was the Auditor's designate, but I will nominate then Ms. Charlene Timmons

to serve as the Secretary for the Board of Finance for 1999.

Joe Harrison, Jr.: It probably ought to be the Auditor's Office.

Commissioner Tuley: I was getting ready to say, there is something wrong here. It should be the Auditor and she can be your designee.

Joe Harrison, Jr.: Yeah.

Commissioner Mourdock: Okay, so we're back to that.

Joe Harrison, Jr.: Yeah.

Commissioner Mourdock: In that case I'll amend my motion to nominate the County Auditor as the Secretary for the County Board of Finance.

Commissioner Tuley: I would second that motion.

President Jerrel: So ordered.

Jayne Berry-Bland: Thank you.

President Jerrel: Thank you, Jayne.

<p>DMD - Award bids for demolition and asbestos removal IHFA flood mitigation</p>
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President Jerrel: Next on your agenda is the awarding of bids for demolition and asbestos for removal and there was a request. We are to...are we going to do it or are we going to delay it?

Joe Coleman: At this time we are ready to make a recommendations to both contractors if you're ready.

President Jerrel: Okay, we just got these in today so I've got some copies.

Joe Coleman: I also brought a bid table for the last one.

President Jerrel: Okay.

Commissioner Mourdock: I'm sorry, would you state your name, please.

Joe Coleman: My name is Joe Coleman. I'm the Program Services Coordinator with the Department of Metropolitan Development. Last week at your January 4th meeting we received bids and they were opened for the demolition of the structures acquired for the flood mitigation program. The low bidder at that time was Koberstein Trucking at \$24,970 for the demolition of all three structures and it's the department's recommendation at this time that we accept the bid of the apparent low bidder.

Commissioner Mourdock: Okay, I'll move that we accept DMD's recommendation then for Koberstein Trucking as the low bidder.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Coleman: And then on the matter of asbestos abatement and removal of asbestos containing material we have received four answers to our Request for Proposal. The apparent low bidder is Specialty Systems of Indiana and the department at this time would like to recommend the award to the apparent low bidder, Specialty Systems.

Commissioner Mourdock: I'll move approval of the awarding of the contract to Specialty Systems for the removal of asbestos.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Coleman: Thank you very much.

President Jerrel: Thank you.

Addendum pertaining to PERF on three union contracts

President Jerrel: The next item on the agenda, the County Attorney. It's the approval of the three addendums to the union contracts regarding PERF.

Joe Harrison, Jr.: I believe in front of you should be three particular addendums regarding the three union contracts. One would be the County Corrections Complex, the Safe House collective bargaining agreement. One relates to the county collective bargaining agreement for Burdette Park employees, Cum Bridge, County Buildings Department, Auditorium & Convention Center and the Highway Department. The last addendum relates to the Sheriff's Department Jailers Correction Unit. The addendum like in other years at the beginning of each year...typically it would have indicated a three percent raise over and above the previous year's salary as per the collective bargaining agreement when it was entered into either in '97 or '98. In this particular instance the County Council approved a three percent...I'm sorry approved...rather than the three percent wage increase approved contributing the employee's three percent PERF contribution in place of the three percent wage increase for the other county employees, so that is what this document is reflecting. Again, it relates to each of the three collective bargaining agreements that the county is a party to and would ask that you approve each of the three addendums.

President Jerrel: Is there a motion accepting the addendums?

Commissioner Mourdock: I'll do that, but before I do that let me just note for the record that the copies have been signed by the representative of the employees already.

Joe Harrison, Jr.: Yes, I'm sorry. I think it was just signed last week.

President Jerrel: Right.

Commissioner Mourdock: Right, the 5th, I think.

Joe Harrison, Jr.: It was signed on January 5th.

Commissioner Mourdock: I'll move acceptance of the addendum to the Vanderburgh County Corrections Complex, Teamster contract and I'll move approval also of the addendum of the Burdette Park, Cumulative Bridge, County Buildings Department, Vanderburgh Auditorium & Convention Center, Vanderburgh County Highway Department Teamster's contract, and last but not least I'll move approval of the addendum for the Vanderburgh County Sheriff's Department Corrections Unit Teamster contract.

President Jerrel: I'll say so ordered, but you included Bennie here?

Joe Harrison, Jr.: Yeah, he would be in there, I guess, as far as the county he is in for the County Buildings Department.

President Jerrel: Okay.

Joe Harrison, Jr.: So they have a separate unit for him.

President Jerrel: Okay.

Suzanne M. Crouch - Fixed Asset report

President Jerrel: Alright, the next item on the agenda, the County Auditor.

Suzanne Crouch: We have submitted the Fixed Asset Summary Report for 1998. It reflects an increase of \$1.6 million additional over 1997 and we have that all broken down with where some of those additions were, so we submit that for your approval. A copy has been forwarded to the insurance agents of record.

President Jerrel: This is our copy?

Suzanne Crouch: Yes.

President Jerrel: Okay, is there a motion to accept?

Commissioner Mourdock: Just a question. Is part of the increase of that \$1.6, is that from increased appraisal value?

Suzanne Crouch: No, there have been...did you get a copy?

Charlene Timmons: Yeah.

Suzanne Crouch: The increase is really kind of summarized in the report and it is reflected in the different categories through new acquisitions. Some of the increases were because of buildings and equipment that had not previously been tagged at Burdette. Some of it is because of land acquisition out at Burkhardt Road and then some of it is new vehicles that have been purchased.

President Jerrel: Are there any other questions?

Commissioner Mourdock: I'll move acceptance of the Auditor's Fixed Asset Summary Report dated January 11th.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission

President Jerrel: The next item on our agenda, anyone that wishes to speak to the Board.

John Stoll - County Engineer

President Jerrel: Seeing no one, let's go on with our department head reports. John Stoll.

John Stoll: First I've got the mylar cover sheet for the Heckel Road Bridge rehab plans. It needs the signature of the Commissioners and the Auditor. I recommend that be signed and I've also got a Notice to Bidders for this project and it needs to be signed as well and we need permission to advertise.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval of the Heckel Road Bridge rehabilitation plans as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: Did that include the Notice to Bidders?

Commissioner Mourdock: I was going to do that separately.

Commissioner Tuley: Okay, sorry.

Commissioner Mourdock: While Bettye Lou is writing I'll go ahead and do that though. I'll also move approval of the Notice to Bidders regarding the Heckel Road Bridge project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a request to increase the appraisal fees and review appraisal fees on a Lynch Road right-of-way parcel. This is for the E & B parcel in Warrick County. The appraisal cost is going up from \$2,200 to \$5,500 and the review appraisal fee went from \$950 to \$2,475. I've got a copy of the letter here and the minutes from the Warrick County Commissioners' meeting where those Commissioners have already approved this, so we're just basically passing through the cost of this to Warrick County, but since the Vanderburgh County

Commissioners did approve the agreement it needs to be okayed by us as well.

Commissioner Mourdock: I'll move approval of the appraisal fees.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a change order on the Denzer Road culvert replacement project. This project was with CCC of Evansville. The change order is for an increase of \$920.58. It's primary due to increases in stone bedding for the culvert and in the asphalt. It's recommended that this be approved.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a travel request for Tom Goodman to attend a project engineer, project supervisor seminar in Indianapolis. This is an INDOT seminar that is basically a good follow-up for the Certified Tech Program and he has already had all the Certified Tech classes, so I would like to send him to this, so it is recommended that this be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got an agreement that was put together today for an asbestos inspection on the Fifth Avenue Bridge. This is with Environmental Management Consultants for an amount not to exceed \$800. We were notified last week by INDOT that this something that has to be done in advance of the bid letting rather than the way they used to do it which was it was taken care of by the contractor after the project was let. In order to hopefully stay on the March bid letting we need to get this report done and as of last Friday INDOT had told me that if we get them the report by January 31st we should be able to stay on the March bid letting. There are no guarantees as of yet, but I should find out yet this week whether or not this will be good enough to keep us on the March bid letting. This agreement was written as the client being the Vanderburgh County Engineering Department, so I don't know if I need to sign this or if the Commissioners want to sign it.

Joe Harrison, Jr.: (Inaudible, mike not on.)

John Stoll: Okay, I guess I need authorization for me to sign this then. It's for an amount not to exceed \$800.

Commissioner Mourdock: Did we choose whoever the successful bidder was per se...did we actually bid it or is this just a professional service?

John Stoll: Professional services, and I called Roger Lehman Friday to find out who would do this kind of work and this was just one of about three people he named and this was on short notice, so I had only contacted the one firm.

Commissioner Mourdock: Okay.

President Jerrel: What if they say to you, oh, you've done this, but you're going to be delayed another month or the next bid letting is April or is it later?

John Stoll: April.

President Jerrel: Can we make an agreement right now that we don't want to accept that delay to April and if you get any indication that's what they're going to want to do that we're going to try to protest it?

John Stoll: We can. I just don't know what ultimately they'll say on this. I have been dealing with Steve Dilk on this and he has told me that basically everything we have been doing to this point as far as moving ahead to get this done is what he wanted to hear that we didn't sit back and wait for them to tell us to do this and this. Basically, they're supposed to have a meeting, it was supposed to have been held today but, of course, they didn't have it for some reason. Somebody was not available. At that meeting they were supposed to determine whether or not we could stay on the bid letting. Now it has supposedly been rescheduled for tomorrow, so I hope they have their meeting, but I guess until they have that I won't have any assurances that we will remain on the bid letting.

President Jerrel: Well, I'm not trying to be obstinate about anything. It's just that they tell us they will honor it, they tell us if we do all of these things that this will happen and I am saying we're doing everything and we want this bridge to be finished.

John Stoll: I know. Every time it turns around it seems like there is one more thing that we weren't told about before.

President Jerrel: Right.

John Stoll: I don't know why this wasn't told to us back in April of '97 whenever the plans were sitting on the shelf ready for a bid letting. At that time supposedly the only thing that was not available was the funding, so if that was the case then this as well as all the other things should have been pointed out, but they weren't.

President Jerrel: Well, let's just try to keep it friendly with them, but I think we've got...they've got to know we're expecting to be on there. In good faith they have told us we are.

John Stoll: I've told Steve that's what we want to do, whatever it takes to stay on the March 5th letting. He has not given any guarantees, but--

Commissioner Mourdock: Who is Steve?

John Stoll: Steve Dilk. He is the local transportation section up there.

Commissioner Mourdock: Okay.

John Stoll: Ultimately this has to be done regardless of what bid letting we're on. It

used to be after the project was awarded and since we haven't dealt with any bridge demolitions, any demolition work at all since the Franklin Street Bridge project I didn't know they had changed the regulations and neither did the consultant and neither did some people at INDOT.

Commissioner Mourdock: Well, going back to our place of beginning, I will move acceptance of the asbestos--

Commissioner Tuley: Inspection.

Commissioner Mourdock: Yeah, inspection for the Fifth Avenue Bridge project as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I would like to recommend that we award the Evergreen Heights sanitary sewer project to Blankenberger Brothers in the amount of \$116,007.90. This is an award based on the base bid not on the alternate bid.

Commissioner Mourdock: I'll move approval of the award to Blankenberger for Evergreen Heights.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: John, what was that amount again?

John Stoll: It's \$116,007.90.

Joe Harrison, Jr.: Thanks.

John Stoll: The last item I've got is a street acceptance request for 123 feet of Green Lake Drive in The North Greens Subdivision. This street was completed in 1997. This is just a small segment, 200 hundredths of a mile, that was missed whenever we accepted the rest of the road.

President Jerrel: Is there a motion to approve the acceptance of this 123 feet?

Commissioner Mourdock: I'll move acceptance of the Green Lake Drive 123 feet.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got any questions.

Commissioner Tuley: Will you start the process of looking for an Assistant Engineer now? I saw a pink slip on the--

President Jerrel: Yes. Well, we've been talking about we had some good candidates.

Commissioner Tuley: In the last go-around?

President Jerrel: Yeah, in the last go-around, so we're still looking at that.

John Stoll: Can I make an offer to the other person?

President Jerrel: Oh, I think so. We don't need to advertise it. We had some good prospects.

Commissioner Mourdock: The list is very current.

President Jerrel: Right.

John Stoll: Yeah. I've been in touch with our second choice and he was asking whether or not we would have to advertise and interview and all that. I told him I didn't think we needed to.

President Jerrel: No, it was really close between those two.

John Stoll: Yes.

Commissioner Tuley: Is this one currently employed some place?

John Stoll: Yes.

Commissioner Tuley: Back to a bidding war again?

President Jerrel: I hope not!

John Stoll: I'm not sure at this point, but I definitely hope not.

President Jerrel: Okay, thank you.

Erik Bentle - County Garage

President Jerrel: County Garage. Erik, you've been...had a busy, busy week.

Erik Bentle: Oh, very busy. It has been a long month already!

President Jerrel: Yeah.

Erik Bentle: We got through this ice storm very well, no damage to the trucks or anybody out there. We've had no mechanical down time. The guys did a really good job. We had one truck to go off in a ditch, but it was no problem. They pulled him out and he was back on the road, so everything went real well.

President Jerrel: That's good. We are including, just for your information, we're doing a letter to Delbert with a seal from all us to sign and to send to him.

Erik Bentle: Friday was his last day, but he called me and said he wasn't feeling very well so he wouldn't be in.

President Jerrel: Yeah.

Erik Bentle: He said he would call me when he was going to come in so we could get everything squared away.

President Jerrel: Well, as long as this ice is out he doesn't--

Erik Bentle: Need to be out in it.

President Jerrel: He is the second...he thought maybe he was the oldest county employee to leave service, but Millie Morgan--

Commissioner Tuley: Millie.

President Jerrel: --had him beat.

Erik Bentle: That's hard to believe.

President Jerrel: She was 88, I checked today. He is 83, almost 84, so they...anyway.

Commissioner Mourdock: He had a ways to go.

President Jerrel: Yeah.

Commissioner Tuley: He might--

Commissioner Mourdock: Um--

Commissioner Tuley: I'm sorry.

Commissioner Mourdock: Go ahead.

Commissioner Tuley: I was just going to say, you know, what I saw the guys did a super job.

Erik Bentle: They put a lot of hours in and no complaints basically overall. They really did a good job and stayed with it.

Commissioner Mourdock: I've got three quick points in no particular order. Number one, I read a letter to the editor either yesterday or the day before from John Culver. Speaking as a Commissioner, and I hope all three, I would pass on compliments to him for the letter and the way he did it. I thought it was very well worded and very respectfully done.

Commissioner Tuley: Nice job.

Commissioner Mourdock: And made some very good points.

Erik Bentle: Yeah, I thought he did, too.

Commissioner Mourdock: Please thank him. Second point, with the weather we've had are we reordering and refilling the salt barn?

Erik Bentle: They were working on that today. They're having trouble getting salt in right now.

Commissioner Mourdock: A lot of demand right now.

Erik Bentle: Oh, man. They were completely out. Anywhere near here they were completely out. They delivered about 150 ton today and I've got about 900 ton still to go to fill that barn back up. We went through approximately 2,500 ton.

Commissioner Mourdock: Let's get our supplies back up. If the salt is harder to find, there may be only one thing harder to find than salt and that's a window scraper. I broke my window scraper yesterday morning. I stopped at Auto Zone, they had been out since Wednesday. I stopped at Target and Buehler's and nobody has any. They are all out. The third point, several weeks ago as a Commission we were putting together our goals for the year and I know Steve Craig has done that for Burdette Park as far as what they're looking to do and I know you have been very, very busy so I quite understand, but I would still like to see...have you get your staff together and think about what the goals might be and if you like a copy of what Steve's report is to see how they did it out there that would be a good thing maybe just as a model to work from.

Erik Bentle: Sure.

Commissioner Mourdock: But put some goals together and then let us know what they are.

Erik Bentle: Hopefully in the next week or so we'll have time to do that!

Commissioner Mourdock: I understand. As you know, in the past couple of years we have done the thing with how many miles we're going to pave, what our original budget is.

Erik Bentle: Yeah.

Commissioner Mourdock: And, you know, let's do more than we did last year. Let's get more ditching than we did last year. So put some goals together.

Erik Bentle: We've already did quite a few more ditches than were actually on the list. As a matter of fact, they've got a few more to do yet that people have called in work orders on since they've got their fields cleared out. With the weather the way it was we couldn't get to them.

Commissioner Mourdock: Just as a point of information since you have not been here a full year yet or even close to it, usually in the first meeting in March we have our county highway review meeting which is kind of a public meeting where anyone who wants to come in and lay out what they think their priorities ought to be for repaving. You might want to talk to some of the folks out there as to how that has been done so that we take public comments, but at the same night we generally accept from the Garage what the list of road paving projects will be and how they're to be prioritized.

Commissioner Tuley: Kind of a joint effort between the Garage and the Engineering Office.

Erik Bentle: Yeah, I talked to Bill the other day about it. He said he has already got a list going.

Commissioner Mourdock: Good.

President Jerrel: Okay, is there a motion to accept the report?

Commissioner Mourdock: I'll move acceptance of the County Garage report.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: County Attorney.

Joe Harrison, Jr.: I wanted to see if you all had any additional comments on the smoking ordinance. We need to get that advertised. I have given a notice for Charlene so that she can get that published in the next couple of days.

President Jerrel: I did have a call today from Judge Heldt and I told him to get in touch with you because they would like to have someone come to the hearings. He wanted to talk about perhaps the jurors, you know, so I said, okay, we would talk about it. We're going to do some checking around the state where there are no smoking in any areas so that we can see what sort of things they do.

Commissioner Tuley: Put a big J on them so we know they're jurors?

President Jerrel: I don't know.

Commissioner Mourdock: So they're in deliberations and they can go outside and have a smoke and not otherwise be hounded by the media, public or anybody else. That's an interesting question. That's good.

President Jerrel: Well, and if...well, I just think we need to look at the issue, but, you know, they may not be able to smoke.

Commissioner Mourdock: Yeah, that's my preference.

President Jerrel: Okay, so at any rate I just wanted to--

Joe Harrison, Jr.: That's fine. There can always be an amendment.

Commissioner Mourdock: Did we get the motion to advertise last time?

President Jerrel: Yes.

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: We did, right?

Joe Harrison, Jr.: And I have given her the notice. I just wanted to see if you all had any other changes before...okay, thanks.

President Jerrel: Anything else?

Joe Harrison, Jr.: No, that's it.

Superintendent of County Buildings

President Jerrel: The Superintendent of County Buildings is not here.

Steve Craig - Burdette Park

President Jerrel: Burdette Park.

Steve Craig: I guess the main thing I have is that you did get our goals that we have set for 1999 and to ask if you have any questions or would like to discuss them?

Commissioner Mourdock: I would just make the comment, Steve, I looked through the list and I thought you guys had given a lot of thought to it. Several of the issues, and let me give you a could example here, I think a real good goal was, picking an example, on the tennis courts the goal is to resurface the tennis complex and bring them up to USTA standards. That's a good one. It's specific so you're going to know whether or not you have completed it. Some of the others that were a little less specific though you might want to take another look at. This is on the general section:

"Burdette Park has a great deal of pride in assisting company picnics.
Our goal is to incorporate new ideas and increase the service we offer."

You know, that sounds good, but how do you really do it? I mean, just give that some thought is my only point.

President Jerrel: Another good one is the trees.

Commissioner Mourdock: Uh-huh.

President Jerrel: Easily measurable.

Commissioner Mourdock: Yep. Also, the safety. No loss man hours.

President Jerrel: Yeah, that's an excellent one.

Steve Craig: Yeah, it was surprising. That was with our full-time employees and that. I found out later that we had a couple of lifeguards that had got stung by bees and missed a day or two, but we had talked with Charlie and we're going to go through some things up there where they can...you know, to call in the next day and say they're not coming in because they were sunburned or something, I mean, I didn't include that, but this was something that we was kind of proud of because we hadn't had nobody that lost any time in the last year or so. I think it is a standard that we just have to stay perfect.

Commissioner Mourdock: Another quick example on the grants and funding. Yours says:

"Our goal will be to search for and apply for any grants which will benefit or upgrade the facilities."

That one is kind of fuzzy. Why not say we're going to find five new grants or something like that, just as a suggestion.

Steve Craig: Okay.

Commissioner Mourdock: I compliment you for the thought that went in it. Have you presented these to the Advisory Board?

Steve Craig: No, we haven't. We started these after their last meeting. They had a couple of ideas in the past Advisory Board minutes. I had asked them, because at the time we didn't have ours completed, for a couple of their ideas, what they foresaw as future goals at Burdette and some of the suggestions was a dome on the olympic pool, more chalets and a skating rink were the three ideas that they came up with which were more major goals than what we were looking for as far as maintenance and running the park more efficiently.

Commissioner Mourdock: Going back to the Advisory Board, I noted in the old business from the last meeting that you were reporting at that point that you think you'll know something this month on the Build Indiana Fund?

Steve Craig: That's what we were hoping.

President Jerrel: I don't know that we will.

Commissioner Mourdock: Okay.

President Jerrel: It just depends on that legislative session and they don't give out much information on the money end of it until they...I mean, they have their own agenda.

Steve Craig: They canceled the first week of the meetings.

President Jerrel: Yeah, so I don't think we'll be hearing anything as soon as we would like.

Steve Craig: I don't either.

President Jerrel: But we did...you know, I had written a letter to Larry Lutz about maybe considering calling it the O'Day Discovery Lodge and the Advisory Board thought that was a good idea or they independently thought it was, so it would be a nice way to recognize--

Commissioner Mourdock: Did we include that or have we modified our grant application when that goes into Indianapolis just to let them know we're thinking along those lines?

President Jerrel: I have sent a letter to Dennis Avery and to Larry Lutz who will both be involved in the process.

Commissioner Mourdock: With the suggestion of the name?

President Jerrel: Yes.

Commissioner Mourdock: Very good. That will be helpful.

Steve Craig: Is that it?

Commissioner Mourdock: I'll bring this goal thing back to the last meeting of 1999 and we'll see how you did.

Steve Craig: I hope we do real well. Thank you very much.

Weekly reports

President Jerrel: Thank you. Is there a motion to accept Burdette, Soil & Water and Ozone Officer's report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Next are the consent items. If there are any questions, if not is there a motion?

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: The only thing I would like to add since I asked Commissioner Jerrel and it wasn't reflected on the pink slip, the increase of salary for the Superintendent of County Buildings is just his step increase for two years of service?

President Jerrel: Right.

Commissioner Tuley: Having said that, I'll second the motion.

President Jerrel: And I'll say so ordered.

Scheduled meetings

President Jerrel: You have your scheduled list of meetings. There will be no meeting next week. That's just a reminder.

Old business

President Jerrel: Under old business, George Hoffmann has agreed to serve.

Commissioner Mourdock: That being the case I'll move the appointment of George Hoffmann to the License Examination Review Board.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: Herb, you don't have to report that tomorrow. Your counterpart reported that incorrectly last week!

President Jerrel: Is there any further old business? I have some new business to come up.

Commissioner Mourdock: Just old business, for what it is worth here, the Jail Committee meets again this coming Thursday so if either of you are interested you're welcome to attend. We'll be going over the interim report that will be presented later to the County Council later this month and I'm not sure what day that is. Will they be meeting on the 20...

President Jerrel: The first and last Wednesday of the month.

Commissioner Mourdock: Yeah, the 27th. I think it is dated the 27th is when that is scheduled.

President Jerrel: Has there been anything done with those national statistics? I mean, the national jail review that was done here last June and submitted and they asked us to take a look at our statistics, our court statistics, the whole judicial system?

Commissioner Mourdock: Yeah, that has been part of the discussion the last two meetings we've had and the last time the judges did present some statistics as far as what they had as far as the cases they were seeing and handling. In fact, that is what led to the discussion about is there a possible way of finding a third courtroom over here that we could otherwise speed the handling of cases. So I think the court system is trying to find a way to be a part of the solution.

President Jerrel: Any other old business?

New business

President Jerrel: New business?

Commissioner Mourdock: One thing I passed on to Tony, and since he is not here maybe we can do it some other way, but I had gotten a request from Junior Achievement on their job shadow experience. Real simply stated on February 2nd, Groundhog's Day, shadow, get it, they try to put people with JA in various different businesses and offices around the city just so folks can have a few hours of job shadowing and get to see what is going on. I was going to suggest that maybe Tony could draft a letter for our county offices and if any of those folks were interested having them correspond with Ron Jochum, with SIGECO, who is heading up the JA. It might be a good experience for some kids.

President Jerrel: I'd like to just bring up one item. I did attend the first EUTS meeting last Thursday and I had asked Rose to examine the opportunity that we might be able to obtain a grant from the National Corridor Planning and Development Program for a much more sophisticated transportation survey than we have done in the past for all of our entering and exiting major corridors. I don't know whether we'll have an opportunity for it, but the policy committee did approve it and we're asking for a half million dollars and there would be a ten percent...we would be responsible for putting up our...it would be more than that. We would have to put up \$100,000,

yeah, 20 percent. I think it would be well worth it because it would answer a lot of questions that we now have to grope for answers for. Particularly where the trucks are going and if they're going in the county or exiting.

Commissioner Mourdock: Would that be specific just within the county borders or does that become more regional?

President Jerrel: No, that was part of the...I had talked to Dave Rector from Warrick County and it would give, you know, us a perspective that I think we're sorely missing. If we could get the money to do that kind of study, particularly the trucks coming in from the west side, that's going to increase. We don't really know where these trucks go. That's the part that we need to examine. Do they continue, most of them, or do they go to 41? We need better information than we currently have because we're going to have to prioritize our dollars for the next two years and hopefully in the future past that. We need to do it based upon good information, so at any rate Rose willingly did a very nice job of preparing that grant that I requested her to do and it got sent on time. The report to you all is sort of a day late, but we had to have it up there by today.

Commissioner Mourdock: Well, I think that is a very good thing to go after. You look at the federal monies and when they speak in trillions and billions, I mean, there has got to be some in there we can find.

President Jerrel: Well, there is a report, a study, being done by a group from North Carolina, but it's not...it's going to deal more specifically with certain aspects of I-69 and we have numerous border issues and we have an International Trade Zone over in Posey County. I think Rose made it fit, so at any rate this is the letter that I included for your information that I sent to accompany the grant.

Commissioner Mourdock: On a similar and related subject, one thing I would like us to do and I'll prepare the letter, but at the ACORN meeting this week on the transportation section more and more I sense that we're going to shift over towards the transportation side from the pollution prevention aspect.

President Jerrel: Right.

Commissioner Mourdock: The question again has come up about reformulated gasoline, lower reed vapor pressure gasoline and what we can do to reduce vehicle emissions. I think a critical part of that is going to be better coordination of our traffic system. Even though all of the stoplights in Vanderburgh County are computer controlled, there is still the sense that we can do better, get an updated software package to have better controls there. The other part of that is with the existing system is there signage in place so that we get the maximum use for our system and we don't have any signage. For instance, a sign that would tell you that if you're traveling 37 miles an hour during given hours of the day you won't have to stop. One of the suggestions that has come up is with the new travel warning signs that the state has posted on 41 could we get the state to post those kinds of messages for 41? My suggestion would be that we write a letter to INDOT trying to get that done as well as to several of our state reps trying to get some more pressure on INDOT to get that done. Otherwise, I know INDOT will not want to do those kinds of issues on their signs. I think it is going to take pressure from the state.

President Jerrel: Right. And we could...we had an opportunity to talk to Dave Savage, but I do think it would be a good idea to make--

Commissioner Mourdock: Exactly.

President Jerrel: Answer questions and make a report to us. There are a lot of issues out there that some of us don't understand.

Commissioner Mourdock: And Dave did report one time to the Transportation Committee of ACORN, but there was the feeling at the last meeting that is something that needs to be further explored and I fully agree.

President Jerrel: Okay, is there any other information? Is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:20 p.m.

Those in attendance:

Bettye Lou Jerrel
Patrick Tuley
Suzanne M. Crouch
Jayne Berry-Bland
John Stoll
Steve Craig
Members of the media

Richard E. Mourdock
Joe Harrison, Jr.
Charlene Timmons
Joe Coleman
Erik Bentle
Others unidentified

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
January 25, 1999**

The Board of Commissioners of Vanderburgh County met in session this 25th day of January at 5:37 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce those of us at the front of the room for the people in the room that do not know them. To my right is Tony Greubel, the Superintendent of County Buildings; Joe Harrison, Jr., the County Attorney, is next to him; Commissioner Pat Tuley to my right; far left is Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor; and Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: Thank you. The first item on the agenda is the approval of the minutes of our previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of January 11th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: The next item is the certification of the Executive Session. Do we have the book?

Suzanne Crouch: No, we changed the way we were doing that. We gave that to Tony.

Tony Greubel: It's in the signature file now.

President Jerrel: Oh, okay.

Commissioner Mourdock: Well, I'll move approval of certification for the minutes of tonight's Executive Session at which time we discussed the...a real estate lease issue and also certain outstanding litigation that the county is involved in.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun - Infonet Project

President Jerrel: The next item is Item C which is permission to apply for federal grants for internet infrastructure for county offices and Bill Cottun is here to begin the

presentation.

Bill Cottun: Thank you very much. We come before you today to ask your approval for a process that is going to be led by Liv Watson of Gaither Rutherford. I will be part of the project team and we've given a name to this project called the Infonet Project. Initially it was just to get us an internet presence. Over the last several weeks in talking about this project it has really grown in scope. One of the grants that we'll be discussing in a few moments also will allow us to address the development of databases, not just putting those databases online. In that we're going to be able to address very large projects such as geographic information systems and document managing including document imaging. Liv will briefly touch on some of those capabilities. We also have with us Mr. Scott Hartig from Network WCS. His group has been putting together some of the expertise that is going to be necessary for us to have online access. We believe that we've got a real good private public partnership here to address the needs that our county offices have requested because of what their end users have been requesting. I'll turn the meeting over to Liv Watson.

Liv Watson: Thank you. My name is Liv Watson. It's kind of an exciting time to be alive because of the information age, I think so many changes. We can hardly pick up a newspaper or watch tv anymore without hearing something about it and I think one of the issues is perhaps not when or how can we put that information on the internet, but how can our community benefit from having information online. I think part of the study that we would like to present is to find out where information is coming from. I can see us 500 years from now unless we address this issue we're all going to be sitting with paper up to here so we would like perhaps maybe to look at the issues. What can we do today to help reduce paperwork and paper flow and what can we digitize? In a sense that we can communicate, not perhaps just internally, but with certain end users and what kind of information and perhaps what we're not addressing totally is should everything be to the public. Perhaps we need authenticated access to certain information so that bankers, lawyers and other people can have information in a more restricted format. So we are here today to give a handout to show the infrastructure that we are looking at and looking at end users. I think perhaps all of you here in this room could have some input to this project and find out what the needs of our community are. The mission of the Infonet Project of Vanderburgh County is to study governmental processes and operations to determine how information technology can be used internally to improve efficiency of operation and externally to provide governmental data to the end users, individuals, businesses and other outside agencies in an online environment. So I would like to introduce Scott Hartig. I am proud to be part of this team.

Scott Hartig: Thank you. I really didn't prepare anything to say, but our company has been involved with a number of nice projects around town and really this came about because of the vision and idea of both Liv and Bill and they called me in and wondered if we might, at least in the beginning stages here, offer some guidance in the direction of what works well on the internet, how can we keep data secure, how can we maintain people's privacy but still provide a good service to citizens and to other interested parties with governmental data. One of the projects that we were...have been involved with over the last year was taking the County Assessor...some of the County Assessor's data, namely property tax records, and placing them available...placing them on the internet to be available essentially to anybody. So you can go to her web site now and search for a particular address or by a number of other variables and pull up the property tax record. According to

Cheryl, I don't know because I'm not down here everyday, but according to Mrs. Musgrave it has really had a profound affect on her office in reducing the number of foot traffic while still providing the services that she has been elected to provide to the citizens and to the businesses around this area. It's really enhanced her office. I know that since August, was when the site went live, she has had about 40,000 searches for property tax records. I meet regularly...we work with a number of the real estate offices in Evansville and also with the Central Board and I meet regularly with them and they told me a couple of weeks ago that the site is generally up all throughout their workday as they are doing their work there so they can go on and search for properties. That used to be phone calls, and faxes, and trips to the Civic Center that they had to use to take care of that. Now it is right there available. I think that Gaither Rutherford will play the part certainly in the beginning rules of finding out what each individual officeholder wants to present to the internet, how do they think they could be helped, what types of steps need to be taken to get there in working out budgets and other information like that. I guess we'll probably step in probably...or hopefully we might step in at a later date and try to keep things on track in terms of the internet and make sure that everything is secure, looks nice and professional and is created in the way that each individual officeholder would want to have it created. That's all for me.

Commissioner Mourdock: Let me ask a question if I may, Scott. You said she has got 40,000 searches, 40,000 searches or 40,000 hits?

Scott Hartig: She has had 40,000 searches on her database.

Commissioner Mourdock: Really?

Scott Hartig: A hit is actually a very misleading term.

Commissioner Mourdock: Yeah.

Scott Hartig: A hit is anytime a file is downloaded. When you look at a web page you might be actually looking at 20 files.

Commissioner Mourdock: Right.

Scott Hartig: Each individual photo and graphic is one file. There have been 40,000 searches, active searches on her database.

Commissioner Mourdock: Actual searches, wow.

Scott Hartig: In what...six months time. I think it has been a big success.

Bill Cottun: I did one of those searches!

Scott Hartig: We took out the first 3,000 or 4,000. That was probably us testing it.

Bill Cottun: One of the things I would like to mention is we have tremendous support for this project. In fact, not support, the driver for this project are the offices of the county officials, elected officials. We have several here today. I'm not real sure we get officials in a meeting like this a lot. I feel very honored. Today Betty Hermann is with us from the Recorder's Office; Jayne Berry-Bland, who is the Treasurer; Marsha Abell, from the Clerk's Office; Judge Knight, from Superior Court. Am I missing anyone? I'm sorry? Oh, Suzanne, I apologize. Suzanne Crouch.

Suzanne Crouch: I'm always here.

Bill Cottun: I would like to--

President Jerrel: Cheryl sent a letter to us. She was unable to be here, but she did send a letter.

Bill Cottun: Cheryl Musgrave has been instrumental. I spoke with Chief Eric Williams today. He was not able to make the meeting, but he wanted to express that the Sheriff's Office also supports this. The support from the elected officials is what has us standing here today. This is not a drive by any of us, it is a response to our end users, to our public and to our county...city and county users. I mention city because this is something that as we build this infrastructure we have spoken with the Controller's office, with Becky Dixon, and there will certainly be at a future date city participation within this project and they will also support it financially also. I'm sorry, sir.

Commissioner Mourdock: I was just going to say, with all that you're doing with the various offices if you have not already done so could you provide or if you have not already put one together would you please provide a plan of sorts so that we can see how you're rolling this out through the various offices. I know Bettye Lou and I had the discussion the other day and I can picture a lot of this happening with the different sets of data, but I think the Recorder's Office, and I think Betty is back there, and of all of them it would seem to me her information would be the most difficult to provide and get online and I would just like to see some sort of timetable as to how you might roll that whole thing out.

Liv Watson: Perhaps I can answer this question. It is very difficult for anybody to make that decision before we have actually been in the office and evaluating, but I can see that this project is an ongoing progress from anywhere from a year to a year and a half to implement. I think it is a good and wise choice to use a pilot project and then bring everybody else in and to get the infrastructure that will be in place like T-1 lines and databases that are internet enabled and that is what we're looking at and the rest of the infrastructure, but any project like this is anywhere from a year to two years but the benchmark as we go along there might be more requests and more things added on so I see it has a lifetime long progress, but I think our immediate need to is to look at what the officials would like to put online and digital imaging and things like that so I can see this go from anywhere to...implemented successfully anywhere from a year to two years.

Bill Cottun: If I may, sir, I do project scheduling. Bettye Lou will tell you that's probably one of the reasons that we get a lot done. We'll have a project schedule for you. We will have it by office whenever that's going to be. Liv has to do some due diligence before that is put together, but we'll certainly have project schedules for you.

President Jerrel: I'm correct in assuming, too, that this is one site where people can go in and pick Recorder, or Treasurer, Auditor, or Assessor, Clerk?

Liv Watson: At this moment Scott has been very kind and they got Vanderburgh.org registered so that will be the county's domain name. The offices that now have online access should probably move their sites over to the Vanderburgh.org, Auditor, Assessor, so that we start unifying where people understand...not unifying as far as political parties, but unifying where people know where to go. I guess we should do that, too!

Commissioner Tuley: You don't want to do that.

Commissioner Mourdock: You can say unified, just don't say consolidate!

Liv Watson: I think that for the citizens it would be much easier to remember to go to Vanderburgh.org as far as going to all different...everybody getting their own. So this is in a sense making it more easily available for everybody to find us and eventually benefitting this community.

Scott Hartig: I think really the plan is not only to have one site, but that the sites are very...that the individual offices have...it's a very coherent look and user interface so it's a very low learning curve. I think that learning curves are very important with new applications and the goal is to make it very simple for people. I don't think this needs to be something that is terribly complex, but not only one common interface, but also one very common look throughout the entire site so there is a lot of coherence to all the data.

Liv Watson: I think one thing also that is important here, each individual office will be in control of their data that they provide. By no means will the Infonet site be owned by anybody. Like the internet, nobody owns it. It's just where we can all be reached.

President Jerrel: Could you speak just a little about...you had at one point said something about seeking a grant or grants, could you speak just briefly to what you kind of had in mind?

Liv Watson: Perhaps my background should be addressed a little bit with it. I sit on the National Board of the Institute of Management Accounts. I serve on their IT Committee. And with Rutgers University--

President Jerrel: Do you mind translating IT into--

Liv Watson: Information Technology, sorry, I keep forgetting that. Information Technology, and what we do is we research and find out how the future of the internet will impact communities, businesses and governmental agencies. Through Gaither we have networked all of the largest accounting organizations in the world, FASBE, American Accounting Association. Our site at Rutgers gets about two million hits a month and that is two million people come through or they come back. It's not one page being downloaded. Through Rutgers we have also done extensive research of how accounting standards will change, how our roles will do. But talking about the grant we're looking at different grants. I think that first we need to come in and look at what the needs are. We're specifically looking at one from the Chambers of Commerce given by the federal government and they give out grants from anywhere to \$350,000 to \$1 million to communities, localities, and to not-for-profit organizations. I think it's important to know that grants do not come and they just give you free money. I mean, there is a lot of stipulation, a social thing. They want to learn something from your project so that is part of this whole project. We have total support with true professionals for Rutgers that is just as well interested in our work, goals to find out and learn from what we do as to share information with us from their experience. I don't want to just stick to one grant. We have looked at about seven or eight grants and they're all due within the next six months, six to seven months, so we will...as soon as we find out what the needs, I think the most important is you can't just go after a grant and look. Let's look at what the needs of the end users are. Let's look at what the needs of the elected officials are and then look for a grant that fits that need and it doesn't necessarily mean that it is just one

grant. If there is more needs it doesn't stop at just one grant, but the infrastructure and the plan, what is needed and what can be done, will come from this research project.

President Jerrel: The National Science Association stresses one thing which is probably very appropriate here. It's the portability of the information that you gain for other communities.

Liv Watson: Yes, and perhaps the support from our community will also benefit a grant like this. This is...all of us, let's work together.

Scott Hartig: One thing that we are going to offer to do with permission, of course, is place a link to a small little survey on our Evansville.net site. Our Evansville.net site gets about 40,000 views per day and about 90 to 95 percent of those are local people. We can place a link on there that allows people to go in and fill out a short survey as to the types of things that can be available. The question is will they use them or are they having comments about the availability of those types of services and information. Given that we have the type of visibility on our site we can draw in a lot of local internet users to the survey, that is one thing that we would certainly offer to do and try to gather some initial feedback from the general public as to their feelings on the project.

Suzanne Crouch: I think that's important because we know what information we have in our office, but I'm not always sure that we know what the people want because we have clients that want certain things out of our office, so I think that is important.

Scott Hartig: I'm sure realistically that there will be some data that will be used by a very small audience, the abstractors, and bankers, and insurance companies, and folks like that will use some information more than just the general public might, but for instance something like paying parking tickets online or something that might save a trip down to the Civic Center to do business with the government. There have been a lot of things done through other communities. You know, there has been a lot of projects that I have looked at that city/county governments have done to provide more services and the availability of information on the internet to their citizens that may or may not be good ideas.

Liv Watson: No kidding. The LA Sheriff's Department sales LA hats and jackets, and I'm not going to bring that to the suggestion table, but they do that to raise money.

Scott Hartig: That is definitely one guideline that we use is what other people have done. There have been a number of very large ones that encompass a lot. I think that certainly we should be able to put the amount of information we have and with the support of, and it seems like such wide reaching support so far from the officeholders, that we can provide just about anything you have. There are steps to take to get there, certainly it is not an easy thing, it's not flip a switch, but particularly services that the public and other interested parties may have and providing you (inaudible).

Bill Cottun: If you'll excuse me, we can stand up here probably talk for another two or three hours about this.

Liv Watson: It's the internet!

Bill Cottun: In addition to the approval for the Infonet pilot project there is also a contract approval before you with Gaither Rutherford not to exceed \$40,000 for the services of Gaither Rutherford for the pilot project to apply or to do the due diligence and apply for these federal grants. There is money currently in the Computer Services' budget which we will pay for this grant out of our budget with the full intent that upon receipt of the grants we receive our funds back and will request funding at that time, so this project is fully funded.

President Jerrel: Well then maybe the appropriate thing we ought to do is move approval of that letter of acceptance at this time.

Bill Cottun: Yes, the letter of engagement from Gaither.

President Jerrel: Right. There you go. While you two are reviewing those is there anything any of you officeholders...I know you're here I'm assuming as support, but I really appreciate it if there is anything any of you...

Jayne Berry-Bland: Jayne Berry-Bland, County Treasurer. I just want to say as a group, and I think Ms. Musgrave did lead the way into this and we have a lot to thank her for, but I think doing this as a whole says a lot for our community and for the officeholders also. I think it is something that we absolutely need to work together on and I am so excited about this because I can envision down the road that not only will we get very many people from coming actually down here and into our offices, but the access of just inquiry alone of what your taxes are, or what you paid last year, or whatever the case may be and then on down the road a little bit more actually going online and paying your taxes. Oh, what a day that will be! So I am really excited and I really appreciate the opportunity to be a part of this.

Betty Hermann: Betty Hermann, County Recorder. I am in full support of this, the Infonet project. I have a very, very, busy, busy office as most of you know. Last Monday for instance 1,400 pieces of mail came into our office. Today, on Monday, 900. Now this doesn't count all the people. We have for one year been inundated with recordings and people. I see this as a great help not only to my office, but it will minimize the extra flow of people daily in our office which could be from 40 to 70 people a day. I mainly want to come up here to applaud this gentleman here, Bill Cottun, for getting this many elected officials together to agree on anything!

Commissioner Mourdock: See there, Liv, they may be more unified than you thought. Just, Joe, have you reviewed the letter here previously?

Joe Harrison, Jr.: Yes, a copy was faxed to me today. The only question I had was funding and is funding available for this?

President Jerrel: Yes, he just said it's in their budget.

Commissioner Mourdock: With that I'll move approval for the engagement letter with Gaither Rutherford for the Infonet project.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you all very, very much for coming. I'm looking forward to working with you on this.

Bill Cottun: Thank you very much.

President Jerrel: Liv, just out of curiosity because I know people want to know, you want to tell us your country of origin and kind of how you got over here.

Suzanne Crouch: Kentucky!

Liv Watson: You truly don't want to know this, but I won the European skateboard championship when I was 16 and I came over here to skate with Hobie Team and ended up staying. I come from ten years...I worked and produced videos for MTV. Technology was something that we always was the first to use because Hollywood had rules, with MTV we could do everything. MTV is not what it is today, what it was when I was there. Technology was always something that fascinated me and then somebody hooked us all together to communicate and since then my college education has been online, all my research and time as probably everybody knows, they never see me around because usually I am home on the internet. It has been a wonderful experience. I'm a native of Norway originally, but I was raised in many, many different countries. My father is an independent programmer and we lived in Borneo, France, England, but I call this my home. I've lived here for ten years now and I love the midwest. Thank you for having me.

President Jerrel: Thank you for sharing that information.

Government Payment Service contract
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President Jerrel: Okay, the next item on the agenda is the County Clerk concerning the approval of the contract with Government Payment and you have that also. This is the contract that relates to the Government Payment Service, Inc. You've looked at this one, Joe, would you want to comment on this?

Joe Harrison, Jr.: Yes, I have looked at it and discussed it with Marsha and we were able to get a provision put in there that I had requested essentially that the county can terminate the agreement for any reason at any time, so if something happens and it needs to be canceled I think that would be appropriate.

Commissioner Mourdock: I would just add that this subject has come up at I think two of our Blue Ribbon Jail Committee meetings as one of the ways that might help us move some people through the process a little faster as well. Marsha and I spoke to that last night a little bit, but just being able to bond some people out on credit cards might help here and there and every available space in the jail helps.

President Jerrel: So that's essentially bonding by credit card. And we can get out of the contract at any time that we choose if it isn't working, so is there a motion?

Commissioner Mourdock: Marsha, do you have anything to add to that? Okay, I'll move approval then of the signing of the contract between Vanderburgh County and Government Payment Services.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

Joe Harrison, Jr.: If I could add one thing, it also would permit, I think, the payment of tickets.

Commissioner Tuley: Right.

Marsha Abell: Not yet.

Joe Harrison, Jr.: Oh, not yet?

Marsha Abell: See how this goes first.

Joe Harrison, Jr.: Okay.

Marsha Abell: The possibility is there.

President Jerrel: Thank you very much for coming.

Presentation regarding Rule 5

President Jerrel: The next item on the agenda is another presentation that we're looking forward to and this is IDEM and the Soil & Water Conservation and the Department of Natural Resources' group. I don't know who is going to be the initial spokesman to introduce everybody. Okay.

Judy Dicus Thomann: Hi, I'm Judy Dicus Thomann. I am the Director of the Indiana Department of Environmental Management Southwest Regional Office. I'm joined here this evening by Randy Braun, Chief of Storm Water and Sediment Control Program for the Department of Natural Resources and Reggie Baker, Section Chief of the Pretreatment and Urban Wet Weather Section for the Indiana Department of Environmental Management. Both of these gentlemen are specialist in this issue and they both work out of Indianapolis. I would like to thank you for allowing us to come and speak with you on issues surrounding the Rule 5 which deals with storm water runoff associated with construction activity. As is with many of the rules and regulations that we deal with Rule 5 not only involves one state agency, but two along with the local agency. Rule 5 involves the Indiana Department of Environmental Management, the Department of Natural Resources and the local Soil & Water Conservation District. These three agencies have worked very cooperatively to address the concerns regarding the implementation of Rule 5 in order to implement it in a more efficient and expeditious manner. I first became aware of the Rule 5 issues when I was asked to attend a Vanderburgh County Soil & Water Conservation District Board meeting. At that meeting it became very apparent that there were issues and questions that needed to be addressed. These were concerning enforcement and compliance. At a later date Mike Wathen and I met with developers and went to see property in Vanderburgh County to enable Mike to further illustrate his concern. At that time Randy Braun from the Department of Natural Resources and Reggie Baker from the Department of Environmental Management were contacted. They along with Mike Wathen, myself, and Lynn Miller met to discuss and more clearly define the roles of the respective agencies and how we can implement Rule 5 in a more efficient and expeditious manner. The reason it is important to Vanderburgh County that this rule be implement expeditiously is because of the number of development and construction projects that are being done here. In addition, it is not fair to the developers who are in compliance with this rule to allow others to remain out of compliance without any repercussions. Before I turn the mike over to Reggie Baker and Randy Braun to further explain their agency's roles I would like to take this opportunity to commend Mike Wathen for the energy and effort that he has put into this trying to get more

clarity on this issue. He has worked very hard to see that the issue was brought to the table so we could discuss it to enable Rule 5 to be implemented in Vanderburgh County in a more efficient manner. Now I'll turn the mike over to Reggie Baker from IDEM and he'll explain our role on this and then Randy Braun from DNR will explain DNR's role and after they finish the presentations we'll be glad to answer any of your questions.

President Jerrel: Okay, thank you.

Reggie Baker: Commissioners, thank you for this opportunity to come and address you. I trust you've gotten a copy of the Board packets that I sent down. What I'll be discussing here will mirror what you were sent and what is in the overheads. I would like to start with the definitions that surround what we call 327 IAC, which is Indiana Administrative Code, 15-5, or what we refer to affectionately as Rule 5 and that is specifically storm water associated with construction activity. There are other storm water programs, but this one centers around things that are associated with land disturbing activities. I would like to go over the definitions to start out to start to provide some clarity to all this. This rule, this Rule 5, applies to persons who are involved in construction activities which include the clearing, grading, excavating, and other land disturbing activities except operations that result in a disturbance of less than five acres. I'll stop it right there because the sentence kind of carries on, but that's an important part. Generally it starts with land disturbing activities that are greater than five acres, but if there are situations where there is a larger common plan of development or sale than activities that are less than five acres are thus covered. An example would be if a developer has a 20 acre parcel and they choose to do it in five phases, phase one through five, and only do it in four acre increments that is part of a larger common plan of 20 acres are involved in their sale, so that clearly is covered by the rule. Operator, that's the person required to submit the notice of intent under this article and required to comply with the terms of the rule. Generally we have been holding...not even generally. We have been holding the developer responsible for complying with this rule for obtaining coverage under Rule 5 and carrying that coverage throughout the entire life of the project until all of the sites are built out or there is no longer any land disturbing activities. Site, means the entire site included in the legal description of the property and, again, land disturbing activity I discussed above. It's the clearing, and the grading, and filling and transporting and all the things that happen in the course of development. The requirements for the notice of intent letter are actually found earlier in Article 15. We have Article 15-1 through 4 which are the general requirements for all of the general permit rules. This is a permit by rule. It's not an individual coverage like a regular industrial discharge site or a municipal waste water treatment site. We have rules that were developed and put in as a general format because of the large number of sites that were covered. It would be totally infeasible to issue an individual permit to each and every construction site that goes on. The name and mailing address and the location of the facility for which the notification is submitted is the first thing required. The standard industrial classification doesn't generally apply under this article for Rule 5, but a person's name, address and phone number and ownership status are the next item. Latitude and longitude are required or the township and range coordinates for the facility. Probably most importantly the name of the receiving water. Where does this water that may run off the site go? What may likely be impacted? Description of the facility of how the facility applies...excuse me, applies to the requirement of the rule and any additional information for the general permit. It must be signed by a responsible officer, general partner, or proprietor, ranking elected official and that is something that is important because municipalities are covered under the general permit rules for storm water. There were some

exemptions that were provided under the original rules that came out under the federal rules in 1989 but they were never technically included in Indiana's rule in 1992 and has been determined that they never did apply in that particular case and the federal exemption has expired since then, so municipalities are now required to comply with this rule if you have land disturbing activities greater than five acres or a duly authorized representative. Now we get into the meat. Most appropriately we need a description of the construction project, especially the total acreage of the site and more specifically the number of acres that are going to be disturbed or involved in land disturbing activity. An estimated time table and this is important because all of the people that are covered by permits would like to see an end somewhere along the line and what it does is it helps our agency if there is an estimated time table we can put into our files some sort of tickler that will come up and say it's time this project probably should have been completed by now, we haven't received any notices of termination and we can start to inquire about the status of the site. A written certification that by the operator if your erosion control measure is included in a control plan. There is a requirement for the development and most importantly the implementation of a soil and erosion control plan and that these plans have been submitted with the applicable...or comply with the applicable state, county or local erosion control requirements and that they will be implemented in accordance with the plan. It's not good enough to just have a plan on the books it has to be implemented. That's the core of how this program can work. The notice of intent must include a verification that the Soil & Water Conservation District has received the plan, that they've had an opportunity for review and comment on that plan and that's the vital link with the Soil & Water Conservation District and the Department of Natural Resources. The verification that the erosion control measures will be implemented by trained personnel and erosion control practices. I'm not quite sure what that means. I don't know if there is a special certification out there for that. There isn't under state rule, but the Department of Natural Resources has extensive materials on common practices for erosion control. Proof of publication in a newspaper of general circulation. Basically, it's to notify the public that A, that there is a project and B, that they intend to comply with Rule 5. Probably most importantly is that all of this information, the notice of intent, the administrative things that come to my office, is the erosion and control plans that go to the Soil & Water Conservation Districts, they must all be submitted and approved prior to the initiation of any land disturbing activities. Finally, the operators shall certify or notify the commissioner in writing, we have a form, that the project is completed. This is important because of the sheer number of projects that come in. We average 1,200 to 1,500 projects a year all over the state. We could surely have files as high as the government center north if these projects weren't terminated in some fashion. That's the meat of my presentation. I would like to kind of update you on a couple of things that may be of interest to the Board. These storm water regulations have been on the state books since 1992. They're in full compliance with the federal Clean Water Act requirements, but there is a new requirement coming down the road and it's what we call phase two storm water. Phase two is going to impact communities and developers in that it is proposed that the acreage covered be dropped from five acres to one acre, so the sheer volume of plans and sites is likely to go from three to five fold over what we already have now. The time table for that is that the draft rule is out. The final which is being driven by a Natural Resource Defense Council suit against USEPA is supposed to be released on the streets in March of this year, in '99. It will allow two years or until March of 2001 for the state to come up with corresponding regulations to implement this rule. There are some good things about that. While the one acre seems a bit unnerving not only probably for the regulating committee, but for myself and my staff, there are going to be opportunities for people that submit notices of intent to opt out of the program based on some soil loss

equations that they can certify non exposure because of their geological or geographic setting, that they're in a flat area or they constructed the site in such a manner that all the flow is into the center, into a common pond in the center that doesn't have a discharge point. So there are going to be some outs for people that if they want to construct their sites in such a way with a geographic center is such that they are eligible, so that is kind of the yin and yang of storm water in phase two. I guess it is more than rumored that the Board is somewhat interested in the proceedings of an enforcement of some cases and I would like to report at this time that our Office of Enforcement, which by the way is separate from the Office of Water Management and IDEM, has issued a notice of violation to the Eastbrook Mobile Home Park dated January 20th of this year. The basis of that violation is that they conducted land disturbing activities without benefit of any permit, without filing the proper plans and things like that. So an enforcement proceeding is in the mill. That's about all I can say about it right now since it is now somewhat deliberative in nature because it is an enforcement scenario, so that is good news I hope to the Board. Any questions?

President Jerrel: I have one real quick question and it is just me. I don't know that anybody is going to be terribly interested in this, but I am. Typically the federal government develops the regulations, federal regulations. My question relates to DNR and IDEM, depending up which agency, takes those regulations and attempts to develop rules that correspond to those and for those rules to be promulgated do you...how many hearings do you hold and how widespread, you know, because people will call an office like ours and say, you know, who started this and so knowing a little bit about the process I understand the federal government has an enormous staff that they begin writing these and then you get them. Now how do you promulgate those rules for the entire state?

Reggie Baker: It goes through a pretty rigid adoption procedure starting with the first notice or notice of rule making itself. That is published in the Indiana Register. It's also distributed around the state, notices in the newspapers, of this notice of rule making so we don't rely solely on everyone having to read the Indiana Register which I don't think a whole lot of people do. I think that it's probably important to note that now that IDEM, the Department of Environmental Management, has gone into a rather extensive outreach program with two new regional offices, one here in Evansville and the new one that just was announced in South Bend, that that will give a better springboard to the community and outreach into the community. As we go through the rule making process there will be notices of subsequent parts of the rule once we have the draft rule onto the streets and we start to receive comments during the public comment period we will have outreach programs or hearings in various parts of the state. Where, I can't tell you exactly, but certainly where the regional offices are located I can probably almost bet.

President Jerrel: You think you'll ever be doing some of this just like the group that was in here before you? Since you often don't hold hearings in all parts of the state, you hold whatever the required number of rule making.

Reggie Baker: I think we go above and beyond that now. I think those days are long gone of just having a hearing in Indianapolis and the supposition that the world revolves around Indianapolis. I think if that were the case then we wouldn't have a regional office here in Evansville.

President Jerrel: Right, but I mean--

Commissioner Mourdock: I think, yeah, your question was--

President Jerrel: --the internet. My question is for public comment you heard the group before you describing Infonet for this area. The state government could do this sort of thing with their rule making process, too.

Reggie Baker: Oh, we do. I'm sorry, we do have that actually on internet. We have a web page for the Office of Water Management and for IDEM in general.

President Jerrel: To solicit?

Reggie Baker: Correct.

President Jerrel: Okay.

Reggie Baker: And we do post that on the internet also.

Commissioner Mourdock: Taking that one step further is when the permits will be on the internet and people just go to the internet and pull the file down and fill in the permit and just e-mail it back.

President Jerrel: And e-mail it back to you.

Reggie Baker: That's where we are hoping to head. That's another story.

Commissioner Mourdock: So is the long and the short of this that what we used to know as the old Rule 5 under phase two basically just gets extended from five acres down to one to five?

Reggie Baker: Correct.

Commissioner Mourdock: That's the bottom line.

Reggie Baker: Plus some of the benefits of being able to opt out of the program or to certify no discharge. Again, you need to understand that the storm water program is a part of the National Pollution and Discharge Elimination System, the NPDES permitting system is just one of many point source discharges.

Commissioner Tuley: The question immediately comes to mind if we're talking about going three to five fold of people filing these permits and then the question of overseeing and enforcement and what have you how is that going to be addressed?

Reggie Baker: We are having dialogue between the Department of Natural Resources and IDEM at the highest levels concerning how to grapple with this very issue not only when it goes to phase two, but even some of the things that we're doing right now. I think that there is probably going to be a greater role for the Soil & Water Conservation Districts throughout the state. Of the 92 counties I think there are 17 of those counties that are really actively involved in this Rule 5 business. I know we have kind of a black hole that the Department of Natural Resources picks up with their District Soil & Water Conservation Specialists and Randy Braun will be describing that process in a minute. Right now the whole program is driven by permit fees under Indiana statute. Again, it's part of the permitting fee process that the legislature gave the agency back in 1994. The good news is that we do get fees for this. The bad news is that only IDEM seems to be getting these fees and some

of the folks that are really doing the work, the Soil & Water Conservation Districts and DNR are kind of left holding the bag and that's what we're having dialogue about now just how to have a more equitable split of the fees that come in and also the possibility of using some other tools with the Soil Conservation Board to get more of the Soil & Water Conservation Districts involved in this process setting up a program of their own where they can maybe get fees, charge fees, for the actual review of the erosion control plans which is a real substantive part of this program.

Commissioner Tuley: I hope that comes about and I'm sure Mike does too because I know--

Reggie Baker: I bet he does.

Commissioner Tuley: --that's one of the things that, you know, Mike as you are well aware has been extremely instrumental in getting us onboard and bringing us up to speed and I know I've met with him a couple of times and Lynn Miller and different ones to go out and look at sites and when it gets reduced down to one acre I just...like you say, that will be something that we'll be able to opt out, but man that is going to be a lot of work that somebody has got to pick up and generally what we hear is a lot of extra work and no funding to go with it.

Reggie Baker: Unfunded mandate, I believe.

Commissioner Tuley: Yeah, I believe that is the exact term.

Reggie Baker: The correct term.

Commissioner Mourdock: I knew those two words would get in this conversation somewhere.

Commissioner Tuley: Yeah, at some point.

Commissioner Mourdock: The other question this brings up in my mind, especially when we start to look at the one to five acre sites, this Board as you know also serves as the county Drainage Board and in that role in addition to being Commissioners we're judges under the 1997 Indiana statute that basically allowed for any obstruction in drainage to become a lawsuit before the Drainage Board. I'm wondering as this is enforced on even a one to five acre basis what the overlap with that statute is going to be? I wonder if it's a good thing or a bad thing, I don't know. Right now we have neighbors coming in and suing neighbors and is there going to be some other recourse whereby they bring in government to deal with the issue under phase two? In other words, can the Soil & Water Conservation District become responsible to make a judgement call to go out there and see what the drainage issue is and what it isn't as opposed to what the Surveyor's Office is doing presently for us. I don't know, it just seems to me there is some overlap somewhere and I'm not quite sure what the result would be.

President Jerrel: I don't know. I know that Bill Jeffers, you know, it's a very in-depth part of his job. I don't know. We'll just have to wait and see what comes to our plate.

Reggie Baker: I think there are two issues here. One is clearly our charge under the NPDES permitting program is water quality and in my mind the Drainage Board is mostly concerned with water quantity.

President Jerrel: That's right.

Reggie Baker: So there certainly may be an overlap because if there is a lot of quantity of water it may be a quality issue to go along with that. Any further questions? If not, I'll be followed by Randy Braun of the Department of Natural Resources.

Randy Braun: It's a pleasure to be here tonight. I appreciate the opportunity to come and speak to you about Rule 5, DNR's role as well as the Soil & Water District. My name is Randy Braun and I'm with the Department of Natural Resources, Division of Soil Conservation in the Storm Water and Sediment Control Program and I am the Chief of that program. What I would like to do is just give you a brief history of Rule 5 and start basically why Soil & Water Conservation Districts and DNR are basically involved in this process. By state law Soil & Water Conservation Districts are responsible for the natural resources within their boundaries. When I say partnership I mean DNR and Soil & Water Districts basically have a very close working relationship. In fact, Soil & Water Districts and DNR are tied together by state law. Again, the Division of Soil Conservation specifically is responsible to provide technical support to Soil & Water Districts as well as administrative support. Soil & Water Districts as well as DNR in Indiana and, in fact, Soil & Water Districts nationwide are recognized for their expertise in soil and water conservation. Rule 5 basically is an extension of a program that was established in 1987, the TY2000 program. TY2000 program is a water quality initiative to address erosion and sedimentation statewide. One of the components of this program was non agricultural erosion and sedimentation. So, in fact, in 1987 we started a program up to start addressing these issues. Basically, this process stayed as a voluntary approach. In 1992 when Rule 5 was being discussed it was a natural that the Soil & Water Districts and DNR become involved in this process because we had a program established. Our State Soil Conservation Board is a policy making Board appointed by the Governor. We approached IDEM on this issue, we sat down and had discussions and several months later we had a memorandum of understanding that we would participate in the program. The other item with the state regulations being Soil & Water Districts are local, they exist in every county in Indiana, everyone felt that local implementation of this program would be beneficial. Having people actually located within each county through the Soil & Water Districts would be a benefit. The erosion control plans could be delivered to the local offices. That local office is more open to the contractors and developers. It's a local place where they can go in and exchange information and deal with the issues. In fact, the Division and Soil Conservation we have scattered throughout the state we have not only a regional specialist, and someone has mentioned Lynn Miller's name, Lynn Miller is a Storm Water Specialist. He works under my program and he has got the southwest part of the state here as well as we have a resource specialist, I believe 43 of them, scattered throughout the state, so basically one for every two counties. Where we don't have district employees like Mike we've had to basically go in and either our regional specialist has taken on the workload or our resource specialist that is local has taken on that workload in addition to their other duties dealing with agricultural erosion. Through the memorandum of understanding I would just like to go over what our rules and responsibilities are. Basically, we have field level oversight to assist and ensure our applicants are complying with the regulation. We review and comment on erosion and sediment control plans that are delivered to the Soil & Water District office. We send comments and plan requirements to the responsible party. We actually approve these plans that meet the minimum requirements of the rule. If they don't they are sent back to the applicant for revisions. Once we get an acceptable plan we notify the IDEM Office of Water

Management that we've received the plan and basically in our role at all our districts at DNR we've been deemed as agents of IDEM through the memorandum of understanding. That gives us that authority to go on the sites and enforce the regulation. We do provide technical assistance to responsible parties. One thing we did try to do when we took on this regulation was to treat people fairly. We're wanting to give them an opportunity to comply. Our intent with this rule is to get compliance, it's not to see how many people we can get through enforcement. What we want to do is see something happen out in the field and make an effort there and we have more progress if we can get people to comply. We have had to take sites to enforcement and people would...I guess they haven't taken it serious or we've had a significant impact in the environment. Both agencies provide training along with IDEM on erosion sediment control principles, that's management practices. We've actually held quite a few training session in the state. When the rule was first kicked off with IDEM the Indiana Builders Association held somewhere in the neighborhood of 12 sessions throughout the state to inform the public about the rule and in addition to that over the past few years we've held quite a few sessions. In fact, the division had a grant a few years ago and we brought a consultant in from Maryland, which is one of the leading states in the country on erosion and sediment control, and we put a session on here in...one of three here in Vanderburgh County which was well attended. On a state level DNR we also coordinate implementation of the rule at a regional level, that would be Lynn Miller for this part of the state. At the state level, which would be my position and I work on a day-to-day basis with IDEM and other agencies to ensure that the process is moving on. I briefly covered this, but it looks kind of complicated. I believe you may have this in your packets.

President Jerrel: Yeah, we do.

Randy Braun: I'll just go through it very quickly. This is just a flow chart of how the process works. In fact, once the erosion control plan is submitted to Soil & Water District we review the plan and then we make a determination whether the plan is sufficient or not. If the plan is found to be sufficient we notify IDEM and the operator that they can go ahead and commence construction on the project. If it is deficient we basically go in the circle here and we ask for a resubmittal for a deficiency. If we get those resubmittals back and meet our satisfaction we go ahead and continue the process and tell them they can go ahead and start construction. The space of this loop does not define how many times you'll ask for revisions of a project. A lot of times we get projects up front, the projects haven't started so you've got it say six months in advance, you could technically review the plans (inaudible comments made away from mike). If the project has already started and you ask for revisions you may ask one time and if you don't get a response you would refer the project to IDEM compliance or possibly even enforcement. The last thing I would like to talk about is site inspection. We're responsible for inspecting construction sites. As it has already been alluded to it's a big job and we are, I would say, short staffed in the field, but we're trying to do the best we can. We try to prioritize sites as we work in different parts of the state. Basically it is a pretty simple process. The reviews are done basically by DNR and Soil & Water District personnel. A lot depends on what county we're in how we participate and how we carry out the program at the local level. A lot of it is determined at the local Soil & Water District Boards, the local level, how that process is going to work. Their employees are involved and our employees are involved. Basically, when we go onto a construction site we look for erosion and sedimentation, off-site sedimentation, if they implement the erosion and control plan. Our primary concern is an impact to a water of the state. It's a violation to receive sediment going into a water of the state. It's going to be a more serious violation than if it were just failure to implement the plan and we saw no problems

on the site. We would basically fill out an inspection form and I believe you have an inspection form in your packet. It's a standardized form we're trying to use throughout the state. What we tried to do is so the developer no matter what county they are working in or engineer for whatever county they're working in they basically receive the same kind of information. It's basically to try to be consistent across the state. We have the same with the plan review process. We have a form that is used for that. If you look at the form, after we evaluate several of these items there are nine items anywhere from installing appropriate sediment control measures to off-site sedimentation. What we basically do we rate the site as far as status of the sediment retention on-site. If there is a high potential for sedimentation we point that out and if we see evidence of off-site sedimentation we provide that information to the developer and the engineers as well as specify where that problem exists on the site. One thing we have tried to do is address these issues and give an individual a deadline. For example, if they have sedimentation running off-site we will give them a deadline of, for example, say two weeks to correct the problem. I've had staff on some of these situations give an individual a half day to correct the problem in one county. Basically I have left it up to the judgement of staff and field to evaluate the site based on their knowledge and training and their skills in this arena. We see them vary from kind of one extreme to the other based on what the potential problems are at the site. If we have an area where there is no potential for off-site sedimentation we may give an individual two weeks to correct the problem. One situation I was talking about earlier, the half day, basically the employee was on the construction site at 10:00 in the morning and on his way home he was going to be going back through that area and he told the contractor I need a rock check dam to trap this sediment put up because it is going into a creek and I'm coming back through about 4:00 in the afternoon and I need to see it installed or I am going to refer it to enforcement. We do try to take a stern approach with this. A stern but fair approach. In fact, I think it is appreciated by developers when we take that kind of approach and basically they know where they stand, so we have tried to do that and tried to come up with some consistent materials to provide them across the state. Are there any questions?

President Jerrel: This has been very helpful, the packet with everybody's materials in it. In fact, I'm going to give mine to the Auditor so they can...do you have one? Okay, include it in our official record. Are there any other questions?

Commissioner Tuley: No, I don't have any.

President Jerrel: Thank you very much. Are there any questions of any of the members that are here of any of the other parties?

Commissioner Tuley: No, for me it was good to have the information. As you know, we've worked very closely with Mike, but then to have the actual people and the agencies represented that are involved beyond Mike is helpful to know what role each agency has and how you work together and what have you, so this is very...I'm glad you guys were here and lady.

President Jerrel: It's a good cooperative arrangement that probably hasn't surfaced very much before. Yes, sir.

Tom Nix: Good evening. For the record I'm Tom Nix. I'm one of the Supervisors at the Vanderburgh County SWCD and I had the thought that I just wanted to tie the two presentations on the internet and the one you have just heard together, that being the digitized soil survey. I think from our standpoint it is probably imperative

that we try whatever we can to get that. I see Mr. Morley back here would probably be quite in favor of that.

President Jerrel: You know, we're working...Roger Lehman's office is working towards the grant money. We really have a hard time coming up with the money to do all of these projects so we're searching for grant funds in order to bring those about.

Tom Nix: Yes, and I think you and I, Ms. Jerrel, had a conversation about May or June.

President Jerrel: Right.

Tom Nix: We found out the cost of that is going to be \$43,000. The photographs have already been flown. That is the cost of digitizing that, but there are many agencies within the county, for example the Health Department could look and see what soil types in requiring the specifications for septic tanks, the Drainage Board, private enterprise such as landowners and many other uses, so I think it is important and I appreciate your efforts on that, but I think that is imperative that it is...as soon as possible we can achieve that.

President Jerrel: Right.

Tom Nix: Thank you.

President Jerrel: Yes, sir.

Jim Droege: Jim Droege. Excuse me, I'm Jim Droege from Posey County. I also serve on the State Association of Soil & Water Districts currently as their Treasurer. The comment I wanted to make following Tom here as he eluded to GIS perhaps it would behoove you to speak to the representatives in the State Assembly. There is and has been, as is our understanding, a state GIS Coordinator position on the books for years, but it has never been funded by the General Assembly. Part of the Natural Resources Committee of the state association worked to get and is currently working to get that position funded and a person in that position. The thought being that if there were a state GIS Coordinator in the State of Indiana then that GIS information that were to be developed in Vanderburgh or Elkhart or wherever suddenly it is now transferable as you were eluding to earlier. Instead of one of them speaking French, and one German, and one Italian, and one whatever and not being able to go across the lines, but I guess I would encourage you to look through that. There is a state GIS Committee that is working on that made up of agency people, private industry people and that and any encouragement to the General Assembly for funding of that GIS Coordinator.

President Jerrel: You might want to send me the enabling legislation that set up the position.

Jim Droege: I'll see if I can find that for you or through the association.

President Jerrel: What I started to say a minute ago and I didn't do it very clearly, we have a local committee, GIS Committee, and it is...the Chairman of it in kind of an overall position has been Roger Lehman who is the Director of the Building Commissioners' office, but a number of agencies have been involved in this and we have hired someone to do grant writing just for that. Not the lady that was in here,

this is another effort that we are embarking upon with the City of Evansville, it's a joint project. So I think what we're saying to you is, yes, we can help you with that state position, but we gave up on trying to get that done and decided to go ahead and do it ourselves. But if you'll send that to me I'll do some letters and I plan to be up there several times in the next few weeks so maybe I can--

Jim Droege: I'll see what I can find on that and have that sent to--

President Jerrel: Okay, to the Commissioners' office.

Jim Droege: --the Commissioners' office here in Vanderburgh County. Thank you.

Commissioner Mourdock: That does beg the question though, Jim, short of having something statewide on day one and with the reality being what Bettye Lou just described, how well are the southwest Indiana counties working together so we're not speaking French, and German, and English, and Spanish and whatever.

Jim Droege: The point you raise is clearly a valid point. The need...the possibilities for natural resource concerns and management under a GIS system are almost unlimited depending on what we can do in layering, but if my system can't talk--

President Jerrel: Won't talk to yours.

Jim Droege: --and both of ours cannot talk with that gentleman's system then what we have each one of us is our own little priority area, if you will, and I think you've already eluded to the idea that there are issues of natural resource concerns that go across political boundaries, area concerns. Suddenly if we don't have that means to collectively view data and organize or means to approach problems in that way we hinder ourselves.

Commissioner Mourdock: Over on the bulletin board, and I realize you can't read it for the size of the font there, but under our 1999 goals and priorities for this Board one of the things that we've spoken of is to try to find ways to better connect with the surrounding counties in these types of issues. So I'm going to spin the table a little bit here maybe, but I would challenge you and Mike and your counterparts in Warrick County and Gibson County, and maybe even Spencer and Knox to schedule something where you all get together and sit down at one time to try to unify the type of presentation that you have given to us so that multi language situation doesn't come up because it is in no one's best interest and yet all too often we quit trying to go across the county lines to do anything cooperative.

Jim Droege: We have...our Board in Posey County has discussed the idea of just a very short preliminary exposure to the County Commissioners, County Council about what GIS is and then perhaps moving beyond that in doing something in a regional kind of forum so everybody could begin to see that and the need for it and the benefits of it.

Commissioner Mourdock: Yeah, and I am not going to speak for the other two members of this Board let alone the other County Commissioners surrounding us, but you raised the issue a moment ago of possibly having a state GIS Coordinator and you suggested that maybe we ought to contact our state reps about that. It might be a much more influential presentation to them if you and your counterparts put together a letter that was, in fact, signed by 18 County Commissioners of six counties for southwest Indiana. So find a way is what I am saying.

Jim Droege: Our Board won't give up on it, I can tell you that.

President Jerrel: While we're...if you could do that with us then Roger Lehman...the basic approach they're taking begins with infrastructure, and sewer, and water, all the utilities so if we had a disaster for instance we're going to at least know where that infrastructure is to get the community back and running. That language that we select when that process begins ought to then be the same language that is utilized in the district for other layers of information.

Jim Droege: Exactly.

President Jerrel: I don't know. We've got to keep talking. Everybody has got to keep talking about this.

Commissioner Mourdock: Is everything that is being done...well, for instance we have a state plane coordinate system which is based on a detailed point outside the State of Indiana, but does each county have some state plane like system within itself? John, do you know or, Mike?

President Jerrel: You know what...I know what you're saying. You're saying the same thing about the issue of reassessment. There are three languages out there, three different software programs and there is no requirement that each county select the same program. You're referring to the language.

Commissioner Mourdock: In the sense of surveying that's right.

President Jerrel: Yes, same.

Commissioner Mourdock: The question being what it is it is not saying it any differently than I said it a moment ago, I guess. If we can find out how we all stay on the same type of GIS system and how we do that, you know, we just need to find a way that we're all coordinating what we're doing.

Jim Droege: That's the question that really came to the Natural Resources Committee of the state association and they moved that forward, brought in private industry and state agency people and began a discussion on that and at that point there was the discovery that the position had been available in state government, but not funded before nor manned. The position of that committee was to go forward and say the 21st century is coming let's get on the same train. I will have our people to get as much together both in terms of where that committee sits and the background legislation that put the GIS position on the state books.

President Jerrel: Send it to us. Okay, thank you very much. I'd like to thank all of you for coming and for your input. It was interesting and helpful for us to know. Thanks, Mike.

Appointment of Veterans Service Officer
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President Jerrel: Okay, moving along the next item on the agenda is the Veterans Service Officer.

Commissioner Mourdock: I'll move approval of the reappointment of Mark Acker as our County Veterans Service Officer for a term of one year.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Knight Trustee - Eligibility standards for poor relief

President Jerrel: You also have in your packet and I would like a motion to accept the Knight Township Trustees' eligibility standards for poor relief assistance. We should really contact...they all should turn one in to us.

Commissioner Tuley: We should.

President Jerrel: We've gotten this one. Maybe, Tony, you could follow through with contacting. Is there a motion to accept that?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Southwest Indiana Mental Health Center - EAP agreement for 1999

President Jerrel: The next item on the agenda is our own employee assistance program. This is a renewal with the Southwest Indiana Mental Health Center.

Commissioner Mourdock: I'll move approval as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

2000 Holiday schedule

President Jerrel: Also in your packet are the year 2000 holiday schedule which we do a year ahead of time, so is there a motion to approve?

Commissioner Mourdock: I'll move approval of the holidays for the year 2000.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: They look funny in print.

President Jerrel: Yeah, they sure do.

Unidentified: You're not beating the Y2K are you?

President Jerrel: No, no, we've got that under control.

Commission surplus real estate property sale - date selection

President Jerrel: The next item on the agenda is Auditor's Office to set date for Commission surplus real estate property sale.

Commissioner Mourdock: The only question I have regarding that is as it was given to us it says either May 11th or May 18th. Do we need to approve one or the other?

Suzanne Crouch: That is correct. This is the Commissioners' sale that you have annually. There will be about somewhere in the neighborhood of 40 to 50 properties that will be offered and those were the two dates that the County Attorney suggested, so whatever your pleasure is.

Commissioner Mourdock: Is there a reason why one is better than the other?

Joe Harrison, Jr.: The only thing I was wondering, it may be that we may want to auction these like we did in the second phase last time and in order to check with an auctioneer like we had before I wanted to maybe give them two dates when we could possibly do it.

Commissioner Mourdock: Okay, so we do not now have to select one?

Joe Harrison, Jr.: What I would do is approve one of those two dates maybe within the next week or two.

President Jerrel: The other as an alternate and then we'll--

Joe Harrison, Jr.: Yeah, tie it down later.

Commissioner Mourdock: I'll move that we do the County Commissioners' surplus sale on May 11th with the alternate of May 18, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Permission to advertise hearing date for vacation of easement

President Jerrel: Also we do need to set and advertise hearing date for the vacation of the easement for the Buente Trust.

Commissioner Mourdock: I'll suggest a hearing date of February 8, 1999 and that is for the portion out on Virginia Street on the far east side.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Appointment - Attorney for Tax Assessment Appeal Board

President Jerrel: The next item is from the County Assessor and as you recall she did have a previous attorney a year ago and she is asking that we permit Becky

Kasha to serve as attorney to the Tax Assessment Appeal Board.

Commissioner Mourdock: That's actually a reappointment isn't it? Hasn't Becky been doing that?

President Jerrel: No, I don't think she has.

Suzanne Crouch: Mike Cox.

Commissioner Tuley: Mike Cox was right.

President Jerrel: And chose not to.

Commissioner Mourdock: I'll move approval of Becky Kasha as the attorney for the County Property Tax Assessment Board.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission
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President Jerrel: At this point is there anyone here that has not had an opportunity to speak before the Commission that would like to?

John Stoll - County Engineer

President Jerrel: Hearing none, I'm going to move on to the County Engineer.

Commissioner Tuley: Are we...where are the rezoning people?

President Jerrel: Huh?

Commissioner Tuley: Do we not need to--

President Jerrel: Yeah, we've got five minutes.

Commissioner Tuley: Oh, 7:00 is rezoning, I'm sorry. Drainage Board was 6:30, okay. I'm sorry.

President Jerrel: Yes, sir.

John Stoll: The first two items I've got are ordinances that need to be advertised. The one is the weight limit ordinance on the bridges. This is the current ordinance that will match the latest bridge inspection we just had done. This involves posting ten bridges for reduced load limits. The second ordinance is the speed limit ordinance. This is updating the entire speed limit ordinance. We're making four changes on Acre Drive, on Burkhardt Road, on Estate Drive and on Laubscher Road and I just need these advertised.

President Jerrel: Okay, what if somebody wishes to make a change?

John Stoll: We could just do the procedure again.

President Jerrel: Okay.

John Stoll: We've been holding the speed limit until we got a reasonable number. I mean, we don't do it every time we get a single one. We just hold it and try to accumulate several of them before we make the final ordinance change so it would be another one they can study and have later.

President Jerrel: Okay, is there a motion to permit...advertise?

Commissioner Mourdock: I'll move approval of the advertisements for the weight limits and speed limits as presented.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got an easement document that needs the Commissioners' signatures. This is to dedicate a 12 foot by 50 foot area at the northeast corner of St. Joe and Mill to SIGECO. This is a small easement area just out in front of the County Garage. I've reviewed this, Cedric Hustace has reviewed this and Joe Harrison has reviewed this and would recommend that it be signed. We did have some language put in here that says in the event we ever want to widen St. Joe or Mill we don't pay SIGECO's relocation costs for their facilities on our property.

Commissioner Mourdock: I'll move approval of the easement as recommended.

President Jerrel: Is there a second?

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got agreements for right-of-way engineering services for Eickhoff/Koressel Road. This is for the first two miles of Eickhoff from Lloyd up to Upper Mount Vernon. It's for an amount not to exceed 70...let me find it here, \$73,727. This is with Bernardin Lochmueller. The County Attorney has reviewed the document and it is recommended that this be signed.

Commissioner Mourdock: That is for actual field work, is that right?

John Stoll: This is for the consultant to draw up the legal descriptions and the parcel descriptions and do title work.

Commissioner Mourdock: Okay.

John Stoll: The actual field work and appraisals and offers for purchase would come next when we do a right-of-way services agreement.

Commissioner Mourdock: Okay, I'll move approval of the request for the Eickhoff/Koressel title work.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a request for street acceptance in Keystone Subdivision, Section 6B. This is for 247 linear feet of Long Pond Way, 577 feet of Pembroke Drive, 777 linear feet of Shoreham Drive, 885 feet of Winnett Drive, 239 feet of Saybrook Drive and 116 feet of Rimridge Drive for a grand total of .55 miles.

Commissioner Mourdock: I'll move approval of the street acceptances as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I have a change order on phase two of Burkhardt for \$9,218.97. This is an increase. This change order only reflects the increases. There have been decreases in a number of other items that offset this increase. Primary reasons for this increase were changes to the Vogel Road traffic signal and we found that the concrete pavement item...the removal of concrete pavement, that item was originally omitted in the contract and that item was \$4,592 of this change order, so those are the two biggest items on this. It is recommended that this change order be approved.

Commissioner Mourdock: I'll move approval of the change order for phase two Burkhardt Road.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item is also a change order. This is on the 62 and Cross Pointe project. This is for an increase of \$9,886.80. The primary reasons for this increase are due to signal changes that were anticipated prior to the project ever being awarded. I don't know if you recall that, but back before the job was awarded there were changes made to the signal plans approved by INDOT and I don't have the exact dollar figure, it was in the neighborhood of \$25,000 worth of changes that they had made to the signal plans prior to us even awarding the contract, so this reflects some of those changes.

Commissioner Mourdock: I'll move approval of the change order as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: Getting ready to move. The weather is going to be nice. Getting right along and January 31st we've got to know are we on the March bid letting for the Fulton Street Bridge.

John Stoll: Everything I know as of today we still are.

President Jerrel: Okay, we'll don't let--

John Stoll: I talked to Steve Dilk today and based on us getting the asbestos report up there and working with Bernardin Lochmueller on getting the construction engineering agreements prepared those are the only two items that I know that they were waiting on from us.

President Jerrel: That's...so you've got Tuesday, Wednesday, Thursday, Friday.

John Stoll: Right.

President Jerrel: Okay.

John Stoll: Supposedly we're on it regardless, but that remains to be seen.

President Jerrel: Okay, thank you.

John Stoll: Thanks.

Commissioner Mourdock: Take nothing for granted.

County Garage

President Jerrel: The County Garage was down earlier and we met with them briefly. Is there a motion to approve the Garage progress report?

Commissioner Mourdock: I'll do that, but before I do would you pass word on to Erik, I was hoping to see him here tonight. I've got several calls on places where we have county roads, such as on Green River, where there is also sewers alongside the road and we put down with the ice a lot of sand and salt and I mean a lot in several spots. When we put the sand down on those same streets where there is going to be sewer we're only getting in our own way later on, so those areas need to be just salt if there is a practical way of doing it.

President Jerrel: Tony, will you make a note of that so Erik knows that first thing in the morning?

Commissioner Mourdock: Having said that I'll move approval of the Garage report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: Along...not along that line, but while we're talking about the Garage, and John maybe you can answer that, with this current freeze and thaw and everything we're getting a lot of potholes and a lot of breaking up of roads and what have you. Is it feasible to think that we can do anything about it now or do we just have to get weathered out? I'm talking about in my case Upper Mount Vernon and there are some pretty rough areas around the county that I have just run into.

Commissioner Mourdock: Old Petersburg has got a bunch of them.

Commissioner Tuley: Yeah. Is it feasible to go out and try to patch them now?

John Stoll: When I was out at the Garage last Friday Erik said that he was trying to

get patched, but--

President Jerrel: Then they was out.

John Stoll: Right.

President Jerrel: We had all that rain. Tony was telling me that today. I took a couple of calls and they go and they fix it, but then all that rain and it just--

Commissioner Tuley: Before it sets up.

President Jerrel: Yeah, it gets washed out again.

John Stoll: And the next time they go plow they peel it right back out of the pothole they just patched.

President Jerrel: But we are keeping an ongoing list, so any of them that you get we'll just pass them down here or to the Garage so we can keep a record.

Commissioner Mourdock: Okay.

Joe Harrison, Jr. - County Attorney

President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: I don't have anything.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: In regard to the Futrell dump illegal clean-up...or the Futrell illegal dump clean-up I recommend that we award that bid to Floyd Staub, Incorporated for \$231,888.

President Jerrel: We do have in front of us the composite sheet describing removal, transportation, disposal, the subtotal and the consultation and they were the low bidder.

Commissioner Mourdock: I'll move approval of the award as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there anything else?

Tony Greubel: That's it.

President Jerrel: Okay, Burdette Park.

Commissioner Mourdock: Time out, Steve, we need to change the tape.

Tape change

Burdette Park

Steve Craig: The first thing is, I guess, do you have any questions on the papers that I gave you on the status of the rental facilities at Burdette Park?

President Jerrel: No, does anybody else have any questions about it?

Commissioner Mourdock: No.

Commissioner Tuley: Did we increase prices last year for '98?

Commissioner Mourdock: We did on several things.

Steve Craig: Yes, and that is really why I did this because I wanted to show, you know, that we increased the percentage of rentals because we haven't quite got our financial statement done for the year.

Commissioner Tuley: Right, that was the reason for my question.

Steve Craig: Even though we did raise them we went up.

Commissioner Tuley: We're still up on rentals, okay good.

Steve Craig: Okay, then the other thing that I had in there was I had Barb Abell from Grandy's on their donation for our billboards to rewrite it where it was for 1999 and then they gave us a picture of the two bulletin boards that was going to be put up.

President Jerrel: Oh, that's nice.

Steve Craig: Over the two phases we're going to be on 61 billboards in the Tri-State area for a period of three months...or two months.

President Jerrel: That's good.

Steve Craig: At no charge to the county or Burdette.

President Jerrel: We sent out letters and the booklets and everything to all of the Ways and Means Committee. Tony did that today. How many, about 20 something?

Tony Greubel: I think 23 members on the House Ways and Means Committee.

President Jerrel: So everybody has...new members. Did you check, were they new?

Tony Greubel: There was...Bales was replaced by Peggy Welch.

President Jerrel: Okay.

Tony Greubel: We got that taken care of. The other one is still on there, so there is one new member.

President Jerrel: Okay. Everything is out and rolling.

Steve Craig: Then we had our minutes from our Advisory Board meeting.

President Jerrel: I appreciate your including...I appreciate this in our packet because it gives us something...I like to save this stuff and go back and look at it and I appreciate that. Is there a motion to accept these materials?

Commissioner Mourdock: I move acceptance of the Burdette Park report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you.

President Jerrel: Thank you very much.

Steve Craig: You all have a nice evening.

Weekly reports

President Jerrel: We also have Soil & Water and Ozone report. Is there a motion to accept?

Commissioner Mourdock: Let me do those separately so I can make a real quick comment, but I'll move approval of the Soil & Water report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Just secondly on the ozone report I thought I saw it included in the packet, I don't see it right at my fingertips, but there is also a letter that Joanne wrote in response to...yeah, there it is...in response to some of the federal proposals which I just wanted to point out to you. As I told her, these kind of comments, I think, are very helpful to give us the guidance and to give someone at the state and the feds the kind of guidance we need from the county. That's why she was hired right there, so I appreciate her comments.

President Jerrel: Right.

Commissioner Mourdock: I'll move approval of the ozone report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: The consent items.

Commissioner Mourdock: I'll move acceptance of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have your meeting list.

Old business

President Jerrel: Is there anything under old business?

New business

President Jerrel: How about new business?

Commissioner Mourdock: I have just one item that I think it's appropriate. We need to adopt by motion a recommendation to the Building Authority regarding some contract...well, not contract changes, but some funding changes for the auditorium. Steve Utley gave me a call regarding some modifications we needed to make to go ahead with the previously approved package for furnishings and fixtures. Towards that end I would move that we ask or indicate to the Building Authority our acceptance of the purchase of \$43,859 of furniture and fixtures and also be ready to use \$68,527 from contingency to help make that purchase.

Commissioner Tuley: I'll second your motion.

Commissioner Tuley: So ordered.

Commissioner Mourdock: Just for the record their meeting is tomorrow, so, Tony, will you communicate that?

Joe Harrison, Jr.: I'll handle it.

Commissioner Mourdock: Joe, okay, very good.

President Jerrel: I have one item under new business that has been kind of hanging out there and that is I've been trying to negotiate a settlement so that we have a place to put the State Board of Accounts.

Commissioner Tuley: Oh, yeah.

President Jerrel: So just for the record we are going to give back a portion not all of the space to the Treasurer that the Treasurer had originally given to the Election Office. I've met three times with Tom Simpson and he understands that I fully do not think we should pay a nickel for any of this. He agrees, so he negotiated with Steve Utley. They will put in the wall at their expense and Jayne Berry-Bland has agreed to move there and open the large room again for the State Board of Accounts so they can be in there. Marsha and Sue Hall are onboard and the Treasurer is onboard and Tom Simpson is onboard.

Commissioner Mourdock: Sounds like it is a full board.

President Jerrel: Everybody is in agreement, but for the record I would like to note that we would also like for you to pass that on. I'd like a motion to approve that move.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Okay, any other business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. The meeting was adjourned at 7:10 p.m.

Those in attendance:

Betty Lou Jerrel	Richard E. Mourdock
Patrick Tuley	Joe Harrison, Jr.
Suzanne M. Crouch	Charlene Timmons
Bill Cottun	Tony Greubel
Liv Watson	Scott Hartig
Betty Hermann	Jayne Berry-Bland
Marsha Abell	Judy Dicus Thomann
Reggie Baker	Randy Braun
Jim Droege	Tom Nix
John Stoll	Steve Craig
Others unidentified	Members of the media

**Vanderburgh County
Board of Commissioners**

Betty Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
February 1, 1999**

The Vanderburgh County Board of Commissioners met in session this 1st day of February, 1999 at 5:34 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'm going to get started, let us get through the business end and then we'll be able to go to the part of the program that you're here for. I see a couple of empty seats. That one is taken. You can come back here and sit along the side. You okay?

Unidentified: Yes.

President Jerrel: Okay. I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce to you the people before you. On my far right is Joe Harrison, Jr., the County Attorney; Pat Tuley, County Commissioner, is next to him; on the far left Charlene Timmons is our Recording Secretary; and Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel and I am a County Commissioner and I would like to invite you to join me in the Pledge of Allegiance now.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of the January 25th meeting.

Commissioner Mourdock: I'll move approval of those minutes.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Open bids - VC99-01-01, Heckel Road Bridge rehabilitation

President Jerrel: The next item on the agenda is the opening of bids for the Heckel Road Bridge rehabilitation. Is there a motion to permit those bids to be opened?

Commissioner Mourdock: I'll move the opening of bids for VC99-01-01 for Heckel Road Bridge.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan - Purchasing Department

President Jerrel: The next item on the agenda, the Purchasing Department, Jerry Bryan has some purchasing issues.

Jerry Bryan: Okay, I'm Jerry Bryan the City/County Purchasing Director. The first

item of business, permission to award APA027-99 which is the H & E transportation services. Bettye, I got with Tony on that.

President Jerrel: Okay.

Jerry Bryan: And if you read the information there, I don't think I need to go through all that.

President Jerrel: No, that's acceptable. Is there a question regarding this from either Commissioner? If not, is there a motion?

Commissioner Mourdock: I'll move a motion to award APA027-99 for H & E transportation services.

President Jerrel: Is there a second?

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Okay, the second item of business that I have is the award of APA013-99. This is the tire bid. This is the biggest bid that I have all year as far as quantity. There is over 4,000 items and I have summarized the award and Reis Tire has the bid now and we're going to split it with Reis Tire having roughly 80 percent of the bid and Master Tire having roughly 20 percent of the bid. Reis Tire has done a good job for the city and the county and he has a 24 hour service. He has 12 sets of police pursuit tires there to handle our emergency needs and I recommend that he be awarded the tire bid for another year.

President Jerrel: Okay, are there any questions? Question.

Joe Harrison, Jr.: I want to make sure, now this went to the Board of Public Works last week?

Jerry Bryan: Yes, sir.

Joe Harrison, Jr.: And they awarded the same bid accordingly?

Jerry Bryan: Same bid, right.

Joe Harrison, Jr.: Okay.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: I'll move award of the bid for tires as suggested or recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Okay, the third item of business I have is the permission to award the trash removal portion that I have for the County Commissioners. Bettye, on this one the people, Jim Cameron and his people, do the residential side. This is the

commercial side for me and BCC only has \$1,250 out of a \$73,000 total for the year, so I have to go before all the Boards and ask for their approval, so I would ask for your approval on this one.

President Jerrel: Alright, is there an approval of that, for BCC, is that the correct one?

Jerry Bryan: Yes, ma'am.

President Jerrel: Okay.

Commissioner Mourdock: I'll move the award for trash removal as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered. You have to jump through a lot of hoops to get this finished don't you?

Jerry Bryan: Yes, ma'am. Thank you.

President Jerrel: You're welcome, thank you.

<p>Welfare to Work Planning Council 1999 Gatekeeper funding allocation request</p>

President Jerrel: The next item on the agenda is the Planning Council. Tim Suenram is here to present this.

Tim Suenram: I think you all have copies of a letter that the Planning Council sent to Tony last month. We have several recommendations in there as well as a request to approve paying the Private Industry Council for their work on the demonstration project.

President Jerrel: May I ask a question?

Tim Suenram: Sure, please.

President Jerrel: Did you arrive at these percentages...I don't...I've not been active in your Planning Council, and I know Commissioner Mourdock has, did you arrive at the change these percentages based upon your past experience?

Tim Suenram: That's right, over the last two years.

President Jerrel: Two years.

Tim Suenram: These reflect roughly the percentages of the requests at this point. You, I'm sure, recall over the last two years I have appeared before you maybe on the average of every other month requesting to shift some funds from one segment to the other, so this basically is not a...we're not planning that this is going to be fixed by any means. We're still working to try to see if we can use more in job training and employment training, but at this point we thought it would just expedite the process more if it were approved this way and then we could ask to shift some funds back to job training.

President Jerrel: Are there questions?

Commissioner Mourdock: I would just add one thing to clarify that. The four items we have, the safety net, child care, transportation and employment and job training, when we initially set the program up the percentages were quite different than what you see there, but because that is reflecting what the current history is showing we think this is the best way to use the dollars. I would add the thing that has been most surprising to me and we've spoken of this several times, but we still continue to get very, very low requests for job training which going into the program I thought would be one of the hotter items and transportation we hear all the talk about the need for the night bus service and such and still that one remains very low.

Commissioner Tuley: Could either Richard or Tim kind of go through the safety net again, the caps that are put on people because the one thing I don't want to see us doing is just a continuation of welfare.

Tim Suenram: Right.

Commissioner Mourdock: Exactly.

Tim Suenram: Basically, I would guess over 99 percent, I think is what has been reported to us through the Gatekeeper, has been for automobile repair, for needed repairs so the person can go to work or to job training and...lost my train of thought there.

Commissioner Mourdock: Well, let me jump on the track for a minute while your train is derailed.

Tim Suenram: Please do.

Commissioner Mourdock: With that, Pat, the safety net feature is a one time only situation. It can be no more than \$1,000. It has to be specific to maintaining employment or educational training that is going on.

Commissioner Tuley: That's what I needed to hear.

Tim Suenram: That was the derailment right there.

Commissioner Tuley: That's fine. That's, you know...

President Jerrel: Well, is there a motion then to approve the reallocation of the percentages of income for those one, two, three, four, five?

Commissioner Mourdock: Okay, there is two other parts of the letter. Do you want to do those all at once or do you want to talk about each of those as well.

President Jerrel: Well, I thought maybe since this is the one that is dealing with the money maybe we can do that by itself and then hit the other two.

Commissioner Mourdock: Okay, I'll move approval of the recommendation for 60 percent of the allocation for safety net, 30 percent for child care, five percent for transportation and five percent for job training for fiscal year '99.

Commissioner Tuley: Second.

President Jerrel: So ordered. The second one now, do you want to address?

Commissioner Mourdock: Yeah, the six month clock issue.

Tim Suenram: The feeling of the Planning Council was that currently, and really a little bit of history, when the subcommittees for each of those four categories met I don't believe any of us anticipated that all of the six month's clocks would be run concurrently but it was just understood that way and when the Gatekeeper program went up for bid I believe that that's the way it was interrupted by both who applied for that and that's the way it has been run up until now. We're recommending...in order that we can serve more people, perhaps, or that people can get more services that each six month...all four of them currently have a six month's expiration on them. Right now if a single parent were to come for child care services the clock on all four categories would start running when that first application was approved. The thinking of the Planning Council was that if for example in child care right now CCDF is available for people who qualify and our feeling was if at a later date someone got transportation or safety net or job training money at the beginning of the year and some time around October if the CCDF money ran out, which it did last year, then there would be also safety net available...I mean, excuse me, child care available for that parent. Our hope is that we can run...the Gatekeeper assures us it wouldn't be any trouble at all for them to keep track of the various six month periods and so our recommendation is that the clocks not run concurrently, but that they be self starting.

President Jerrel: May I repeat what I thought you said to me?

Tim Suenram: Sure.

President Jerrel: If I would come to you for help and I needed it in child care but not transportation, employment job training or safety net I would not be denied that after six months?

Tim Suenram: That is correct.

President Jerrel: I could come back if I needed help in an area that had not previously been received?

Tim Suenram: That's right. That's currently not the case.

Commissioner Mourdock: Right. Right now the way it is set up is if you go in to get child care your six months starts and at the end of the six months you're ineligible for anything else.

President Jerrel: I understand, okay. Is there a motion concerning that?

Commissioner Mourdock: I'll move approval as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered. And then the final one, Tim.

Tim Suenram: Basically, it just opens up the eligibility for non custodial parents who are under court order to provide child support. Currently that's not the case. They're not eligible for IBAP funds simply because they don't have children living at home.

Commissioner Mourdock: And yet they're under court under to take care of that child.

Tim Suenram: Right, so our hope is if there are people like that who do qualify at least maybe they can get some additional job training or that sort of thing.

President Jerrel: Okay, is there a motion regarding that?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: One last comment on this program as whole. I know you're meeting this coming Wednesday and I plan on being there for that one. The one thing I still want to see in more detail is the report of how the program is functioning. Largely I guess that would be statistical in the sense of how many folks have we helped through this program who are successfully making the transition off welfare and the second thing might be the human side of it as well. In other words, not numerical but how people are progressing through the system, so I'm going to keep putting pressure on you, Tim, on that one because I really want to see that we're not just...we haven't created a program that is just going to become a life unto itself. I mean, we want to make sure this thing works.

Tim Suenram: Alrighty.

President Jerrel: Thank you very much.

Tim Suenram: Thank you.

Jail Committee - Overview of interim report

President Jerrel: The next item on our agenda is the Jail Committee overview. Are you going to present that?

Commissioner Mourdock: I will present that and I know Harris Howerton from Community Corrections is here somewhere and Eric Williams is here as well to speak a bit. So maybe if the two of you want to move to the microphone and add your two cents worth here as needed, but basically what you have before you tonight is the interim report that has been compiled as a result of the meetings of the Blue Ribbon Committee since last January. Very briefly, we discuss how that committee came to be formed. We explain why there are so many different elements of county government involved with the jail and the maintenance of the jail and the throughput of people through the jail. One of the key things that we've run across and there are a number of keys here, but the jail, of course, was originally built in 1969 and designed at that time to hold 276 inmates and since that time it has gone down in capacity because of changes in things like the Americans with Disabilities Act, other remodeling that had to be done. We were, we this Commission, the County Commission, was certainly notified of several consistent problems that previously existed with maintenance and also with overcrowding. You will have, if you review the report, you'll see we've listed several different things. For instance, the jail maintenance and upkeep regarding the physical conditions of the jail. Since the

Blue Ribbon Committee began we've developed a system by which the Sheriff's Department and the Building Authority have a reporting system, a response system. When there is a problem it is reported promptly and now it is either weekly or monthly there is a report going back and forth on physical conditions of the jail. Previously it seemed both sides wanted to take somewhat of a hands off approach expecting the other to deal with it and that wasn't being done. Also regarding the overcrowding issue last year during the budget process the County Council agreed to, I believe, \$285,000 for this coming year to provide 25 more beds at the Community Corrections facility and also 75 electronic monitoring devices. Along with that we've also hired two bail bond specialists, a job that Pat knows well from many years ago, to help keep people moving through the system. The judges have been supportive of that. And by the way, I failed to mention Judge Heldt and Judge Knight and I see Councilman Lloyd who are also involved with the committee are all here, so my apologies. With the issue with the Prosecutor's Office previously it was a practice referred to as double booking where people who were arrested for misdemeanors posted bond and then had to come back to court in 24 to 72 hours for the Prosecutor to officially file charges. That was a process situation that has since been changed. All this said, what we've done is we've found some items that we feel are leading to some level of overcrowding in the jail. However, to summarize this report in a few quick words I think the most important thing is to note that Vanderburgh County is not alone in this problem. There are literally hundreds of cities and counties around the country that are also looking at jail overcrowding, but importantly jail overcrowding itself isn't the problem, it is a symptom of a problem. Perhaps the best proof of that is that there have been a number of communities around the country that have doubled or tripled their jail bed capacity only to find out in six months they still had a full jail. The problem was that nothing in the system was changing. I think to the credit of all those on the Blue Ribbon Committee everyone has come forward trying to identify how their part of the problem can be part of the solution. This report that is before you tonight documents a number of reasons for the overcrowding, everything from stiffer mandatory sentences, to the police having a heavier workload, to increase in drug usage in the community. Again, those things aren't unique to Vanderburgh County. We have to assume some things for the future. One of them is that the sentence guidelines that come out from the state and the feds will always become more strict. It's not likely they're going to become less strict. National statistics keep showing that while violent crime is down our crime rate in this county is increasing and we expect that will continue to happen for one reason being that we are more and more of a regional center even though our population isn't going up but about one percent a year our jail population is going up four percent. One of the troubling things, one of the fastest growing segments of our jail is with women inmates. We don't have a good way to allocate space in the present facility. All that being said, our recommendations at this time, and hear this all the way through, our recommendation is not that we rush forward and build a new jail or even that we rush forward and start putting a funding program together to build a new jail, but the eight recommendations that we propose are to put a system together so that stakeholders, which is all of us who are on the committee basically, know at least five years in advance so we can begin to serve notice that a new jail is needed. We need to define other alternatives that might reduce overcrowding and thus defer the construction of a new jail. We want to try to locate possible funding sources outside of county government and methods of funding a new jail when it is required. There are certainly some communities now that are contracting with their state capitals, state government, to have funding provided by the state. That's something we want to look at. We do expect by the first of August that any further funding needs or action steps will be reported to the Commission and the Council. We're hoping that one to three members of the Blue

Ribbon Commission will go to a special program at the University of Wisconsin next month, and Sheriff Ellsworth has agreed to use Commissary funding for that, to study how new design...new facilities might be designed, built and funded and we want to look at either contracting with private jail construction or operation, use the planning of new institution guidelines issued by the National Institute of Corrections, contracting for jail space perhaps in surrounding communities, contracting with the Indiana DOC for long-term housing is something we want to look at, and assisting in the design of a new facility when that is needed. One of the other things that we want to do is to have several public meetings as a committee to see what the public sentiment is towards Community Corrections. Are we a community that says throw away...put them in jail and throw away the key or are we a community that is willing to accept some level of risk by having more people on electronic house arrest. That is kind of two extremes, but is there something in the middle that the community would look for. So having said a whole lot of a mouthful there I would look to the other members of the committee. Harris, please add whatever I left out or whatever needs to be said.

Harris Howerton: Well, I think it is interesting early on in the process, and it is a process, I think some of us might have thought we were going to get together, have a couple of meetings and decide to build a jail. What we did is adopt a method that is designed by the National Institute of Corrections. In fact, their report said to us that you all are doing the right thing. You put a group together, put the right people together, and thankfully Sue Ellspermann held us at bay from attacking one another on occasion, but we're following that process. It's a model that we can process. We're not dreaming it up, we're not trying to reinvent the wheel. There is a method to our madness and I think that what we have done is we've done all the things that NIC would suggest that we do and we should do, look to see who is in the jail, how many ought to be there and use some method for determining that. We've done that and I urge you, the Commissioners, to continue this and we're willing to help. Real quick, last week I was in Terre Haute with a Indiana Department of Corrections Committee, Standards Committee. Ralph Watson, the Director from Hamilton County has been on such a group committee for two years now and they have just did decide that they will be expanding Community Corrections and the jail. There are alternatives to just building a jail. We have to look at those and try to determine what is smart for us. Thank you.

President Jerrel: Thank you. Are there any other members of the committee that would wish to speak? Yes, Councilman Lloyd.

Russell Lloyd: Just we're going to have a similar presentation for the Council Wednesday and we've been going on this for a year and it has been a painstaking process, but I think everybody on the committee, especially lay people, we've learned a lot about the justice system. I think Mr. Mourdock touched on it. The National Institute of Corrections came in and did a study on our situation, they urged us to keep the Blue Ribbon Commission going, so I mean I think that's important regardless of where this leads. I would like to...you know, I plan on urging the Council to move the process forward and like you said, we're not sure exactly where we are going to end up and it is not a rubber stamp for a new jail and we're going to look at all the alternatives and we need to, you know, continue this process. I would commend your leadership, Richard, and I would urge you all to approve this.

Commissioner Mourdock: Thank you, Russ.

President Jerrel: Yes, Eric.

Eric Williams: Good evening. Excuse me. Eric Williams from the Sheriff's Office. On behalf of Sheriff Ellsworth first and foremost I would like to thank Richard and all the other members of the Blue Ribbon Commission for what they've done. That's on behalf of the men and women of the Sheriff's Department, particularly those assigned to the jail. You may not realize this, but to them it's at least a sign that the county and the powers are taking their best foot and putting it forward and trying to solve the problem because no one more than those guys and the women that are assigned to the jail realize what a serious problem it is. So we appreciate it. We know that we're going to work hard and we're going to continue to move forward in solving the problem. Just a little bit of updated information, we began the painting process of the jail today. We estimate it is going to be 20 to 25 weeks based on our current overcrowding situation and the way we're having to deal with moving people around to free up that space, so hopefully in approximately 25 weeks we'll be able to report back to you that the jail, at the least interior cellblocks and all the cells have been painted and are up to speed.

President Jerrel: That's good news.

Eric Williams: So it got underway today.

President Jerrel: Thank you very much.

Commissioner Mourdock: While he is not known for it outside of the office there, Eric is actually the computer geek of the Sheriff's Department and put together all the statistics. I did want to point out the one table because with the linear progression they've done in the year 2002 the average daily rate will be at 120 percent of capacity unless we fail...or unless we find some way to better deal with the situation. So just having real numbers as opposed to, well, it's getting more crowded than it used to be Eric has continued to present us with the daily counts each time we meet and let us know who is in the jail which has been really helpful. Judge Heldt or Judge Knight.

President Jerrel: We do have a letter that we can save for the final signing part that does reaffirm this position if you would like to move approval of that we can sign it.

Commissioner Mourdock: I will gladly move approval of the letter dated February 1st to Council President Curt Wortman.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Approval of Sheriff Ellsworth salary contract
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President Jerrel: Alright, the next item on the agenda is the approval of the salary contract with our new Sheriff, Brad Ellsworth, and you have that in your file and is there a motion to approve?

Commissioner Mourdock: I'll move the approval of the Vanderburgh County Sheriff salary contract as submitted in our file.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: For the record, that approval is effective the first day of January 1999.

President Jerrel: Right.

<p style="text-align: center;">First reading Ordinance prohibiting smoking in county government buildings</p>

President Jerrel: Okay, the next item on the agenda is the public hearing for the ordinance prohibiting smoking in county government buildings. There have been a number of individuals that have signed up to speak and I think I'm just going to go down the list as I have received it. The ordinance has been distributed so there are several of them available and there are a number of offices that are designated in this ordinance and that is largely because we have not only our building, but we have leased space in the Old Courthouse and we have the County Garage and Burdette Park and soon to have the new center across the street. I'm going to ask our County Attorney if he has some comments to initiate the discussion and then we'll proceed.

Joe Harrison, Jr.: Thank you. What I think might be appropriate is just to read the proposed ordinance and I'll turn it back over to Commissioner Jerrel for comment from the public. The title is Ordinance Prohibiting Smoking in County Governmental Buildings.

"Whereas the Board of Commissioners of Vanderburgh County is aware that exposure to secondary tobacco smoke may be harmful to a person's health and;

Whereas certain persons needing to use public governmental buildings under the jurisdiction of the County Commissioners may have health problems requiring a smoke free environment and;

Whereas certain persons find secondary smoke to be annoying and offensive;

Whereas Indiana Code 36-1-4-11 authorizes the County Commissioners to establish reasonable regulations for the protection of the health and property of its residents;

Now therefore be it ordained by the County Commissioners as follows: Title 8 of the Vanderburgh County Code is hereby amended by the addition of a new chapter which shall read as follows:

Smoking prohibited:

A. For purposes of this section to smoke shall mean to carry or hold a lighted cigarette, cigar, pipe or any other lighted smoking device or the inhalation or exhalation of smoke from any lighted smoking device;

B. For purposes of this section a county governmental building shall be defined as:

1. The Evansville Auditorium and Convention Center which is owned by the Evansville-Vanderburgh County Building Authority and

leased to the County Commissioners.

2. Those areas of the Civic Center Complex including the County Jail and Courts Building which is owned by the Evansville-Vanderburgh County Building Authority and leased to the County Commissioners.

3. The Burdette Park Administrative Offices located at 5301 Nurrenbern Road.

4. The County Highway Garage Administrative Offices located at 5101 North St. Joe Avenue.

5. The Vanderburgh County Veterans Service Office located in the Old Courthouse.

6. The Vanderburgh County Engineer's Office located in the Vanderburgh County Old Courthouse.

7. The Vanderburgh County Sheriff's Command Post located at 5607 North Highway 41 North.

8. The Vanderburgh County Coroner's Office located at 201 South Morton.

9. The Vanderburgh County Purdue Co-op Extension Service building located at 13301 Darmstadt Road.

C. No person shall smoke in any county governmental building.

D. Any person who violates this section shall be subject to a fine of \$10. Additionally, any person who refuses to extinguish a lighted cigarette, cigar, pipe or other lighted smoking device may be removed from the county governmental building where smoking is prohibited.

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

Tonight is a first reading of the ordinance. The second reading of the ordinance will be next Monday. The City of Evansville City Council passed a similar ordinance several months ago. Thank you.

President Jerrel: Thank you. Any questions from the Commissioners before I begin calling the audience to speak? Is there...are there people that would like to come in out there? Okay. Alright, the first person that indicated they would like to speak is Sally Britt from the American Heart Association.

Sally Britt: Hi, good evening. Most people associate cigarettes and smoke with breathing problems, but that's only part of the story. Nine hundred and fifty thousand Americans die every year from cardiovascular disease, 400,000 deaths are caused by smoking year, so that is 44 percent of smoking deaths are caused by cardiovascular disease. Heart disease is the number one killer of Americans, but this is one time that we don't want to be number one. Not only smokers suffer from environmental tobacco smoke, it is a risk for non smokers also. Environmental tobacco smoke causes ten times as many cardiovascular deaths as lung cancer. Risk of death is 30 percent higher among people exposed to smoke at home or work. People exposed at work are even more at risk because there are higher concentrations of smoke than in the home. Being exposed to secondhand smoke increases your blood pressure, heart rate and the blood flow to the heart's arteries. It also causes the arteries in the arms and legs to constrict and narrow. Cigarette smoke causes the platelets in the blood to become sticky and clustered which makes your blood become thicker. The blood thickening causes deposits in the arteries which causes them to become elastic. This is when a heart attack can happen when all of these things occur. People who are already at risk for a heart

attack can have their chances increased by being around environmental tobacco smoke, so if you already are at risk for a heart attack being around secondhand smoke is going to hurt you even more. People who have had a heart attack already are even more at risk when they are around the secondhand smoke. I could go on and on about the terrible risk to your health that secondhand smoke has, but I will only end with one more suggestion from the American Heart Association. It is printed in our brochures, the best way to safeguard your health is to avoid tobacco smoke as much as possible. Tonight we're here to ask your help in helping us to safeguard our health. Thank you very much.

President Jerrel: The next speaker is Wayne Kirk.

Wayne Kirk: First of all I want to thank you all for letting me speak today. My name is Wayne Kirk and I am a student currently attending the University of Southern Indiana. I am heading a new college based program called Student Activist Organization or known as SAO. SAO has already been contacted by a number of students that are adamantly opposed to this new smoking ordinance. Our concerns range from number one, not enough information that links secondhand smoking to public health problems. Number two, reports released by our very own government that were falsified to mislead people and our growing weariness of government reporting so-called facts. Number three, we are concerned with the latest tobacco settlement between the states and the tobacco industry which has not helped reduce the tax burdens of the taxpayers in this state and elsewhere. Number four, we feel that this policy creates a second class citizenship that could further polarize the community in which we live in. Number five, we also question the issue of smoking even being proposed due to the fact that we have several factories that pollute the air constantly and note, I'm sorry, how could tobacco be worse than that? Number six, finally we disagree with the smoking ban because we feel that this will not help reduce the overall problem of smoking. These concerns are viewed by many college students here in Indiana and across the country. We cannot see the rationale of increased governmental intrusions upon the rights of people when our very own government has not informed us properly. Many students are starting to feel the rippling effects of the latest election results in the gubernatorial race in Minnesota. We feel that we have the ability to create change, one that would pursue a dignified result not more governmental laws that don't solve real problems. Also I would like to inform you that I do not smoke cigarettes and I am just as against the tobacco industry for misleading consumers and manipulating nicotine levels, but the same goes for our government which, as we all know, they can't be trusted either. Thank you very much.

President Jerrel: The next speaker, Johnny Kincaid.

Johnny Kincaid: Hi.

President Jerrel: Hi, John.

Johnny Kincaid: First of all I want to thank you for considering this issue. You know, and actually what I want to emphasize right off the bat here is that I really think that you've shown that you don't need an awful lot of education on this subject. The wording of the ordinance indicates that and the quotes that I've seen from members of this group in the press indicate that as well, so I'm not going to take a lot of time to spout statistics or anything like that. There are a couple of things though that I do want to really emphasize. One is that this is directly a health issue. It is not a personal rights issue. It is about protecting the health of individual people. That's

first and foremost. The film that builds up on the inside of windows in a place where people have been smoking a lot, that film is tar. It builds up on the inside of car windows when people go for a long time without cleaning their windows and they smoke inside their car. That tar is really sticky and gooey and that's where nitrosamines which are the cancer causing agents in cigarette smoke, that's where they get trapped, so they make contact with the lung tissue when they're inhaled and there is tar in secondhand cigarette smoke. There have also been a lot of studies on the nicotine levels in people's bloodstream after exposure to secondhand smoke and what they test for actually there is cotinine levels in people's system when they are exposed to secondhand cigarette smoke, also elevated carbon monoxide levels as well. The other part of this issue, too, is actually a financial issue for the county which is what is going to happen with insurance rates, also with building maintenance costs. That film that builds up on everything and obviously costs extra money to be cleaned, so it is also a very sound financial move to make. I also want to mention one of the things that seems to continually come up in the opposition to these ordinances is references to the EPA study, Environmental Protection Agency study, being thrown out of court. First of all, this was done by a judge in North Carolina which I am sure that their major industry there had nothing to do with his decision, but also number two that is very important to keep in mind when you hear comments made about that study is the fact that the study was thrown out of court not because of bad science, but it was thrown out because the tobacco industry was not invited to be a part of developing the strategy for that study. Since their scientist weren't invited to the dance, essentially, they decided that they wanted to have this study completely thrown out. You'll also hear a little bit about slippery slope here perhaps in opposition to this, but I also want to bring up because it was mentioned about workplace smoking ordinances or changing in smoking policy in the workplace make a difference in the smoking rate within that organization, company or governmental body. When new policies are put in place that restrict cigarette smoking then a lot of the smokers make a decision that they at least want to make the attempt to try to quit at that time. Finally, in reading over the ordinance the only other thing that I would like to ask is a consideration of at least some of the shelter houses at Burdette Park and the pool area at Burdette Park. During the summer when I go to Burdette Park I find an awful lot of people that are smoking especially around the kid's pool, smoking actually in the pool and this presents a real safety and health risk for the kids that are there at Burdette. Thank you very much.

President Jerrel: Thank you. The next speaker is Susan Mulder.

Susan Mulder: As Cancer Control Specialist with the American Cancer Society we are involved in a lot of different areas. Probably the area that gets the most attention is the area of tobacco. I think the reasoning behind that is the public is becoming more and more aware of not only of the dangers of tobacco, but also secondhand smoke. We at the American Cancer Society are involved in the ordinances because we know that 30 percent of all cancers are linked to tobacco use. Some of those cancers are linked to non smokers breathing the smoke of other's cigarettes. In 1993 the Environmental Protection Agency declared that secondhand smoke was a human carcinogen. Smoke from a cigarette contains over 4,000 chemicals. Some of those chemicals include carbon monoxide, formaldehyde, lead and hydrogen cyanide to name a few. I personally would not want to consume any of those chemicals. Also, four chemicals in secondhand smoke are known carcinogens and ten others are probable known carcinogens according to the Environmental Protection Agency. In 1986 two reports link secondhand smoke to the harmful affects of smokers. The US Surgeon General and the Expert Committee on Passive Smoking both concluded that secondhand smoke causes lung cancer in non

smokers. Every year about 3,000 non smokers die from lung cancer. Persons exposed to secondhand smoke have about a 20 to 30 percent increased risk of developing lung cancer compared to those that are not exposed to secondhand smoke. Also according to the American Journal of Epidemiology and the New England Journal of Medicine there is suggestive data that also links secondhand smoke to other types of cancer such as the stomach, brain, leukemia, cervical cancer and also childhood cancers. Some of you may have noticed the pin that I am wearing. It's a pin that symbolizes the support for the many families in our communities whose lives have been touched by tobacco and death. In conclusion, the fight against cancer is a partnership. It takes the medical community, organizations, individuals and many other segments of our community including the County Commissioners working together to conquer this disease. We need to do this as a team and this is what we are seeing now. The County Commissioners have an opportunity to put the health and welfare of our community first. By voting yes on this ordinance you can make a difference and an impact on our community. If you vote yes on this ordinance you will have as much impact as if the American Cancer Society conducted 400,000 smoking cessation classes. That is a tremendous impact that you would have on our community. I would also like to encourage the County Commissioners to encourage a similar ordinance making the swimming pool area and the swimming pool at Burdette Park smoke free. We need to remember that our children are our future and we need to do all that we can to protect our children. Children exposed to secondhand smoke are three times more likely to get respiratory infections including pneumonia and bronchitis and they have a greater chance of developing colds, asthma and ear infections. We really appreciate your time and consideration in this ordinance. Thank you.

President Jerrel: Our next speaker is Kathy Allen.

Kathy Allen: Hello, I'm Kathy Allen. I work in the Civic Center in the snack bar and two of the people that I work with smoke, but thank goodness one of the persons that I work with, she is trying her very best to quit smoking. This is her second time trying to quit smoking because she had a heart attack. She is younger than I am and I am very, very thankful that she is trying, but I have an eye disease that I have had all my life and I don't want to give up my job but I can't stay in this environment with the smoking. I feel real strong about this ban being passed because I want to keep my job. I have to use a lot of medications especially these very expensive tears because of the smoke that I have to deal with. I just come to you tonight asking please pass this.

President Jerrel: Thank you, Kathy. Dr. Daetweyler.

Unidentified: I put his name down because he was trying to be here tonight, but he was on call. We were hoping he would be here tonight.

President Jerrel: Okay, our next speaker is Daniel Tweedall.

Daniel Tweedall: Good evening. My name is Daniel Tweedall. I'm a 16 year old junior at Central High School and a member of the class of 2000. I'm proud to be a member of this class because like so many of my fellow classmates I have chosen to live a smoke free lifestyle, but we did not reach that point on our own. It was because of the many hours put in by concerned parents and teachers who helped us see the importance in choosing not to smoke. For them I am very thankful. That is why I am honored to be here tonight speaking about something that I feel so strongly about. I come before you this evening to continue to do what those

concerned parents and teachers did for me many years ago, to continue fighting for the health and well being for myself and others. This issue is clearly divided between two groups of people, smokers and non smokers. Whatever stance you take on this issue will upset one of the groups. As a teenager I too am faced with many difficult decisions, some of which can affect me for the rest of my life. What each of you must realize is that tonight you must make a decision that will not only affect your life, but the lives of the people of this city. Should a minor inconvenience be valued more than the quality of a person's life? Allowing smoking in county facilities would seem to support this. We are not asking anyone to stop smoking, only to do it away from others. Smoking is a personal choice that does affect the way you live. It is not right to ask non smokers to share the same consequences that they have chosen to avoid. Allowing smoking in these areas changes smoker's personal choice into public mandate. In an issue such as this you will not make both sides happy. The best resolution here is one that would be the most beneficial. I ask you tonight to validate the choice that the City Council, my classmates and I have made to not smoke and to validate your concerns for the health of the citizens of this city. Thank you.

President Jerrel: Next speaker is Judge Heldt. Oh, and Judge Knight. This is a team entry.

Doug Knight: Oh, thanks.

Carl Heldt: I'm Carl Heldt from Vanderburgh Circuit Court.

Doug Knight: Doug Knight, Chief Judge, Vanderburgh Superior Court. We're here actually out of concern for the jurors who are required to be present during jury trials and most particularly the smoking juror. We are here, I guess, to request an opportunity for the court to deal with the smoking juror within the court building on a discretionary basis. These jurors are unusual in the scheme of the non smoking policy in several regards. First of all, they're not present in the court building voluntarily. They are required to be there by law. Secondly, they did nothing wrong in contrast to being in jail. No one is accusing them of doing anything wrong and they must remain there for extended periods of time and unlike the Coroner's Office they are still alive! Hopefully they'll be alive at the end of the process as well. It is our suggestion that in as much as jurors are not permitted to separate, they are required to be in the presence of one another and they are there for extended periods of time. We cannot escape the fact that there are certain jurors who cannot go one hour or two hours without consuming tobacco products. During those periods of time where they are not permitted to separate such as during deliberation there is no solution other than to allow them to smoke in the jury room. It has been our collective experience that this process has worked well and that through one mechanism or another the smoke is consumed by smoke eaters or voluntarily tolerated by fellow jurors. We would recommend that any ordinance that you pass with regard to the Courts Building permit smoking by jurors to be regulated by the courts on a discretionary or case by case basis. Perhaps Judge Heldt has something.

Carl Heldt: Yes, I would second what Judge Knight said and would like to add a couple of things. First of all one of our great concerns is that if there were a complete no smoking ban with no discretion of jurors I can foresee the possibility that a juror who smokes may tend to reach a verdict on a case just so he or she could leave the courthouse to smoke a cigarette which would not be fair certainly to the litigants. We are also mindful of the non smokers on the juries. To date we have

been able to accommodate them when they have complaints as many of them very rightfully may have in regard to a smoking juror. What we're trying to do and what we're going to try to do more of in the future is to provide some place within the confines of the court if not the jury room itself where smokers might be able to go, if there are objections from non smokers, able to go for a smoke break or whatever without violating the requirement that the jury be kept together. It is a real problem. It is a real problem with the smokers and with the non smokers and what we don't want it to be is a problem for the justice system by confining smokers in an area for a long period of time where we just forbid them to have a cigarette. If we would have the discretion to do that. To date we've been able to pretty much juggle everybody's concerns and not make too many people unhappy, but is what we would do, quite frankly, if we would have to deal with an absolute smoking ban for juries.

Commissioner Mourdock: May I?

Carl Heldt: I might just say that I do have some language which we would like for you to consider that Doug and I just wrote out today and I'll leave you with a copy of it if I may. It simply says, however with regard to the County Courts Building smoking by jurors may be regulated by the courts at their discretion and we would ask for that accommodation. By the way, we take no position as far as the employees or the rest of the courthouse. We take no position either way whatsoever on that.

President Jerrel: Well, the Court Building would fall under the jurisdiction of the entire county square footage which is about 152,000 square feet so it is just lumped in. The only thing I'm worried about and I certainly understand both of the way you feel because I think it's a very real issue. I just worry about the non smoker is being favored over the smoker.

Carl Heldt: Well, if we can...and I hope we can and do, if we can accommodate the smoker and the non smoker such as segregating the smokers when they want to smoke away from the non smokers but not separate from them. For instance, we can't leave the non smokers inside and have the smokers walk around and go outside to smoke because that is too much of a separation and secondly in foul weather it is not feasible.

Doug Knight: And I might add for the very reason that there are tv cameras here when the juror...during deliberation if they go outside to smoke the first thing he is going to do is encounter a tv news camera. That's going to lead to some more difficult problems which we cannot solve other than a mistrial.

Carl Heldt: We're not...I'm not speaking to the smoker's right to smoke. That's not--

President Jerrel: I understand, I understand.

Carl Heldt: I'm here for the problem, a real problem if you've got a seven, or eight, or nine, or ten hour deliberation.

President Jerrel: What is happening in other courts that have become smoke free?

Carl Heldt: I have talked to a number of counties. We've been talking about this subject for months now. I've talked to a number of county judges. I've had one tell me in Warrick County that they just don't smoke. All the other ones I've talked to provide some accommodation to the smoker. Of course, the facilities are different in every county. I was at a conference this week where I raised the subject and one

of the judges told me, well, when a smoker needs to have a smoke break we set aside another room next to it or even the courtroom itself which is next to the jury room for them to go do that and then come back to deliberations. There is a solution for every court.

Commissioner Mourdock: But in doing that are they actually separating them?

Carl Heldt: Well, if--

Commissioner Mourdock: It sounds like they are.

Carl Heldt: Yeah, I think the concept of separation means, for instance, going home or leaving the building.

Commissioner Mourdock: Okay.

Carl Heldt: Anything outside of the environment. I think they could go to the next room as long as they are not out in public and not away from each other for any extended period of time. As long as the other jurors aren't deliberating while they're gone.

Commissioner Mourdock: Sure.

Carl Heldt: It's an accommodation problem.

Doug Knight: We've even given consideration to have a smoking panel and a non smoking panel. Everybody that we've talked to that about suggests that it is not a good idea and probably would result in a reversal of the case.

Carl Heldt: I might also say I talked to the Building Authority and brought them over to look at our jury rooms and talked about venting. We've tried to use some types of vents and filters and it's too expensive to vent outside the building. It's very expensive to vent outside the building. It's something we've been looking at for a long time.

President Jerrel: You contacted me, may I have the names of the courts that you've spoken with?

Carl Heldt: I could get you a longer list if I can get back to my court, but I talked to Posey County Circuit Court, I talked to Warrick County Superior Court, I've talked to Gibson County Circuit Court and I just came back from a conference where there were probably 20 judges and if I can get back to my materials I can get you the names of all those courts.

President Jerrel: Because it is...it's a growing issue, so it's going to get addressed at one time or another.

Carl Heldt: I would be very happy for you all to contact any county. If they have a solution that can help I would be delighted.

Doug Knight: Exactly.

Carl Heldt: In the meantime if I could just leave you with this.

President Jerrel: Sure, thank you.

Commissioner Tuley: Judge, did you have a talk with the federal courts over here to see what they do?

Carl Heldt: I have not.

Commissioner Mourdock: Is that a non smoking facility across the street?

Commissioner Tuley: I don't even know. My assumption is that it is.

Joe Harrison, Jr.: A year or two ago it wasn't, but I don't know right now if it is or not. I don't know. I'll check.

Doug Knight: Thank you.

President Jerrel: Okay, thank you. The next speaker is Jim Daniels.

Jim Daniels: Thank you. I also appreciate your considering this ordinance tonight. I'm up here tonight speaking in favor of it. I think the issue of whether smoking is a health hazard and if secondhand smoke is a health hazard is legend. There is enough science out there so that tells us that there is danger there and that is uncontested at this level. To me the real question now becomes the power of levels of government to control people's behavior. I think that's an important issue and should be weighed very, very cautiously about how government at whatever level provides different laws to control people's behavior. I think the concern becomes, and I would say that the government does have the power to provide for a mechanism for the general public as well as workers in the building, and I by the way am a worker in this building, with a safe place to be and a safe place to work away from unnecessary hazards. Smoking in a building, in a government building, is a unnecessary hazard. We're not trying to take away...I would not suggest that this ordinance would take away the ability of someone who wants to smoke to be able to create a hazard for themselves in places where they want to do that away from other people or with people in smoking situations who are of like mind. That's not a problem. I think that if we want to live together in a society we have to understand a couple of things. Number one, we have to understand that freedom is not unrestricted. Freedom has to be restricted. I can't punch you in the nose. Well, maybe I could, but there is a law against that so there is a punishment for that, so my freedom to do that is restrict as it should be. That is restricted properly because that is preventing one person causing unnecessary damage to another person. Those are the same kind of laws that we have for traffic laws. You can't drive down a city street going 120 miles per hour because that is unnecessarily endangering other people. Secondhand smoke in buildings like government buildings is in the same, to me, kind of category. So while we're not saying that it is inappropriate, in a boxing ring it is appropriate to punch people in the nose, so it is legal to do that in the proper setting. It's legal to smoke in the proper setting. It's legal to go at high rates of speed in the proper setting in an automobile. I wouldn't ask you to stop those kinds of things. I would ask you to stop people causing unnecessary hazards such as smoking in buildings like this and I do believe you have the power to do that. I believe that we also have to understand that to live in society together we have to agree to a mutual coercion mutually agreed upon, so I think we have to limit our freedoms to get along with people. I think the people that are causing the most damage should be the folks that are restricted from causing that damage, not the other way around. So let's look at the segment of society that

has the potential of causing the damage and that is the segment of society that needs to be restricted from causing that damage. I didn't think about the juror situation, but I disagree with the judges' statement of offering discretion because that doesn't solve the problem. That basically says as an example if we were standing in a courtroom right now and your offices were the jury chamber that means that a juror could come back out into the courtroom potentially and smoke in the courtroom thereby exposing everybody in the courtroom as soon as they walk back into the courtroom to that secondhand smoke. If you're in the same building with the same HVAC system, just like this building here, if you look at the non smoking areas in this building and I'm in quite a few of those all the time, you go anywhere close to a smoking area you can smell it, you can smell the smoke. You can smell smoke almost any place in the building because it's totally not smoke free. That's going to be the case with other folks. If you have a juror that is going to rule on a case or vote a certain way just so they can get out of the jury room so they can smoke faster you've got a problem with that juror on a whole other matter. That should be least of the problems with having that juror. You've got somebody that can't make a decision based on facts. If they're basing their decision not on the facts of that particular case before them they don't belong...they shouldn't be a juror to begin with. That's my feeling. Also, I mean, I just think that is the key consideration that you need to be looking at. Thank you.

President Jerrel: We have heard from everyone that indicated by an asterisk that they wished to speak, but is there anyone else that has had...yes, you would like to?

Unidentified: Yes.

President Jerrel: If you would give us your name.

Brian Majors: Brian Majors.

President Jerrel: Okay.

Brian Majors: My name is Brian Majors. I'm the Chairman of the Libertarian Party. It seems to me there is a common theme that runs through here tonight about...against...I mean, for this smoking ban. It's the same theme that runs through every big government scheme to engineer society. We have to give up freedom to be safe. You know, less freedom equals more safe. I feel more safe with more freedom. Now there is a way that both people can be happy. Just a separate area for smokers well ventilated so you don't have to offend anyone's palate and everybody will be happy. You know, if non smokers don't have to breathe smoke and smokers get to smoke where is the confrontation? There is no need for a confrontation. If you would just pick a happy medium instead of the whole plate more people would be happy. You could please more people by accommodating smokers than by ostracizing smokers. You know, as far as...there was a time when Vanderburgh County...I remember when I was a kid in Vanderburgh County we were happy to be different than other northern parts. I remember I was raised not to like Indianapolis. It was just a prejudice I had. I mean, this doesn't...it's not racist or anything, I was just taught that most bad things in Indiana came from Indianapolis or from northern Indiana. Everything good in Indiana was down here. Now if you pass this ordinance you are slavishly following northern Indiana in banning smoking. A vote for this ordinance is a vote to make Evansville more like California, more like Indianapolis and less like the home that I grew up in. Now I believe strongly in this issue and I just would like to say please consider smokers. They are real people, they're not just a statistic. They deserve equal treatment with everyone else in

society. Thank you.

President Jerrel: Is there anyone else that has not had an opportunity to speak? If you could...if I could just make a comment or two so that you can try to put this into perspective. We have several issues that exist in the building itself. There is a break room on each floor and, you know, it's difficult to say it can be a smoking break room, then that means anyone that doesn't smoke and doesn't want to go in there can't use the break room. It sounds easy to say we will have no smoking and accept that smokers may use a certain area. The School Corporation dealt with this about four or five years ago and each building became a smoke free building. A lot of that happened not so much because there were not people that smoked in the building. There were teachers and administrators in the building that smoked, but as they worked with students it becomes increasingly apparent if you are a smoker and you're teaching your students the dangers of smoking it becomes a situation where you have to deal with your own conscious and whether you're going to profess one thing but not do it, so the decision was made that the buildings should all be smoke free. That's one forward step for honesty in instruction and I know it was hard to do. I know this won't be easy to do either. It's going to be a difficult situation whether we do it or we choose not to do it. We're going to offend someone. So with that I'm going to ask...this is first reading, so no vote is official until after the second reading. Would you like to...am I describing this correctly, Mr. Harrison?

Joe Harrison, Jr.: I was speaking with Commissioner Tuley about another matter as far as Burdette Park was concerned. Any amendment to the ordinance as advertised probably ought to be done on a first reading at this point then after the ordinance is passed on final reading we would then be obligated to publish the ordinance as passed so the public would have notice of the final ordinance. Obviously, down the road if there was a need to amend the ordinance as it is finally passed, certainly that could be done at some point like we amend ordinances...like this body does from time to time. My recommendation would be if there was any question about considering an amendment to the ordinance as--

President Jerrel: Presented.

Joe Harrison, Jr.: --presented in front of you it ought to be at this time or you don't consider a vote at this time as opposed to making a change after the first reading. I think it is appropriate to have the first reading be the ordinance that will be passed on final reading.

President Jerrel: I would welcome any comments from Commissioner Mourdock or Commissioner Tuley.

Commissioner Tuley: Well, I am inclined to amend Section B3, which is dealing with Burdette Park to include the pool areas and designate certain chalets as non smoking as well. I'm not quite as inclined to the court's issue at this point in time. That may be something that can be revisited later, but I'm not real inclined to want to change that or amend that section, but I am inclined to amend Section B3.

President Jerrel: To include the pool area?

Commissioner Tuley: To include the pool area and certain designated chalets.

President Jerrel: This, Steve, is the issue of having designated smoke free chalets.

Commissioner Mourdock: I think Mr. Kincaid also raise the issue about shelter houses in addition to the chalets.

Commissioner Tuley: I'm sorry, you're right.

Commissioner Mourdock: I guess that would beg the same question then with multiple shelter houses there if we're going to say several chalets would be set aside for smoking are we looking to have several or perhaps one shelter house that is a smoking shelter house and others that would not be? I'm looking to you, Steve, for guidance on that one. I don't know mechanically how well that would work if at all. For those of you who don't know, Steve Craig is the Superintendent of Burdette Park who is here with us.

President Jerrel: We worried over this today, so this is not new, but it is difficult to determine what should be done.

Steve Craig: There is so many buildings at Burdette, I mean, we would have to figure out, you know, if we want to put a certain percentage as non smoking or, you know, I probably have a question to ask. If a building is rented on a Sunday and people smoked in it and it was not rented until the next Saturday with the smoke from the week before would that be considered a health hazard to the people that is not...or has it rented the week after that?

President Jerrel: Well, let's approach this from a sensible standpoint. We aren't going to reinvent the wheel all in one night. I'm going to make a suggestion which you and I talked about today and let the two Commissioners decide whether it makes sense to them or not. The inside of the chalets are cedar. That was more or less designed for that purpose to help remove the odors. I think we want to be sure that people realize we have a smoke free environment for them so we would provide some smoke free chalets and then the pool area, it doesn't make sense to have cigarettes where children that are barefooted could be injured. I mean, that just makes sense. I would be reluctant to try to supervise all the other facilities at the park. Do you...I don't know how we can...that's the only question I have.

Commissioner Mourdock: I think the biggest part of that question is one perhaps more of marketing than actually enforcement. Certainly I know there are some groups that when they're looking to rent a facility will not go to a facility if, in fact, they do not allow smoking. I think with the chalets it would be very prudent to have some of those...and obviously the opposite occurs, if I go to a hotel room and am asked do I want a smoking or non smoking room, so you can certainly keep those chalets, I think, somewhat separate. From the point though of the shelter houses it would be very difficult to enforce. I guess even in the chalets it is difficult to enforce. Again, it is more than what we're offering to the public perhaps than what we can logically enforce.

Commissioner Tuley: The shelter houses would be much more difficult to enforce, I think, just because of family reunions and everything like that where you're going to have a mix of smokers and non smokers. So it would become a...I don't know about marketing as much as enforcement, but I think enforcement would be a bigger problem. I think the chalets, you know, we can do. Anybody that doesn't smoke obviously can walk into a room and know someone has been smoking in it. We might want to try the idea, and tonight we don't have to designate the numbers I wouldn't guess, just the concept. As far as the shelter houses maybe just designating one or two as smoke free and just see how that goes. If over time it becomes apparent

that there is a large request for smoke free shelters that we could designate more. At least give people the opportunity to have one or two that are totally smoke free and the rest of them could be smoke--

Commissioner Mourdock: That certainly sounds prudent to me and, Steve, we don't need to put that specifics in the ordinance as far as which ones are and which ones aren't, but we could look to Steve to get back to us as far as what he recommends.

Commissioner Tuley: Yeah, just track it and see how the--

President Jerrel: So we would add the pool area as a non smoking area and provide smoke free chalets.

Commissioner Mourdock: Right, and certain chalets and shelter houses.

President Jerrel: And we'll work on how we do the mechanics of it.

Commissioner Tuley: The numbers, yeah.

President Jerrel: Okay.

Commissioner Mourdock: On the juror issue I guess I have a question for Judge Knight and Judge Heldt. If during the jury selection process the question was asked regarding smoking does that in any way get ahead of the problem? In other words, if someone said I'm a non smoker and I am very sensitive therefore I want to be excused from jury duty does that get them a pass? On the other hand, if a smoker...if a potential juror said to you, oh, by the way I smoke four packs a day does that give that person a pass? Is that something that has ever been part of the process or can it be?

Doug Knight: No sooner than I sat down Mr. Roll was quick to point out to me that in no other facet of society do we accommodate addicts the way we do in the judicial system!

Commissioner Mourdock: But it is legal.

Doug Knight: I know of no legal disqualification because you smoke or don't smoke. In fact, in the err of accommodation it is not a legal disqualifier if you can't hear or you can't see or read.

Commissioner Mourdock: That explains...never mind.

Doug Knight: That explains the verdicts, yes. Some would argue that, but I'm not aware that it is a legal disqualifier and there could be occasions when an attorney would be particularly attracted to a juror who is either a smoker or non smoker depending on which way you want to frame the question and thoroughly object to the exclusion of that juror for fear that it will change the outcome of the case. He or she may firmly believe that and there is a limited number of strikes that they can use to excuse the juror. I do not believe that would qualify as a reason to get rid of a juror for cause. It would be expensive to one litigant or another to try to get rid of them because there is always going to be another smoker or another non smoker right behind them.

Carl Heldt: I'm going to say that I've never heard the question asked by any attorney

or the court because frankly we've been able to date to fairly well accommodate everyone in one way or another, smokers or non smokers. What I hope we don't get to is where we have to excuse all smokers and excuse all non smokers.

Commissioner Mourdock: Right.

President Jerrel: We don't want that either and I don't think it will come to that. I think we can work something out, but I think that you have a good point, but I think maybe the point has been reached when society's greater issues are of more importance.

Commissioner Mourdock: One other thing to clarify, Judge Knight, when you were speaking you made the point that...if I can find the point, excuse me. Oh, you said the jurors can't go one or two hours without a cigarette. What about in the courtroom itself? Certainly they sit there for more than one or two hours at a time. Do they smoke actually in the courtroom?

Doug Knight: No, no, there is no smoking permitted, none whatsoever in the courtroom. We try to take breaks in the morning and in the afternoon and given the nature of lawyers they often make objections and that results in recesses where the jury has to go back to the jury room while the judge hears the arguments of the attorneys, so they get quite a few opportunities and snitches of time to smoke or be offended by their fellow jurors smoking. I think frequently some of the jurors will go into the restroom and smoke in that area, but the argument is still there that a non smoking male juror is going to use the male restroom where a smoking juror just smoked or the female vice versa. We've thought of the idea of a unisex restroom, one for smokers and one for non smokers. I guess we would have to put urinals in both restrooms at some added expense. Still the door comes open and the smoke comes out. I don't believe there is a way that we can totally insulate non smokers from the presence of smoke in some configuration in the air.

Carl Heldt: One of the things that I'm hoping to do if space permits is to...if we can move certain probation people elsewhere is to use part of what used to be the old grand jury room which is on the other side of the restrooms as a smoke break room which is apart from the jury room.

President Jerrel: For jurors only?

Carl Heldt: Correct, while they're deliberating.

Commissioner Mourdock: But that's a good--

Commissioner Tuley: That's a...yeah, go ahead. I know where you're going with this because I'm thinking now I'm going to have about ten officeholders who are already going to be mad at me for voting the way I think I'm going to end up voting and then if we make it where the Courts Building someone could sneak off--

President Jerrel: Doesn't have to comply.

Commissioner Tuley: --even though they're not part of the jury...I don't know how you would control that.

Carl Heldt: I'm talking about jurors, juries only.

Commissioner Tuley: I know that is what you're saying, but how do you control it?

President Jerrel: That's what you're saying--

Commissioner Mourdock: But how do we know...yeah.

Commissioner Tuley: How do you control it? Is there a key that the room will be locked except for that period of time or how would you do it?

Carl Heldt: No, it's like any other room. How are you going to enforce any of it?

President Jerrel: That's right.

Carl Heldt: There is no smoking in any room including the jury room.

President Jerrel: Well, we'll hear about it though.

Carl Heldt: Except the jurors at our discretion. Our employees won't be able to go in there to smoke, we won't go in there and smoke, nobody is in there to smoke except jurors when we say they can, that's the proposal.

Doug Knight: Where the jury is in session and they are a juror and that's all we're talking about.

President Jerrel: Well, we've done one amendment. We can proceed as our attorney said tonight with what has been added and if we feel inclined to start all over again the next hearing we can do that or you can add anything you want tonight or you can move approval as is.

Commissioner Mourdock: Pat, any comments?

Commissioner Tuley: It is a problem, but I don't know that we're going to solve it tonight.

President Jerrel: Okay, I'll entertain a motion.

Commissioner Mourdock: Alright, let me just make a quick comment or two because first of all I really appreciate the fact that we have an issue here that brings out so many people from the community. We have so many meetings, you wouldn't believe it when there are four or five people there and it seems that no one cares what happens within Vanderburgh County government, so on an issue like this that may seem rather contentious I just appreciate the fact that you all came forward to state your opinions. Also, I always like to reflect on what I hear at these things and Mr. Kirk made the comment that this will not reduce the overall risk of smoking and I agree that's probably true. You raised the issue, Mr. Kirk, whether or not there really was good scientific data saying it was a health risk. Let's assume for a second that that is true, that it's really not a health risk. Are we inconveniencing people by causing them to go outside? No doubt about it, that's it, but by the same token I don't know that any of those people who are somewhat inconvenienced have ever also gone outside and taken a deep breath and said, oh, nice fresh air, I'm offended by this. That's what we have is we have a lot of people who are non smokers and even a few who are that get overwhelmed by the smoke that we have in this building at times. Mr. Kincaid mentioned the maintenance issue and that's a very real one and every day as we look across the street at the new auditorium it's going to cost

a lot of money to keep that place clean periodically going in along those high walls cleaning that stuff down is not going to be a cheap thing, it is not going to be necessarily an easy thing. Mr. Tweedall, I guess has left, but he made a great point about we're not asking anyone to quit smoking. I am libertarian enough, small L, that I don't think the government has the right to say to people you shalt not smoke a cigarette, but I also think that in county government we have the right, if you will, and the obligation to act somewhat in a leadership position on this issue. You know, it would be very easy for us just to say, well, it doesn't really matter because maybe it is secondhand smoke, maybe it really isn't a health risk, but I would like to think those of us who get elected to these offices can make the point to send a message not just to kids but to adults too that smoking isn't something that they should do because clearly those who do smoke are putting their health at risk. Finally, Mr. Majors, you made the comment less freedom equals more safety. Well, again, maybe that is somewhat true and you said that smokers ought to have an area that is well ventilated and that, you know, we could put in a separate but equal, if you will, smoking area that is ventilated and by gosh the smokers deserve that because they are not hurting anybody and yet on the other side of that if we did that we would be causing all the non smokers in the county to pay more tax dollars to fund the development of that HVAC and all those other things. It's clearly a double edge sword. Having said all that, I will move on first reading the approval of the ordinance prohibiting smoking in county buildings as submitted with the exception of the Burdette Park areas that we spoke of.

Commissioner Tuley: I will second.

President Jerrel: I will ask...roll call on a first reading?

Commissioner Mourdock: It's a good idea.

President Jerrel: Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. Second reading and any new information will be next week and I appreciate all of you coming and making your comments.

Commissioner Mourdock: Two weeks.

President Jerrel: Two weeks.

Joe Harrison, Jr.: No, next week.

Charlene Timmons: I'm sorry.

President Jerrel: Next week, I was correct.

Jim Daniels: Can I ask you a quick question? As a procedural matter did I understand the attorney to say or you to say, Mrs. Jerrel, the only opportunity for amendments is on first reading, is that correct?

President Jerrel: That's what we did tonight. That's not precluding...that's not against any legal standard.

Joe Harrison, Jr.: That was my preference, but that is not a--

President Jerrel: That's not a standing...no.

Joe Harrison, Jr.: No.

Jim Daniel: Okay.

Tape change

Various 1999 Board appointments

President Jerrel: I'm going to move ahead. The next item on the agenda is the appointments of the Home Inspector Licensing Board, the License and Disciplinary Board and the EMA. Tony, would you want to...you have some information for us or do you have all the information? Okay.

Commissioner Mourdock: I have it. I would nominate for the Home Inspector Licensing Board as Home Inspector, Chuck Zehner, and for the Residential Building Contractor, Ron Dauby.

President Jerrel: Is there a second to that?

Commissioner Tuley: Yes, there is a second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: And for the License and Disciplinary Board I would suggest or nominate Commissioner Bettye Lou Jerrel.

Commissioner Tuley: I'll second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: As an appointment to the Emergency Management Agency I would move the appointment of Maury Nichols.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission

President Jerrel: Is there anyone else that wishes to speak to the Commissioners tonight?

John Stoll - County Engineer

President Jerrel: Hearing none, we'll move to the County Engineer.

John Stoll: First of all I've got a supplemental agreement for the bridge inspection contract. This is for an increase of \$5,950. This is for an additional inspection on the Franklin Street Bridge. It has some end type connections that require a special inspection by INDOT standards and we need to have that done to be in compliance with the guidelines for the bridge inspection. This is funded 80 percent federal/20 percent local so the \$5,950 only 20 percent is our cost.

Commissioner Mourdock: Is that with Beam, Longest?

John Stoll: Yes.

Commissioner Mourdock: I'll move approval of the change order for...what is it, Beam, Longest and Neff, I think.

President Jerrel: I'll second and say so ordered.

John Stoll: The next item I've got is a street acceptance request for the Burkhardt/Lynch Business Park. This is for 425 linear feet of Loehrlein Drive, 725 linear feet of Frito Lay Drive, 850 linear feet of Toney Lane, 300 feet of Toney Court, 475 feet of Hank Avenue, 250 feet of Fitzgerald Road and 2060 feet of Interstate Drive for a grand total of .97 miles.

Commissioner Mourdock: I'll move approval of the street acceptance as recommended by the County Engineer.

President Jerrel: I'll second and say so ordered.

John Stoll: Next I've got a request for approval of street plans for the widening of Red Bank Road associated with the Eagle Plaza Subdivision. The yellow lines shown on the plans is the limit of the state's right-of-way and the green line is the south limit of the county's portion of the road. The widening of the road consists of constructing additional northbound and southbound lanes. In conjunction with that there is going to be a raised median installed on Red Bank Road and in the portion of the road that INDOT controls they've already issued a permit for their work up there north of the yellow line and for safety and traffic flow reasons they have required that raised median. Of the median 150 feet is in INDOT right-of-way and about 76 feet is in the county's portion of the road. All in all out of the plans that are there only about 165 feet is the county's responsibility. That's the distance between that green line the yellow line. Given all that it is recommended that the street plan be approved.

Commissioner Tuley: John, just so we can enter it into the record you and I and Joe met to discuss the plans and read the minutes of Site Review or which committee was it? Actually, it wasn't a formal committee was it?

John Stoll: Right, it was a meeting of all the involved parties to discuss that development.

Commissioner Tuley: Yeah, because there was some concerns from the developers where the Taco Bell and all that is about the potential for blocking off or denying...I shouldn't say denying access, there would still be access, but there would not be a left turn or whatever into that with that median in there.

President Jerrel: Are you talking about right up here?

John Stoll: Right here.

Commissioner Tuley: But the bulk of that median is going in, the county's portion of that is beyond that actual entrance if we look at the plans and the way they've been submitted.

John Stoll: Correct.

Commissioner Tuley: So we really don't "have a dog in that fight" as such.

John Stoll: Right.

President Jerrel: This part is city?

Commissioner Tuley: City and then state.

President Jerrel: State?

John Stoll: The city's portion is south of that green line there.

President Jerrel: Okay, down in here.

John Stoll: Correct.

Commissioner Tuley: After we met I met with the developer again and he had expressed some concern that somewhere along the line that he had heard was going to try to verify that the state had some plans to block off the one entry that allows left turns off of the expressway.

John Stoll: Half way between Red Bank and Rosenberger?

Commissioner Tuley: Right, but you...when I talked to you before the meeting you said that's...you have no knowledge of any such plans to do that.

John Stoll: No.

Commissioner Tuley: In fact, that's the only one we have that does cross...it doesn't allow straight across, but it does allow a left turn for people going westbound on the Lloyd Expressway.

John Stoll: I don't know of any plan for that, but even if that did take place traffic could still get to this site coming off of Rosenberger because those frontage roads have been constructed in front of Schnucks and in front of Steak and Shake and all that does connect all the way through over to Rosenberger, so even if the state did take that step there is still going to be access through Rosenberger.

President Jerrel: I've been talking to Rose about Rosenberger and, you know, at certain times there is a real problem, you know, turning on the north side going east and she indicated that the reluctance of the state to change the timing on that or to put in that extended second turn lane would be that it would slow down the Lloyd traffic, you know, considerably. I don't know, I've just asked her to start looking at some issues that are going to be facing us out there and making some

recommendations on what we could do. Rosenberger is partly city and part county.

John Stoll: Right.

President Jerrel: It's a joint, but I've got that in the mix with Carpenter Creek and all the other little adjunct issues that relate to that west side.

Commissioner Tuley: But let's go back to one point though. The state has approved this and the basis when you had that committee meeting the biggest issue was why that should not be left...or should have that median in there was strictly an issue of safety, correct?

John Stoll: Correct.

Commissioner Tuley: That was the biggest underlying issue.

President Jerrel: So you're talking about our portion?

Commissioner Tuley: That portion that is in...well,--

Commissioner Mourdock: This is state, this is county.

Commissioner Tuley: City and county really would address the safety issue and traffic flow just by virtue of the fact--

John Stoll: Right.

Commissioner Tuley: --given the short distance between the intersection with 62 and Red Bank there is enough room for three cars maybe?

John Stoll: Right.

Commissioner Tuley: To line up and then block up traffic and impede the flow of traffic and the safety for the drivers. The only reason I am bringing this up is because, you know, the developer expressed some concerns and I did, I met with these two and then I've met with the developer on the other side and it is unfortunate that we couldn't find a way to move this down and find a way to line up so that there is, but given the situation out there this is probably the best we can come up with in terms of safety and traffic flow, correct?

John Stoll: Right, the other issue we had was that is located about at his southernmost point where he has access on Red Bank and also that is about the only location where his frontage road can come in and have reasonable visibility down Red Bank in both directions so he was constrained by that in putting his east/west frontage road in and then, like you said, the traffic flow problems of the left turns into that frontage road there by Taco Bell could with increased northbound traffic it is going to block that road and that in turn will permit left turns from being able to turn into that Taco Bell driveway which in turn would block traffic...run traffic out on the Lloyd Expressway.

Commissioner Tuley: Even if the developers of the other side had been brought to that initial meeting it would not change the fact of the reason this plan is like it is, correct?

John Stoll: Not that I could see. The only alternative I guess that was discussed at that meeting would be taking that road as it exists now and running it further south to make a fourth leg in the intersection where Hahn is constructing Pearl Drive, so it would run further south before it ties into Red Bank Road.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: The bottom line is that the state is the one who--

Commissioner Tuley: That's what I was going to ask.

Joe Harrison, Jr.: --made this recommendation or who is requiring this action.

John Stoll: Right, they have already issued their permit on this.

Commissioner Tuley: Yeah, and I think that is the key.

Joe Harrison, Jr.: It has nothing to do with the county as far as requiring that median.

John Stoll: Right, we don't control what is north of their right-of-way line.

Commissioner Tuley: Okay.

President Jerrel: Okay, is there a motion regarding this?

Commissioner Tuley: Having been assigned this side of town or taking this side on my own, I don't see how we have any choice but to go ahead and approve...or recommend approval of it based on Joe's final comment there that this is the state's plan and we really don't have "a real dog in this fight".

Commissioner Mourdock: I'll second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a request to approve street plans for Section II of Broadlawn Subdivision. This is located off of Heinlein Road. This subdivision is just east of Edinborough Subdivision and the access to this sub is through Edinborough. The street plans that you've got there in front of you have been approved by the Commissioners in the past. The developer did not get the subdivision recorded in the amount of time allotted by APC, so their approval is expired and that is why these plans have to be brought back again for approval. There have been a couple of minor changes made as far as getting rid of some plastic pipe that they had called for underneath the streets and that change was made, so with that I would recommend the plans be reapproved.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Have you gotten all the bids opened, too?

John Stoll: That's all I have unless you've got questions.

President Jerrel: Well, you want to go ahead and do the bids very quickly and then we'll get to...while John is here.

Joe Harrison, Jr.: Yes, I had a chance to open the bids regarding the Heckel Road Bridge rehab. It's VC99-01-01.

Company name	Amount bid
Gohmann Asphalt & Construction Inc. Clarksville, IN	\$461,000.00
Deig Bros. Lumber & Construction Evansville, IN	\$274,921.00
Phoenix Construction Company Evansville, IN	\$422,659.28
CCC of Evansville, Inc. Evansville, IN	\$241,405.88
Ragle, Inc. Newburgh, IN	\$361,603.00

Let me check my figures here one more time on one. Okay, I would ask that the Commissioners take these bids under advisement and review them for their responsiveness.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle - County Garage

President Jerrel: I'm going to go back to the County Garage now so John can take those with him. You want to give your report, Erik?

Erik Bentle: Erik Bentle, County Garage. I have three bids I would like to present to the Board. These are bids for new chain saws. As you know, January has been a rough month for the Garage. With all the ice and the thunderstorms we've had several trees down. It's really frustrating when you get out at 2:00 in the morning and you've got a tree across the road and the chain saws won't work. We are requesting that we get six new chain saws and six cases for the Garage.

Commissioner Mourdock: Six cases?

Erik Bentle: For the chain saws.

Commissioner Tuley: Carrying cases.

President Jerrel: Carrying cases.

Erik Bentle: To store them in.

President Jerrel: And you have the money in your budget?

Erik Bentle: Yes.

Commissioner Mourdock: How were they bid, Erik? You said you had these bids. Did you just go out for prices?

Erik Bentle: We just went and got these estimates from different companies.

Joe Harrison, Jr.: With the new ordinance, the new county ordinance adopted last year we can...Commissioners can do this.

President Jerrel: Oh, we can?

Joe Harrison, Jr.: Yes.

President Jerrel: Oh, okay.

Joe Harrison, Jr.: As long as the amount is under...I think it's under 5,000 bucks. What is the amount?

Erik Bentle: They're all around a little over \$1,500, yeah.

President Jerrel: \$1514, \$1578.

Erik Bentle: The lowest bid we had is from Stephan's which is \$64 cheaper than the rest of them.

President Jerrel: What is your recommendation?

Commissioner Tuley: I think she is asking you.

Erik Bentle: Oh, are you asking me?

President Jerrel: Uh-huh.

Erik Bentle: I recommend that we go with Stephan's. They're a reputable company and if we have any work that needs to be done to them that we can't handle they can do it locally for us.

President Jerrel: And they are the low bid.

Erik Bentle: And they are the low bid, yes.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: The other thing I have, I apologize for my weekly report. It is on the computer and I forgot to run it off, so I'll have it to you first thing in the morning.

President Jerrel: Okay, just a comment. We had a safety meeting Thursday and during the discussion period after the meeting it was...we talked a little bit about preparing the Garage to better participate in the Impact Communities preparedness in case of a natural disaster, so Sherman Greer is going to...he has taken new plans and we do have new plans in our office and I have asked him to conduct an in service, so we will this next month when it is convenient have an in service for all of the staff so that we're prepared for our role when we have a disaster.

Erik Bentle: Now are you, the three Commissioners, going to attend that?

President Jerrel: I plan to be there and I would think if either Commissioner is in town they would like to come, too.

Erik Bentle: Okay, I appreciate it.

Commissioner Tuley: When are you going to do it?

Erik Bentle: Thank you.

President Jerrel: Well, we're going to--

Commissioner Tuley: You have to establish the date?

President Jerrel: Yeah, with them. I'll get back with you.

Commissioner Tuley: Just let me know.

President Jerrel: I'll let you know Monday.

Commissioner Tuley: Okay.

Erik Bentle: That's all I have.

President Jerrel: Thank you. Is there a motion to accept the report that we do have?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Superintendent of County Buildings.

Tony Greubel: The reason I was late for the meeting tonight I attend an Airport Advisory Team meeting at the Evansville Regional Airport. I'll submit what I turned in for that meeting as my report. The review on an update on jets trying to get more jet service here and then I was talking about fixed base operators. We're going to send two letters, one to Comair and one to Atlantic Southeast Airlines thanking them for providing us jet service and asking and hoping for the day when they can provide us with all jet service. Right now half their flights are turboprops. That's really all I have to report.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Okay, Joe, do you have some additional reports?

Joe Harrison, Jr.: I passed out in front of you I got a response today from IDEM from Janet McCabe regarding the Koch Label issue. I just opened the letter up right before I came over tonight, but it looks as if I need to speak with her concerning what, if anything, the state may be able to do in looking at that issue a little closer as far as the VOC compounds that you all asked me to check into that might be able to be retained in some fashion by the city or county. It looks as if IDEM though does not have any specific rules or guidance that they can provide to us concerning the circumstances that I outlined in my letter to them, but I am going to speak with them and hopefully I'll get some more information if any and report back to you.

President Jerrel: But they didn't say no.

Joe Harrison, Jr.: They didn't say no, but I'm not...I think--

Commissioner Mourdock: Is this one of those situations where it's easier to get forgiveness than permission?

Joe Harrison, Jr.: I don't know. I get...it's my feeling that the city and county may have to enter into some dialogue and find out what their intention is with respect to the permits. That's the key.

Commissioner Mourdock: What whose intention is?

Joe Harrison, Jr.: Koch.

Commissioner Mourdock: IDEM you mean? Okay, Koch.

Joe Harrison, Jr.: Or both, but you know what is Koch's intent with respect to their permit.

President Jerrel: Like if they want to retain that--

Joe Harrison, Jr.: Yes.

President Jerrel: --in order to sell their facility.

Commissioner Mourdock: Right, it is an asset.

President Jerrel: Yeah, it's an asset.

Joe Harrison, Jr.: I think that is the issue.

President Jerrel: Yeah. I appreciate your doing this. At least it is starting. You know, who knows.

Joe Harrison, Jr.: The other issue was that I had, the Safe House lawsuit, the Court of Appeals did deny the petition to reinstate the appeal on the 25th of January, so counsel for Mr. Ross still has the opportunity to appeal further to the Indiana Supreme Court and if he does so he'll have to do that within the next 30 days, so I'll

keep you posted as to that particular issue. I think I had one more...oh, yes. Regarding the surplus auction I received a quote today from Curran Miller. They handled the auction last spring, in May I believe, and they are willing to serve as an auctioneer on either May 11th or May 18th, they can do either one, beginning at 10:00 a.m. on either of those dates. They would be agreeable to conduct the auction for the same fee as last year which was \$1,000, so they would be willing to do it for the same price. They agreeable to either date, so I believe there was a motion made for May 11th, so if you all are agreeable--

Commissioner Tuley: Is that on the Commissioners' sale of property?

Joe Harrison, Jr.: Yes.

Commissioner Tuley: So that wouldn't involve...doesn't involve you as Secretary?

Suzanne Crouch: Donna usually helps. It's really a Commissioners' sale.

Commissioner Tuley: Right.

Suzanne Crouch: But Donna helps.

Commissioner Tuley: It wouldn't involve anybody from the Treasurer's Office then either would it?

Joe Harrison, Jr.: No, it's not a tax sale.

Commissioner Tuley: That's what I mean. It's not a tax sale, it's just our sale.

President Jerrel: So it's either the 11th or 18th.

Joe Harrison, Jr.: The motion, I think, last week was the 11th.

Commissioner Tuley: Was the 11th with the 18th as a backup.

President Jerrel: Backup, okay. Do we need to reaffirm that or just leave--

Joe Harrison, Jr.: Well, if you're agreeable to this proposal then I will contact them and say let's go with May 11th on that day under those terms.

President Jerrel: Okay, is there a motion to approve the--

Commissioner Tuley: Yeah, for that price I'll move approval.

Commissioner Mourdock: I'll second.

President Jerrel: I'll say so ordered.

Joe Harrison, Jr.: That's all I have, thank you.

President Jerrel: I just have a letter...I left a letter that Mike Robling brought down to me, I put a copy for Richard and Pat, concerning, you know, the right-of-way and John Stoll...is John still here?

Commissioner Mourdock: Uh-huh.

Joe Harrison, Jr.: Yes.

President Jerrel: John, let me give you this letter. It's my copy, but it relates to...Mike Robling's letter to the Wrights about us needing that right-of-way so we can get on with our...because we can't get the grant money from the state or anything until that all gets worked out.

John Stoll: Do you have another copy because Mike gave me a copy of this today as well.

President Jerrel: Okay, well, then...no, I didn't know. I just wanted to make sure you had one. Okay, thank you.

Steve Craig - Burdette Park

President Jerrel: We also have Steve Craig.

Steve Craig: I really don't have much outside of what was in my reports and that.

President Jerrel: Well, we do need to make some decisions regarding a couple of those issues that you brought up last week or two weeks ago about the bumper boats.

Steve Craig: Oh, yeah.

President Jerrel: And you also want to...you're proceeding with Morley on the--

Commissioner Tuley: Discovery house.

Steve Craig: On the Discovery Lodge. On the site plan on that what I was waiting for on that I was told that the money that we reappropriated through the state as soon as it comes in Morley has sent me back a figure price and I will get that to you.

President Jerrel: Okay, and then we can act on it.

Steve Craig: You can act on that when the money comes up.

Commissioner Mourdock: Have we looked at the pricing on that, Steve? I see a copy of the letter with the dollar amount here. Is that something where again you talked to several different people or how did we get that price?

Steve Craig: No, the thing from Morley, he had approached me, I think Danny Leek, and we had...John and I had talked to his new assistant at the time. When his assistant quit he came to me and explained to me, we went over this and what we were going to need. Just to get to square one we have to have everything that is done on that piece of paper and at the time he offered his services time and material just to do it and whatever it came up to and we decided that we would probably want a number which we had talked about it might make the price go up a little bit, but he had came back and is going to put up to but not to exceed price which I think--

Commissioner Mourdock: That was the language I read that I just wanted to clarify because there is such a thing as a not to exceed price and this says, and I quote:

"As highlighted on the attached Exhibit A should not exceed \$4,500."

Which is different than saying will not exceed. A subtle point, I would--

President Jerrel: Right.

Joe Harrison, Jr.: I'm sure he could go back and have him--

President Jerrel: I'm sure he would change that, don't you?

Joe Harrison, Jr.: --change that.

Commissioner Mourdock: Let's just clarify that, it's a not to exceed price.

Joe Harrison, Jr.: And you want them to consider this next week or the week after anyway, so you can make--

Steve Craig: We were waiting...Joyce had talked to the lady from the state and as soon as that money was approved she is supposed to tell us so that we'll know and we were going to act on it then.

Joe Harrison, Jr.: You might want to contact them and see if you can get that changed. It would be not to exceed that amount, whatever that amount is.

Commissioner Mourdock: And, John, did you get a chance to look over this as far as the various engineering things that are being done?

John Stoll: Yeah, I looked over it.

President Jerrel: Wasn't Dan--

Commissioner Mourdock: Danny Leek.

Steve Craig: Danny Leek.

President Jerrel: No, no, I'm talking our Dan--

John Stoll: Farvardin.

President Jerrel: Yeah, our--

John Stoll: Former assistant.

President Jerrel: --former assistant who was going to work on this and that's the reason that we went this way or that Steve started looking for somebody since we didn't have a man in the house. Okay, well we're going...as soon as we find out about the appropriation okay from the Tax Commissioners we'll come back and do this.

Steve Craig: Okay. Another thing, I guess we ought to set up a time where we can hash over these buildings because it's a unique position that we're in. Some of our buildings have, you know, really good smoke eaters in them. We installed them when we remodeled them and some of them are screened in buildings, you know, and--

Commissioner Mourdock: By way of suggestion I would say the next time your advisory group gets together have them make a recommendation back to us.

President Jerrel: You're going to go--

Commissioner Tuley: Excellent suggestion.

President Jerrel: Your staff needs to look at that. You all need to...you've got a better handle than we have.

Steve Craig: Yeah, we kind of, you know, we went through them and there is no smoking...I mean, you can smoke in all of them. We went in every one of them and all you can smell is cedar, you know, because we've got the ceiling cedar, the walls are cedar, you know, that was part of our game plan. We always had a problem a long time ago of them smelling smoky, musty, like beer, you know, if there was a beer party the night before. We did one building in cedar and we come the next day after it's cleaned and it smells like cedar, so that was the point I brought up. If you rent the building on Saturday and next Friday night or Saturday it's rented, I mean, I don't know those smokes, secondhand smoke is dangerous. I didn't want to get...I'm no expert on it. You know, we smelled more smoke in our buildings from our fireplaces than you do cigarettes now.

Commissioner Mourdock: Maybe we should cedar panel the jury rooms!

President Jerrel: Let's just say...maybe we could...when is your next advisory meeting?

Steve Craig: It should be the second Wednesday of this month.

Commissioner Tuley: The 10th.

Steve Craig: I think it is.

President Jerrel: Okay, well maybe we could...if you don't mind, would you want to send a note down here to Tony and I'll send it to the Commissioners and maybe one or more of us can come out when you have your advisory...then you can talk about it and then we can leave and they can make a recommendation to us.

Steve Craig: Yeah, because I mean they would have to go out...they have not been in the buildings any more than maybe say you or, you know, other people that would make a decision whereas we should take the people out and let them see the buildings and that. I definitely think we ought to set chalets apart.

President Jerrel: I agree.

Steve Craig: I mean, to me that's...we haven't had a lot of requests, but you know the ones we do I would like to take care of those. The swimming area, I agree with that too, but would this be just the area where they are swimming or would it be like the upper deck or would there be no place at all because the one guy brought up an interesting point. He said, you know, why don't we try to please everybody instead of just half the people, whether it be half non smokers or half the smokers. I don't know, you know, at the swimming pool area I wouldn't be against it banned from the swimming area all together, but do you allow the people to go off up in the woods up in the upper deck or something and smoke?

Commissioner Tuley: I would consider it being closed, the swimming area which is fenced off, the building, you know. Once you get beyond that I don't know how that would...that's part of the park and that's not totally banned.

Steve Craig: You know, like the concrete area around the pool and that stuff, to me that is the swimming area and then we have outer reaches even in the aquatic center. You know, like the one upper deck is 80 steps up and sits on the side of the hill.

Commissioner Tuley: But that's within that compound. I think it just makes it easier--

Commissioner Mourdock: Just by definition you're saying once you walk through that fence--

Commissioner Tuley: Once you pass through that gate you're in a non smoking area.

Steve Craig: Okay, well, see that goes back to the theory then we're really making half the people mad and half the people happy.

Commissioner Tuley: We make that happen every week when we vote.

Steve Craig: Yeah, I was wondering is there a solution where we could, you know, make everyone happy or try to at least appease everyone. I'm not saying that's my...I'm just saying the guy to me had an interesting point. You know, instead of trying to please just half of them why don't we try to please everybody.

Commissioner Mourdock: That's a noble goal, but it's an unachievable goal, Steve. I think it's...I think Pat's...I agree with him.

Commissioner Tuley: I think it would make it much easier on you and your crew if we just designated this whole area because then if you get them smoking here and someone comes walking down the steps smoking a cigarette and, oh, I just don't want to go into that.

Commissioner Mourdock: Let's alienate half of them and know which half it is.

Commissioner Tuley: Yeah.

Steve Craig: Okay.

President Jerrel: Okay, well, anyway let's see if we can't come to grips.

Steve Craig: I'll get you a date on the Advisory Board meeting and if you guys want to come and we'll all talk.

Commissioner Tuley: You know what you're probably going to end up with, Steve, you're going to end up with a lot of people walking out of there and standing outside that main entrance there smoking.

Steve Craig: That goes back, I mean, is that the complex? Do you run them down into the parking lot? Do you put them up in the woods?

Commissioner Tuley: No, really as far as...now, I don't know. Maybe it needs...I

think I'm clear on it. Once they pass that gate and enter that complex they're inside and that's non smoking, but if they are standing outside and that's one way to maybe try to appease those others that you think maybe need to be appeased a little bit that way they don't have to walk 15 miles out of the park or out away from the pool, they can just walk out through that gate and be out front.

President Jerrel: What you're saying too is that you can have a sign that clearly says--

Steve Craig: No smoking beyond this point.

Commissioner Tuley: No smoking beyond this point or whatever. That's what I'm trying to get at. Yeah, I'm not doing a very good job of it, but that's what I am trying to get at.

Steve Craig: Yeah, well, that's what I was kind of getting at. I mean, I didn't know because we do have a unique situation with the upper deck, but that's bringing back the point they walk down the deck and smoke when they are back into things again. Every building is going to be like that. We can have a non smoking building but then they smoke on the porch.

President Jerrel: Right.

Steve Craig: It's just a unique situation. Every building is different other than the chalets.

President Jerrel: Well, we don't want to make it impossible and get caught up in the minutia, but I do think there is...we're here to support no smoking in public facilities.

Steve Craig: I agree.

President Jerrel: As best we can. Okay, thank you.

Steve Craig: Thank you. You all have a nice evening.

President Jerrel: You too.

Commissioner Mourdock: I'll move approval of the Burdette Park as filed...or Park report as filed.

Commissioner Tuley: Second.

President Jerrel: Alright, and I say so ordered.

Weekly reports

President Jerrel: How about Soil & Water District and Ozone?

Commissioner Mourdock: I'll move approval of the Soil & Water District and the Ozone Officer's report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: You have the consent items in front of you. Do you have any questions about any of them or is there a motion?

Commissioner Mourdock: Motion to approve as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Any old business?

Commissioner Mourdock: We skipped scheduled meetings, but just to clarify we will not meet two weeks from tonight.

President Jerrel: That's right.

Commissioner Mourdock: No old business.

New business

President Jerrel: Any new business?

Commissioner Tuley: No.

Commissioner Mourdock: One quick one. February 24th, which I believe is a Wednesday evening, West Side Improvement Association has asked us if we would like to attend their annual meeting. They're looking at several, surprise, west side issues, particularly Carpenter Creek, so I told them already I would be attending and make sure the two of you were aware.

President Jerrel: Thanks. Suzanne and I just talked, we're going to be in Indianapolis and likely...we could be back, but then we couldn't be too.

Commissioner Tuley: Yeah, what night is that?

President Jerrel: The 24th.

Commissioner Mourdock: The 24th.

President Jerrel: Is that a...?

Commissioner Tuley: Wednesday. I think I can probably be there. They'll have some issues I'm sure besides Carpenter Creek they would like to talk about.

Commissioner Mourdock: Right.

Commissioner Tuley: Traffic and--

President Jerrel: Well, if you would explain why I'm not--

Commissioner Tuley: One thing I did want to bring, it has nothing to do with "Commissioners' business", but Suzanne and Betty Hermann representing the GOP and Rick Borries and Pat Tuley representing the other side, the Democratic side, yeah, hosting the annual Hasenpfeffer on Saturday, February 27th at the Germania.

Commissioner Mourdock: At 11:00 a.m. as I recall. I will do my best although I am supposed to be in a ten mile run that morning so we'll see if my ankle--

Commissioner Tuley: Well, go run and then come eat rabbit.

Commissioner Mourdock: Drink beer!

Commissioner Tuley: Drink beer! You can drink beer if you run ten miles.

Commissioner Mourdock: Yes, I can. I can't drive, but...

President Jerrel: Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:32 p.m.

Those in attendance:

Bettye Lou Jerrel	Wayne Kirk
Richard E. Mourdock	Johnny Kincaid
Patrick Tuley	Susan Mulder
Joe Harrison, Jr.	Kathy Allen
Suzanne M. Crouch	Daniel Tweedall
Charlene Timmons	Doug Knight
Tony Greubel	Carl Heldt
Jerry Bryan	Jim Daniels
Tim Suenram	Brian Majors
Harris Howerton	Steve Craig
Russell Lloyd	John Stoll
Eric Williams	Erik Bentle
Sally Britt	Others unidentified
Members of the media	

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
February 8, 1999**

The Vanderburgh County Board of Commissioners met in session this 8th day of February at 5:39 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order and welcome all of you. If you'll bear with me just a minute I would like to introduce to you the people up front. On my far right is Tony Greubel, and he is our Superintendent of County Buildings; Joe Harrison, Jr., County Attorney, is next to him; Commissioner Pat Tuley is on my right; far left, Charlene Timmons, is the Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel and I would ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: Thank you very much. The first item on our agenda tonight is, it looks like a long agenda, but generally we move along pretty rapidly, the approval of the minutes of our previous meeting. Is there a motion?

Commissioner Mourdock: I'll move approval of the Commission minutes from February 1, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Cedric Hustace - Rendering of The Centre in Progress

President Jerrel: The next item on the agenda we have a special guest who has something that he would like to show us. At this time I would like to ask Cedric Hustace to come forward.

Cedric Hustace: Commissioners, thank you very much for having me here tonight. What I'm going to present for you to look at is something I've done about the new, wonderful convention center that we're going to have. I figured that once the center was built you would never be able to see it under construction, so this painting is under construction and don't judge a book by its cover. Here is the Vanderburgh Auditorium.

President Jerrel: Oh, that's lovely.

Commissioner Tuley: Wow, man.

Commissioner Mourdock: That is sharp.

President Jerrel: That's wonderful. We get a lot of calls from people saying what's that going to be up there at the top and how much did you leave and so on and so on.

Cedric Hustace: If you look really carefully you can see the Commissioners' names! This image will be available for Vanderburgh County to use in any promotional activities that you may want to use it for. Also, when the auditorium is completed I plan to do another painting of the auditorium from the same perspective but in operation.

Commissioner Mourdock: That's super.

Commissioner Tuley: Great, great.

Commissioner Mourdock: That sign that says road closed, could that be opening soon?

Cedric Hustace: It will be gone in the next painting.

Commissioner Mourdock: Alright, alright. Thank you, Cedric, that's very nice.

Commissioner Tuley: Very nice.

President Jerrel: Thank you very much.

Cedric Hustace: I have a print of this for each of you.

Commissioner Tuley: Oh, thank you.

Commissioner Mourdock: I'm curious, did you do that from a photo or did you sit out there on Martin Luther King?

Cedric Hustace: Well, sketching it not from a photo is the old fashioned way and I've done that a lot, but usually trying to avoid getting hit by traffic, that's usually a photograph.

President Jerrel: Thank you. Thank you very, very much.

Commissioner Tuley: It's really nice.

President Jerrel: Those are the nice things that happen at this meeting.

Commissioner Mourdock: Yeah, right. It's rare.

Jerry Bryan - City/County Purchasing Director
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President Jerrel: The next item on our agenda is Jerry Bryan, Director of the Purchasing Department.

Jerry Bryan: I'm Jerry Bryan, the City/County Purchasing Director. I'm requesting that the Board of County Commissioners allow us to request a bid and advertise VC99-15, the jail management application. This was given...the specs, there are 16 pages, was given to us by Bill Cottun and his people. It is an integrated computer package. It will tie the cash accounting, the medical information, the FBI software, the Fire Department and Central Dispatch together. We're going to advertise this week and send the bids out for an opening date of March 8th.

President Jerrel: Okay, this is...is this VC99-15?

Jerry Bryan: Yes, ma'am.

Commissioner Mourdock: Right.

President Jerrel: Alright, and I asked the question earlier, there may be after you get this amount back there may be a necessity to go before Council.

Jerry Bryan: That's alright.

President Jerrel: Yeah, for anything to happen it will have to be that way.

Jerry Bryan: Okay.

Commissioner Mourdock: Just to clarify, and I'm sure this was the case, but the Data Board has kept up with this one and all the software applications?

President Jerrel: Yes.

Commissioner Mourdock: Okay, I'll move approval of the request to bid and advertise VC99-15.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Okay, the next item on the agenda is the opening of the bids for VC99-02. These are the shirts and hats for Burdette Park. We have one envelope and two boxes, Joe.

President Jerrel: Is there a motion to open the bids?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Again, these bids were submitted on the basis of quotes or invitation, is that correct? You'll be providing us with those copies?

Jerry Bryan: I'll be providing you with the bidders and the quotation and the package.

Joe Harrison, Jr.: Okay, thank you.

President Jerrel: We'll just go ahead and take those after we continue.

Joe Harrison, Jr.: That's fine.

Presentation by Torian, Hofmann & Dillow Insurance Agency
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President Jerrel: The next item on our agenda is the presentation by Torian,

Hofmann & Dillow, the presenters are Bob Dillow and Greg Hofmann. They are our agents of record for insurance.

Bob Dillow: Good evening. I am Bob Dillow. My partner, Greg Hofmann, just passed to each of the Commissioners a copy of our 1999 insurance proposal. Again, as an insurance agent I will try to be brief. It's hard sometimes for us to do, but I know how busy you are. If you would turn to the second page I have summarized the features of the renewal insurance program on the second page. The first item of importance is that we have negotiated a two year contract. The insurance premiums as you will see later are substantially lower and we now have a two year contract so we can guarantee no matter what happens with your claims this year your premiums will not go up next year. Coverage, as you can see in item two, this is significant. You have been on a claims made type of insurance program which has made it very difficult to shop insurance at each renewal. The insurance company this year has changed all lines of coverage except the public officials liability coverage to an occurrence form. We've done that by charging within this insurance renewal a two year prior acts coverage to cover claims that might be brought during this policy period from prior policy years and we will continue to do that until it is no longer necessary to have any prior acts coverage for prior year's claims. So our ability to shop insurance in the future will be much easier under the occurrence form of coverage. Item number three, the sexual/physical abuse exclusion that was common in virtually all insurance contracts and is still to this day has been eliminated from your insurance coverage. So if there is a claim alleging sexual or physical abuse we have the full weight of this policy to defend you now.

Commissioner Mourdock: Bob, does that include for example sexual harassment lawsuit?

Bob Dillow: Yes.

Commissioner Mourdock: So it's not just the physical abuse issue?

Bob Dillow: But not particularly from here. You've had that coverage.

Commissioner Mourdock: Okay, I thought we did.

Bob Dillow: You've had that.

Commissioner Mourdock: Okay.

Bob Dillow: Okay, now item number four, we have consolidated the number of insurance companies that have been providing coverage for the county, Northland in particular which has been the primary carrier replaced the coverage that had previously been with Lloyds of London. This allowed us to streamline the policy language into what is referred in the insurance industry as the easy to read form of insurance. It is still not easy to read, but it is closer than the past. Allianz continues to provide the property coverage, Midwest Employers is continuing as the worker's compensation company. Your loss fund, item number 5, over a two year period the amount that you would have to pay out of the loss fund before insurance company dollars take in place has been reduced by \$497,798. Your two year total loss fund has dropped from \$1,265,298 to \$767,500. That's a significant change in your insurance coverage to the better. Number six, the worker's compensation used to be a separate loss fund. It has now been combined into one general loss fund that encompasses automobile, liability and worker's compensation. Number seven,

clash coverage, that's a fancy term for a per occurrence deductible. Under your new insurance policy if there is a claim that involves multiple worker's compensation, possibly multiple bodily injury claims, under your prior policy you had a separate self insured retention limit for each situation. We now have one self insured retention limit that will apply to that common occurrence situation. Your deductible on worker's compensation is explained in item number eight. It used to be \$250,000 per claim. Under our renewal policy that has been reduced to \$100,000. Number nine, we've been battling the claims administration company, Willis Corroon, who has done a phenomenal job of handling claims, but we've disagreed with their billing procedure since taking over the responsibility of the county's insurance in 1997 and succeeded this year in gaining what is known as a fixed cost claims management program. Instead of the auditable program whereby at the end of the year they bill us for the exact amount of claims that they've handled during the year we now have a guarantee up front that this is the only fee they will charge specifically for these claims unless there is requirement to attend trials, etc., for the policy period. That's estimated by Willis Corroon over a two year period to be an \$18,000 savings over their current program.

Commissioner Mourdock: That's just based on the last several years of history with what their actual cost has been?

Bob Dillow: Yes, plus we obtained competitive bids.

Commissioner Mourdock: Okay.

Bob Dillow: And required them to sharpen their pencils this year over what they had done in the past. Number ten, we just wanted to point out that the insurance company recognizes the advances that you have made with the professional loss control services. You've used them wisely and sent them to various portions of the county to review your procedures and their reports back to the insurance company were very important in us obtaining reduced rates this year. They are impressed enough with what is going on, our new program will involve more visits than last year as well as additional services. Number 11 simply is saying your property values have been increased by roughly \$3 million. The new total limit of property coverage is \$72,979,705. Number 12 is the only negative in the presentation. We're not aware of the ability to buy at any affordable price coverage for the Y2K exposure, so because it has not been an exclusion on your previous policies we are alerting you that it is going to be an exclusion on this year's policy. If you turn the page you will see your own report on compliance for Y2K. We and the insurance company believe that you've done what is required to do to be as compliant as possible in this issue.

Commissioner Mourdock: If I may just ask a question, this may not be of you, Bob, as much as just within our own Board. Where would our greatest exposure be on Y2K? Would it be in the court system?

President Jerrel: We...if you'll look at the last paragraph these were deemed the most exposure, on the first page. The Proval Assessor's application is now Y2K compliant. Court View 2000 application and hardware are all new and they're in line. The Recorder has new software and hardware. PDS financial will be in line the third quarter of this year and the jail package will be replaced, I put that in before we voted, but it will be replaced in 1999 and the RFQ will go to Purchasing this month and be installed in late spring. 911 is not directly our responsibility, I mean it's a joint one, but that is all being reworked, too, so those are our greatest levels of exposure and they are all covered, plus all of the computers have already been examined.

Commissioner Mourdock: They're covered here, not by insurance?

President Jerrel: Right.

Commissioner Mourdock: It's interesting that no one is offering the coverage. I figured it would be there, but at some great price.

Bob Dillow: There is some coverage depending upon the company available, but it is at an extremely expensive price to obtain.

Commissioner Mourdock: If you can afford to pay it you definitely need it, I guess is what that is saying.

President Jerrel: The last paragraph over on the other page...or next to the last, I haven't told the County Attorney this yet, but I want you to write a letter and I thought...it doesn't really affect us in a lot of ways, but we have that one problem with those two trucks that are newly purchased trucks, so I thought maybe we might take a look at those vehicles and see if there is any embeddedships that would result in something shutting down because of the necessity of servicing. I would think not with new ones, but you can't tell. But anyway, I just thought we could do a letter to go to any of our recently purchased vehicles.

Bob Dillow: Regarding those two trucks, the representative from Navistar was either going to be examining those trucks on the 8th and the 9th or the 9th and the 10th, so that is very imminent and we will hear their report soon as to what they think can be done if anything to repair those trucks. On my proposal there is...behind the Y2K letter there is a very nice colored graph prepared by the underwriters at PENCO. Please call us at any time if you want to discuss the details of that graph, but it explains the deductible, the self insured retention limit per line. It lets you know when the per occurrence deductible comes into play. It tells you how much direct liability coverage you have by area before you go back into your aggregate excess liability policy. That's complicated even for us, but this is an excellent graph and it's part of your presentation. Any time you have a question please call us. I have tabbed with a yellow tab the premium cost summary. In essence there in summary, the cost of the PENCO program this year is \$474,266 as presented without options. With the increase in coverage, the reduction in the self insured retention limit on worker's compensation and the reduction of the loss fund this premium savings including the claims management fee, audits, is \$72,522 less than last year's program. Again, we're offering a two year policy to guarantee this for two years. We have one recommendation. For \$20,500 we can take the \$100,000 self insured retention limit that applies to the general liability, the errors and omissions and the automobile liability and reduce it from \$100,000 to \$50,000. We think that is a very good buy. Just one claim that would hit those limits you would be \$30,000 ahead. Honestly, it has not happened, but on a county this size I believe it is inevitable, so during this soft market when we can obtain this type of coverage we're recommending that you consider that. So simply do you want to save 70 some thousand dollars this year or \$50,000? Our recommendation is \$50,000. In summary, before you decide that, just as a point of information since becoming the county agents on February of '97 we have now reduced the pure insurance premiums while increasing coverage every year by \$104,000.

President Jerrel: Is it clear what the recommendation is? Clear enough to discuss it? It actually will reduce our original...our loss at the initial time and cost us an additional \$20,000.

Commissioner Mourdock: I understand what it will cost us in dollars. Say again what the dollars are applied to, Bob.

Bob Dillow: Your deductible on a per occurrence claim or any automobile liability claim, an errors and omissions claim or a general liability claim right now your out-of-pocket expense per claim is \$100,000 and we want to reduce that to \$50,000.

Commissioner Mourdock: Well, I would just add in support, now that it's clarified, I would note on Saturday when I was going through my packet there were five automobile reports, five accidents reported by county vehicles in the one packet.

President Jerrel: All but one was a one car.

Brad Ellsworth: All my group?

Commissioner Mourdock: Yes, yes, I believe. In fairness, that's not from one week or something, but that was five accidents from, I think, December 3rd. Several of them were weather related, but they are still an accident, so I think given what we're looking at there and the number of vehicle miles we have each year I think that's probably a wise lesson.

President Jerrel: Four of them were one car accidents.

Commissioner Mourdock: Right, yes.

President Jerrel: Is there a motion? Did you have a question, Pat?

Commissioner Tuley: No. I was sitting forward because I assumed that was a motion.

Commissioner Mourdock: That wasn't formal, but I'll move that we accept the program as presented with the \$20,500 addition.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much.

Bob Dillow: Thank you.

Commissioner Mourdock: Thank you.

Joe Harrison, Jr.: Can I ask you one question, Bob? When would that take effect?

Bob Dillow: February 1.

Joe Harrison, Jr.: Okay, of this year?

Bob Dillow: Retroactive February 1, 1999.

Joe Harrison, Jr.: Is that for one year or two?

Bob Dillow: Guaranteed for two years. Thank you.

President Jerrel: Thank you.

Commissioner Tuley: Thanks.

Final acceptance - Old State Road Barrett Law project
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President Jerrel: Item E is the final acceptance of the Old State Road sewer Barrett Law project. You all are getting a lesson 101 of what happens at a Commissioners' meeting. We're moving along though.

John Stoll: The memo you have outlines the final costs of the Old State sewer. The construction cost was \$103,662.25, the engineering fees were \$10,000 to Easley Engineering and the legal fees \$1,337.75 for a grand total of \$115,000. This project is scheduled to be accepted by the Sewer Department tomorrow, so it is recommended that these final costs and the project be accepted.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: I'm curious, we may have a couple folks here in the audience to talk to the issue, I think. Anyone here on the Barrett Law for Old State Road? That not being the case, I just wanted to be sure, I will move that we go ahead with the project totals as submitted by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: And that's an acceptance of the project.

Commissioner Mourdock: Right.

President Jerrel: Yes.

Joe Harrison, Jr.: You might want to make that one more if you don't mind.

Commissioner Mourdock: Okay, I amend the motion to formally accept the cost associated with Old State Road Barrett Law project.

Joe Harrison, Jr.: And the project itself.

Commissioner Mourdock: And the project itself.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

Schlensker Road speed limit reduction request
--

President Jerrel: The next item on the agenda is the Schlensker Road speed limit and Mr. Ziemer is here.

Ted Ziemer: Thank you very much, Madam President and members of the County Commission. My name is Ted Ziemer and I am representing Don Dees, the General Manager of Production and Quality of Toyota and other interested parties seeking

a reduction of the speed limit on Schlensker Road from 45 miles per hour to 30 miles per hour. Let me say that I think we'll be just about the same time as the insurance people were and if we're successful I plan to go out and do a painting of the new speed limit sign which I will present to you.

Joe Harrison, Jr.: That's great.

Commissioner Mourdock: Just as long as it isn't the one he had that said road closed, Ted.

Ted Ziemer: What I have just passed out to you is a drawing which shows various roadways out in McCutchanville and at the northernmost portion of this drawing is Schlensker Road. You'll see it then in relation to the other roads in the area and I am going to comment on that a little bit more later. Schlensker Road is 1.6 miles long running from Browning Road on the west to Petersburg on the east. Now, you may feel a little bit of deja vu about this point regarding a request to reduce speed limits out there because in April of 1997 this same issue was before you. However, as I review the minutes of that meeting it appears that the prime, almost in fact 100 percent of the emphasis was placed on how a reduction in speed limit on Schlensker Road might affect the progress and management of a development being done by a developer in that area. Also, as I noted in those minutes there was about zero percent of emphasis given to the desire of the neighbors to have a reduction in the speed limit for their safety and the safety of their children and their guests. So I wish you could put that behind you, and maybe you can, that's April of '97. That's almost two years ago and let's think about the safety of the neighbors that I represent. Until about February of 1997 Schlensker Road was posted with a 30 miles per hour speed limit. I'll give you copies of that. It's a photo showing that it is posted at 30 miles per hour. Sometime in February of 1997 another sign was put up on Schlensker Road and this time it was posted at 45 miles per hour. I'm giving you a picture of that. Now, I don't know why it was changed. I do know that apparently there was never an ordinance creating a 30 mile per hour speed limit, though for a considerable amount of time the signs were out there indicating that it was a 30 mile per hour speed limit. Also, if you look at these two photos you get a pretty good initial picture of the hilly topography that exists going from west to east on Schlensker Road. I've got another group of photos that I want to share with you and you can look at these. In the order that I am giving you these photos they run from west to east. That is from Browning Road to Petersburg Road and then coming back again showing you views as you would come out of various subdivisions located on Schlensker Road. The first one is Valley View Subdivision at Honeysuckle looking east, the next one is Brownwood looking east. You can see that hill there. You can hardly pull out of there if a car was coming 45 miles per hour over that hill. The next one is Astoria Hill looking east, then Sycamore Hills looking east, then we turn around and come back the other way with Sycamore Hills looking west, Astoria looking west, and Brownwood and finally Valley View or Honeysuckle looking west up to the stop sign at Browning Road. Again, these very, I think, eloquently show the hilly topography that exists in this area. I want to then give you a drawing which shows in kind of narrative form the north and south sides of Schlensker Road indicating where the cuts are for driveways or subdivision on each side of that road, indicating the approximate mileage going from Browning Road towards Petersburg Road that you are when you hit any one of these cuts, the name of the person that lives at those respective cuts. You'll see in total if you were to add that, and you don't have to do that now I'll do it for you, there are 18 cuts on the north side of the road and these include a cut for Valley View Subdivision which has 25 lots in it and then there is a cut for McCutchan Road which has numerous residences on either side on the

north...on the east and west sides of that road which runs north off of Schlensker Road. Then there are 20 cuts on the south side of Schlensker and these include a cut for Brownwood Subdivision which has 15 lots, a cut for Astoria Subdivision which has five lots and another cut for Sycamore Hills Subdivision which has 27 lots. So we've got a lot of cuts and even more residences that empty onto Schlensker Road and create the traffic problem that the neighbors are concerned with in that area. Finally, the last thing I have to give you I'll give to the President the original signed copy of a petition by the neighbors in the area and there are 203 signatures on that petition and those represent people living in about 132 residences in the area. I'm not going to read the petition to you or the preamble to the petition, but I do want to, I guess, read the fourth paragraph of it because this is what the neighbors are so concerned about.

"Due to the numerous hills and curves along the 1.6 mile stretch of Schlensker Road between Browning at its west terminus and Old Petersburg Road on its east terminus and 35 driveway or road cuts onto Schlensker Road, four of which are for subdivisions containing a total of 82 lots and one of which is for McCutchan Road, a speed limit in excess of 30 miles per hour is dangerous and unsafe to us and others as drivers on Schlensker Road, to our children who use Schlensker Road to access school buses and to us and others as walkers and bicyclists along Schlensker Road."

These individuals are requesting that the speed limit be reduced from 45 miles per hour to 30 miles per hour. A 45 miles per hour speed limit invites people to drive 50 or 55 miles per hour. People tend to drive five miles over the speed limit and many people drive more than that. A speed test that might be conducted by Urban Transportation Study would probably indicate that, so we feel very strongly that the speed limit ought to be reduced to 30 miles per hour in the hope that would keep people driving at no more than 35 or 40 miles per hour in the area. Many residents out there bought their homes when it was posted for 30 miles per hour and they were very shocked when the reposting was done in 1997 to show that, in fact, it is 45 miles per hour. Traffic on the road is heavy and it is getting heavier all the time. It's not only used by those individuals who live and access directly onto the road, but it is becoming more and more of an east/west access between Petersburg Road and Browning Road. That's going to increase as there is further development at the north end of Petersburg Road, near the east end of Schlensker and also on McCutchan Road. The road is extremely hilly, contains sharp curves and it is variously posted at 30 and 35 miles per hour for the curves and then there is another advisory marking near the west end of Schlensker that says, you know, for the cut coming up here slow down to 35 miles per hour, so what you, in fact, get if you drive down Schlensker Road you start out at 45 and then you drop down to 35 and then you go back to 45, then you drop down to 30 miles an hour for the curves that are there. It doesn't make any sense. Safe traffic along the entire length of Schlensker Road would be 30 miles per hour. If you went out there and measured sight distance from the many individual residence curb cuts that exist in the area you would find that because of the proximity of the hills to those residences there is often less than 100 foot of sight distance when those people try to pull out of their driveways onto Schlensker Road. If you take a look at the map again that I gave you you'll see that there isn't much sense in making Schlensker Road...or having it be 45 miles per hour when you look at the speed limit of other roads in the area. Petersburg Road running from Highway 57 all the way...well, I guess, all the way to the end of it, certainly past Schlensker Road, is posted at 35 miles per hour. It's a wider road than Schlensker, it doesn't contain the hills that Schlensker does and its

curves are more gentle. I don't think there is a curve on Petersburg Road that has a slow down below 35 because there is curve ahead. Of course, those kinds of curves do exist on Schlensker. Whetstone Road running from Highway 57 to Petersburg Road is posted at 30 miles per hour. I've driven that two or three times in the last month just to really take a look at it compared to Schlensker. It has only one hill that goes gently up and a gentle curve. I can't imagine...I think it is probably correctly posted, but why should Schlensker be 45 miles per hour when Whetstone is 30. You can see that on the drawing the posting of other roadways in that area. Now, we're going to hear probably, and I know that it's true that if we do speed studies out on Schlensker Road and measure or test how fast people drive along there we're going to find that people are driving at more than 45 miles per hour which, of course, upsets my clients very much and then when we apply the 85th percentile that INDOT and EUTS likes to use they're going to say that really the recommended speed limit for Schlensker is 45 miles per hour. I don't want to quarrel, I'm certainly not a traffic engineer and I'm not going to quarrel with how those studies are done though they do seem to me as a layman to reward high speed. The higher the speed is in that area then apparently the higher the speed limit will be. They don't seem to me to take in much consideration of the topography in the area. A suggestion might be made that the people who are exceeding the speed limit out there are some of the very people who are asking for this decrease in speed limit. I don't know if that is the case or not. Some of the people who signed this petition don't directly live on Schlensker Road, they live up at North Pointe Subdivision, some of them live on Browning Road, some of them live over on Petersburg Road, but they are people who as a matter of common practice use Schlensker Road as an east/west artery in that area. I don't know that these are the people that are exceeding the speed limit on the...of course, 45 is the limit right now, so it's a little hard for them to exceed it. What we want to see is the speed limit reduced to 30 miles per hour and then we would like the Sheriff to be out there on a regular basis and to ticket as many of the people that are going over 30 miles per hour as possible, even five miles over 30 miles per hour. That's the way, of course, to establish the speed limit in an area that will be meaningful and that will produce safety for the children, and the neighbors, and the folks I represent who live out there. We'll hear another suggestion that there haven't been any accidents reported at this speed limit and all I can say to that is that is wonderful. Let's hope there never are, but I don't know that we ought to wait until we have an accident to say, oh, maybe we should lower the speed limit. And then another comment might be that somehow county liability is better protected if we follow the standards established by INDOT and I suspect that is probably true if you never exceed the standards established by INDOT, but I can't imagine, and I wish the insurance people hadn't left so quick, that we would have any additional liability simply because we had the speed limit lower and, in fact, safer than might be recommended by an INDOT study. Now, there are a number of folks...I guess everybody here that would like to see this speed limit reduced would you please stand up. Okay, these are some of the individuals who have signed the petition and now I would like to call on Don Dees who is a neighbor in the area and he has some comments he would like to make. Don.

Don Dees: Good evening. On behalf of the 200 people that live along Schlensker I would like to thank you for letting us talk tonight. Really just to keep this very brief we have sent a petition around, as Ted said, and we got over 200 people to sign that we would like to reduce the speed limit to 30 miles per hour. Many stories that people might tell tonight about almost getting hit when they are walking down Schlensker Road or riding a bike down Schlensker Road or getting mail out of their mailbox or pulling out of their driveway or subdivision. I would like to just share with

you my own experience. We started building a house on Schlensker Road about a year and a half ago and the speed limit was 30 miles per hour and while we were building the house it changed to 45 miles per hour. We just moved in in June of '98 and during that time we've had...my wife or I have had three occurrences where we almost got hit pulling out of our subdivision onto Schlensker Road. I'm just really afraid that somebody is going to get killed on that road. Not only my subdivision, but there are actually some that are even worse than mine, but we just really would like you to consider our request for 30 miles per hour. I would like to ask Laura Blankenship to discuss one of her situations and you can hear from her what happened with her and she can help lay credence to our petition. Thank you.

President Jerrel: You want to give us your name?

Laura Blankenship: Yeah, my name is Laura Blankenship. To whom it may concern, I would like the speed limit on Schlensker Road to be reduced back to 30 miles per hour. I would like it reduced because a lot of people's safety is at stake. There are a lot of heavier vehicles that drive on this road like semi trucks and gravel trucks because there is a lot of construction going on. You know, building houses and stuff. I almost got hit by one of those on my bicycle in the summer. That's not a very fun experience, so my sister, she has almost gotten hit before and it's not fair. That's why I think it should be reduced back to 35...30 miles per hour. Thank you.

Ted Ziemer: Thank you. Thank you very much. Are there any other neighbors that have something different that they would like to tell?

Unidentified: Yes, I have a--

Ted Ziemer: Come up here, please.

Commissioner Mourdock: For our minutes, please state your name, too.

Steve Uhm: Hi, I'm Steve Uhm. I live on McCutchan Road just almost to Baseline. I'm probably a mile and a half from where these people are talking about. My oldest son was hit about six years ago by a car going 55 in a 45. The guy said he didn't even see him. The hills are bad. We have to run across the road to the mailbox, the little hill we live on. If you're not running across the road you'll get run over. People don't have time, going over the speed limit I have the feeling, to make it to the mailbox in time. I've noticed a lot of license plates on the cars. The cars really aren't from Evansville. A lot of them are from 26, the Princeton area I guess. So there are a lot of people doing over the 45 mile per hour speed limit, but 45 is too fast, so we need to try to get something done. Thank you.

Pat Cato: My name is Pat Cato and we live on one of the worst subdivision, I guess, because we come out with two hills coming down. There are two basic issues. One, when we pull out of our road onto Schlensker cars coming over this hill or over this hill cannot see our road and it has been amazing in the length of time that someone hasn't been hit. I guess my biggest fear, being a former educator, is that there is a school bus that stops exactly at the bottom of that hill and I know the Blankenship girls ride that bus and we have a number of children now in our subdivision who ride that bus and if the bus is there and a car is coming over either hill you cannot see the bus. Each time it comes I get real nervous, so I think if for no other reason the safety of our children is most important.

Ted Ziemer: Okay, thank you. Oh, sure you may.

Terry Raley: Commissioners, Joe, my name is Terry Raley, my wife Judy. We live on the halfway point where everybody gets up cruising speed. We live on the corner of McCutchan and Schlensker. Years ago there used to be a two-way stop sign out there. It sort of slowed things down a bit. You're talking 40 or 45, well I've seen them fly through there 50 and 60 miles per hour. We do have a lot of children in the area now where we didn't years ago. Residential subdivision, you know, it's growing like crazy. As this gentleman said, a lot of the cars that are coming through there are coming off 41 off Baseline and cutting over to I64 where we didn't used to have that. I'll go one step further, I would like to see that two-way stop sign put back on Schlensker and McCutchan because about the time they hit that going east and west they're at cruising speed and there are a lot of children out there now and we've lost two pets. I would really like to see the two-way stop sign put back up, but it has gotten a lot worse the last several years.

Ted Ziemer: Thank you all very much, and I think what you hear here is that, you know, you hear 55 and 60 and that's because the speed is set so high at 45. People do tend to drive faster than the speed limit, but when Sheriff Ellsworth gets out there and tickets some of these people--

Brad Ellsworth: Tomorrow!

Ted Ziemer: --that's going to change, too. Tomorrow, why don't we wait until the speed limit sign gets up and that will be a little bit, but if it is posted 30 then people are only driving 35 perhaps or 40 and then they get a ticket we'll ensure safety out there, so we're respectfully asking that you adopt a resolution or an ordinance...to adopt a resolution to adopt an ordinance to reduce the speed limit on Schlensker Road from 45 miles per hour to 30 miles per hour. Thank you, do you have any questions?

Commissioner Mourdock: I have several questions, I went back to our minutes...or I shouldn't say minutes, my notes of the meeting from April of 1997 and they are far from complete, but there was a brief discussion as to reasons why we might not do that. Many of the issues were the ones that you raised here as far as possible liability issues and things like that, but we do happen to have Rose Zigenfus from EUTS here, John Stoll, the County Engineer, is here and Sheriff Ellsworth is here and I would just ask any or all of them if they know of any reason why we ought not do this either by statute or any other reason. Rose.

Rose Zigenfus: Commissioners, I'm Rose Zigenfus. I have a memo that I have put together before you with regard to speed study. Have you seen it, have you taken a look at it? It's attached to the project update.

President Jerrel: There isn't anything, a project update.

Commissioner Mourdock: I don't believe we have it, Rose.

President Jerrel: Oh, well then it is in my folder, my EUTS folder. That's a black envelope on top of my desk. You want to go ahead and explain that?

Rose Zigenfus: We had gotten a call from John Stoll and he asked us to take a look at the speed on Schlensker Road. Recalling what we had done two years ago I pulled those records and we pulled some new counts from the various sections along Schlensker Road. What we found is that the 85th percentile speed that Ted was talking about they are doing, west of Honeysuckle they're driving at 50 miles an

hour like they were in '97. East of Honeysuckle they are also doing 50 miles an hour. East of Castlebrook they are doing 49 miles an hour. At 3065 Schlensker they are doing 49 miles an hour. At west McCutchan they are doing 46 miles an hour. At the Astoria Sub, eastbound they are doing 48 and for westbound they are doing 34. Along with that, because Ted had come in to see us as well and he referenced the speed limits, posted speed limits on Petersburg Road we pulled our speed data from 1998 and we have some data from November 16th of '98 and even with the speed limit set at 35 miles an hour the 85th percentile speed is 48.7 south of Boonville-New Harmony Road, 45.6 south of Boonville...keep in mind these are northbound/southbound numbers. North of Boonville-New Harmony Road it is 47.2 and north of Boonville-New Harmony Road for the northbound just coming out of the intersection it registered 39.2. The Indiana Manual on Uniform Traffic Control Devices suggests that you not lower speed limits more than five to seven miles below the 85th percentile as a guide.

Unidentified: Why?

Rose Zigenfus: Because driving is an information decision task and that drivers--

Commissioner Mourdock: Say that again, Rose.

Rose Zigenfus: Driving is an information decision action task in that drivers gather information from the feel of the road, from its displays and from the roadway and the use of their knowledge and skills, and the expectancies to make decisions so most driver's activities are performed automatically with how safe they feel on the road. If you lower it to 35 they're still, I'm afraid, unless Brad is out there all the time, they're still going to be doing in excess of 40 miles an hour. It's proven that they disregard unreasonable speed limits. If they feel safe doing 45 they're going to continue to do that no matter what the speed limit is, what the posted speed limit is. I've put this all in my memo and I am sorry that you didn't get a chance to review it.

President Jerrel: Rose, when did you send the memo?

Rose Zigenfus: Friday.

President Jerrel: Well, Tony is in there looking. I haven't seen the memo either.

Commissioner Mourdock: Yeah, I know I have not seen it in my package.

Rose Zigenfus: I sent it down with a copy of my project update.

President Jerrel: Oh, okay. Well, it came in and we didn't get it. Usually, and this is new. We really appreciate Rose being here because we had asked that she make a report to us once a month, but if we can have it in time for him to get it in the packets.

Rose Zigenfus: Which is when?

President Jerrel: Well, it should be early enough so that...usually people send them in the middle of the week, whatever they want in.

Rose Zigenfus: Okay.

President Jerrel: I'll just pass this so you can each read it.

Commissioner Mourdock: Okay, so recapping a bit what you said, Rose, and don't let me put words in your mouth here, but by the road guide or whatever the state publishes, whatever it is called, they're simply saying that you shouldn't go below the 85 percent or below the 85 percent of the posted because people are going to drive the way they want to drive anyway and even if you put that speed limit out there they're still going to keep doing it unless you've got someone sitting there with a radar unit enforcing it?

Rose Zigenfus: And that is what we've found on Petersburg Road. It is posted 35. It's flat, it's straight and they are doing close to 50 and it's posted 35.

Commissioner Mourdock: Does that make an argument to raise the speed limit then on Old Petersburg?

Rose Zigenfus: Yes, it does, actually that is what it tells us.

Commissioner Mourdock: Does it make common...let me rephrase that because I'm not sure that applies in this building all the time. If Old Petersburg Road is at 35 is there any way that we can justify keeping Schlensker at 45, posted at 45, given the terrain difference, given the widths of the road, given the entry onto the road?

Rose Zigenfus: I would recommend if the 85th percentile is doing in excess of 45 within the guidelines of the Indiana Manual on Uniform Traffic Devices they suggest that if you are of the mind set to lower it that you not go below five to seven miles below the 85th percentile. So in this case you would be looking at a 40 mile an hour speed limit for a posted speed.

Commissioner Mourdock: Okay.

Commissioner Tuley: Is it not in our county that the suggested speed limit unless posted otherwise is 45? How was that arrived out?

Rose Zigenfus: I really don't know.

Commissioner Tuley: So that may be part of the problem. That may have been done years ago and I don't know what the basis of it was, but we've experienced an awful lot more growth in the county than what we used to.

(Inaudible comments made from audience.)

Commissioner Tuley: I understand, but what was the basis of the old...I mean, where did we come up with 45? Meaning maybe 45 may not be the speed limit we want to use as our basis to deduct from. That may be too fast.

Rose Zigenfus: Generally what we find, too, when we do speed studies like we did out on Lincoln Avenue in the city we find that the people that are driving the road, especially a road like Schlensker and I drive it, I live out there, if you feel comfortable doing more than what it is posted you're going to do it right or wrong and I have exceeded the limit. I hope Brad is not out there watching me some day, but I'm a little more sensitive to that issue at this point in time after listening to these people, but if you lower it too low then you create a false sense of security for those neighbors that are out there because if you lower it to 35 and people are still doing 45 and 50 and they think they're going to be doing less than that you create a false security for them.

Commissioner Tuley: I had a case...I'm sorry.

President Jerrel: No, I just was going to ask, you kept referring to traffic devices. What are you talking about?

Rose Zigenfus: We're talking about a manual that is published by the Indiana Department of Transportation and the Federal Highway Administration. Traffic control devices are stop signs, traffic signals, speed limits, anything that controls the movement of traffic.

President Jerrel: I've driven that area twice, once just to become familiar with it and had someone showing it to me and then I went out there last weekend and I tried to go 45 miles an hour and if you go over those hills at 45 miles per hour you are putting yourself at risk. I don't understand why that is so hilly and 45 and, you know, there are all these surrounding different speed limits. I mean, I know you're not...I'm not putting that on you.

Rose Zigenfus: Our data tells us that there are people going 60 and 70 on Schlensker Road in various segments.

Commissioner Tuley: They're foolish.

Unidentified: Not where the hills are.

President Jerrel: We're going to get them.

Rose Zigenfus: Well, that's what our data shows.

Commissioner Mourdock: I would suspect the answer to your question though, Bettye Lou, as why are there speed limits that vary so much is because of meetings like these.

President Jerrel: Yeah.

Commissioner Mourdock: I think we started out with a general code, as Pat is saying, but as time went on varying conditions caused people to come forward like this. If I could, I would like to go to Chief Ellsworth and John Stoll just to give them a chance also if they want to add something to this. For those of you who don't know John Stoll is the County Engineer who looks after all of our roads.

John Stoll: One thing that I would like to add, if the speed limit is lowered, back in '97 when we looked at this issue the last time, we had one count that was done when the speed limit was posted 30 and it showed the 85th percentiles were still in the neighborhood of 45 miles per hour, so even when it was posted at 30 people were still going significantly over the speed limit, so it will take enforcement by the Sheriff's Department to make it happen if the speed limit is dropped.

Commissioner Mourdock: Okay, thanks.

Commissioner Tuley: Here is the Sheriff.

Brad Ellsworth: I guess it's my turn. Brad Ellsworth and my presentation will be very generic not having done any research on the accidents and that. Probably some of those deputies, that's where they had their wreck if we had five! I agree with Rose,

I think that people are going to travel at the speed they're comfortable with. We could write radar tickets all night long, we could put 100 deputies on the road every night and write traffic all night long. In fact, four or five miles over really surprises me. It is not uncommon and I wouldn't call it an unwritten rule that people write tickets starting at 15 miles over, that's the one you really write. If you look at the tickets from both EPD and the Sheriff's Department you see the majority of them written at 15 miles over the speed limit, so I think it's a predicament. Certainly we're for anything that is going to reduce accidents that cause us less work and cause somebody from being injured or being in pain, but if we do this on Schlensker I can go out and name you several hundred other miles of county roads to do it. I'm not against that and we'll certainly do the enforcement. The one thing that I would suggest and I'm probably going to hear that we've done that is to call us and let us know that you need extra patrols and what hours. Like I said, I'm probably going to hear a grumble saying we've done that a million times. We will provide as much extra patrol as we can. Certainly if we get a call for service, then we're going to have to break away and do that. We also acquired recently what is referred to as a smart trailer and if somebody will donate a yard or a driveway I'll have that brought out tomorrow. If you don't know what that is it's a radar gun mounted in a trailer that displays the speed in a nice big display and hopefully through some education these people will see how fast they are going and it also tells the actual speed limit of the road whether it is 30 or 45. We'll bring that out and put it up and we can also get a traffic count. I'm sure you have that equipment, but it will tell what was the highest speed of the day, the lowest, what time they are speeding and that, so we would be glad to provide that out there in someone's yard at least as a temporary fix to hopefully psychologically get these people thinking lower speeds than the higher ones.

Unidentified: I have a 22 foot wide concrete driveway along (inaudible).

Brad Ellsworth: If you'll give me your address I'll have it in your driveway tomorrow.

Unidentified: 2900...2100 Schlensker Road (inaudible).

Brad Ellsworth: That's all I could add at this time. It's a problem all over and we get numerous requests for radar patrol and we can get out and do it, but we need the calls, but we can't be there 24 hours a day. If we could we could slow them down, but that's where we come from on there. I don't know of anything statutory and I don't know the answer. That's what we've always gone by was that it's 45 unless otherwise posted and that's one of those because we've always done it that way.

Commissioner Tuley: I don't know either, but I just think, too, that has probably been done at a time when we were really...when you're talking about some of these areas that were truly rural areas. I had occasion to be out there last week and be a passenger in a car going about 50 miles an hour going west across there. It's scared the you know what out of me. I don't know what the driver felt like because it's not safe. And why people do it...

Brad Ellsworth: Shutte Road is the same way. I think it's lowered to 40, I believe, and maybe it is lowered to 35, but that's a bad one, too. We've certainly had wrecks there and it's a problem all over. I think a lot of the cuts is like what they're talking about. We're seeing a huge amount of cuts out there in the new subdivisions and the home sites that we've never seen before and it does make it dangerous.

Commissioner Mourdock: That's a key point, I think. I noted in my file here a few

minutes ago when several of this group came forward last time the petition they brought forth had 106 signatures and I see this time it has 203. Yeah, that's in less than two years. Now does that mean they did better job in getting out and talking to the neighbors this time before you came in? Possibly, but I think it also reflects all the growth that has gone on out in that area.

Don Dees: Could I say something?

President Jerrel: Uh-huh.

Don Dees: First off I think that's a great idea with the trailer. I appreciate that. But just two points I would like to make with regards to one first with Rose's comments. I didn't write down the numbers, but it looks like on average Schlensker Road is about 45 mile an hour speed limit and the average that she talked about was about 45 miles an hour travel, so there is not really a plus to the speed limit with regards to the numbers that she put out, roughly speaking. With regard to Petersburg Road 35 mile an hour speed limit and close to 50 mile an hour speed was roughly the numbers she talked about so using the logic that Rose used 30 miles an hour would be logical on Schlensker to take it and people would probably drive 45 and some would probably get ticketed, but it doesn't make sense to leave 45 at Schlensker and it averages 45 where Petersburg is 35 and the average is almost 50. Do you understand what I am saying? You can see that there is a danger at Schlensker and even the drivers and her data is saying that, number one. The second point I would like to make is back to the Sheriff's comments about we typically don't ticket unless they're almost 15 miles an hour over the speed limit. Let's put the speed limit at 30 and let's ticket at 45 or even 40 or whatever. I would like it, obviously, the less for my children, but it doesn't make sense to leave the speed limit at 45 and to ticket at 60 and get somebody killed. That is not logical, so both points I would like to use as defense of our case that the speed limit should be lowered to 30 miles an hour. It's just logical.

Commissioner Mourdock: For the record, those last comments were from Mr. Dees.

Gary Blankenship: My name is Gary Blankenship and my daughter Laura spoke earlier. I do live on Schlensker, I just don't know the address! You know, I look around and I see a lot of educated people here. I don't have an education, and I hear a lot of statistics out of a lot of folks that were probably compiled by somebody at the Department of Transportation in Indianapolis. I work for the State of Indiana and I know how a lot of facts get compiled, but I also understand that there is a certain, as the County Attorney that you can probably reflect to this, there is a certain thing as natural law. I would be willing to take, and I think anyone in here, the Sheriff or any of you people, out there and walk the road and show you the skid marks and show you the tire tracks off the road and the number of times I have...I don't have the names and stuff, but the number of times that people have come in the middle night and go (knock, knock, knock) can I use your phone to call a tow truck because they've run off the road. I don't know what to say. I understand there is a lot of precedent and we want something and somebody else wants something. You get a new bicycle I want a new bicycle, but I'm going to tell you because I sit there on the bottom of the hill and think about those cars coming over and hitting a school bus.

Ted Ziemer: Thank you, I guess, one other comment. I feel very comfortable driving 90 miles an hour on the Lloyd Expressway, but anytime I go over 60 I get a ticket. So I don't know what that would do to the INDOT averages. I think it makes all the sense in the world, and really this is just echoing what Don Dees had to say, make

this speed limit 30 miles an hour and perhaps people will drive 40 or 45 miles an hour and we'll give them a ticket if it is somewhere in that area and we'll get this down to a safe speed instead of having people go maybe 50 or 55 miles an hour. I only want to speak to the liability to this extent, INDOT may recommend, and maybe it's for a reason of uniformity or whatever, that you just follow their standard, but it doesn't take into account specific neighborhoods with specific problems and that's what we have here and the speed limit ought to be adjusted to suit those people, so we ask that you do reduce the speed limit to 30 miles an hour.

Commissioner Mourdock: Having heard all of these things, and like I think both of the other Commissioners having spent some time out on the road and taking a look at it, reviewing what we did in 1997 I have to agree. I think you have to look at all these on a case by case study or basis and I think we do run the risk of having everyone run in here, but, again, we're here to serve the public. Perhaps because politics is the art of compromise I want to be consistent as well with the other posted speed limits that are out there, but I think a 35 mile an hour speed limit is appropriate given the hilly conditions and given the line of sight issues. I personally, my opinion here this is not a motion, certainly still discussing it, but I would like to see us begin the process to move towards a 35 mile an hour limit for Schlensker.

President Jerrel: Do you have any thoughts on that?

Commissioner Tuley: Given...I still think 30 is appropriate. I realize that 35 is Petersburg and what have you. I think it's a much flatter, wider, safer road, 35 might not be appropriate for that, but I still think 35 is probably a little bit too high for Schlensker. I tend to agree with the people who live out there and drive it every day. Not to make light of your situation, but it did, it scared the you know what out of me going down that hill. Quite honestly, I asked the driver before we got all the way across there to please slow this car down, I don't like this. It was at noon and the driver drank milk for lunch because I had lunch with them, so they weren't driving it to just see what they could do they were driving it to make a point and they made their point very well with me. I'm inclined to think 30 is an appropriate speed limit.

President Jerrel: Well, let me ask a question.

Commissioner Mourdock: You can't pick 32½!

President Jerrel: No, I won't pick 32½ ! I won't do that, I won't do that. Let me ask the question, this has to be developed. Are we in agreement that the speed limit should be reduced?

Commissioner Mourdock: Yes.

Commissioner Tuley: I heard two people say that.

President Jerrel: I agree also. So we know we're going to reduce it. Should we be better served by reducing it to 30 or 35, that's the issue. We also have the Sheriff's Department, he is going to take that trailer out there tomorrow. I really would...I would like to see what you find out. I don't want you people to come back or, you know, wait for a decision or that sort of thing, but let's take a look at what your radar gun shows up and then let's...we're going to reduce it, is that fair enough for all of you that came up here tonight? We will reduce it and it will be reduced either to 30 or 35 miles an hour and we're going to get patrols out there. Let us have between now and Monday to have Brad give us that information. Is that reasonable?

Brad Ellsworth: The trailer will have a psychological effect and probably slow them down.

President Jerrel: I know.

Brad Ellsworth: But that's good information.

President Jerrel: It would be good information, but I don't want you to think you have to come back up to lobby us or anything because we're agreeing we're going to reduce it.

Commissioner Tuley: If we want to follow that line then what we ought to do formally tonight then is make a motion then to reduce it. Formalize that we are going to reduce it in the form of a motion and agree to it and we can decide if is 30 or 35 at next Monday night's meeting. I'm sorry, two weeks from now. There is no meeting next week.

Commissioner Mourdock: Yeah, I was just going to say I think we need to put a date on it in the motion, but go ahead and make that as a motion and I will second. Mr. Raley has a comment.

Terry Raley: If I may make a suggestion. Where you live you live at the base of the hill, correct?

Unidentified: Yeah, (inaudible).

Terry Raley: Right. They're at a slowing down point. They're either coming over the hill and they've slowed down coming over the hill or they are slowing down to go over the hills. The Sheriff is more than welcome to use my drive, a clear shot on that straightaway going both ways. That's where the speed gets up to 50/55 miles an hour, not up by the hills. I don't know if that's an average Rose had on that speed.

Rose Zigenfus: (Inaudible comments made away from mike.)

Terry Raley: But if you're going to clock somebody truly going at a normal speed 2900 Schlensker, right there on the corner of McCutchan and Schlensker Road would give you a better picture than getting at the base of the hill.

President Jerrel: I'm prepared to vote tonight if you want to, but I also think it makes sense to see the effect of the Sheriff...yes, Don.

Don Dees: Just one other comment, I would like to make one other suggestion. If we put the radar gun there now and do a speed, it's a 45 miles per hour speed limit, so you're going to get...you know, realistically you're probably going to be at 45 miles per hour to 50 miles an hour or somewhere in there. I don't know really what that is going to tell you other than what we already know now. One suggestion I would like to make is lower the speed limit to 30, put the signs up and then do the radar gun and see what it says and that would probably give you the best information and some new information. That would be my suggestion.

President Jerrel: Do you have a feeling?

Commissioner Mourdock: Well, first of all if we were...we cannot vote tonight to take

it to any speed limit because this is an ordinance and there is a process that you go through with a first reading, second reading and so on.

President Jerrel: That's right.

Commissioner Mourdock: I think Bettye Lou's comment is on point. I mean, if we can start slowing people down now that is certainly in everybody's best interest. So I would support what you said. No matter what, I think there is one thing that we all agree on, no matter what you put the speed limit sign at people are going to go over that to some degree.

President Jerrel: We're giving them that...we're going to lower it and it may very well be 30 miles per hour, but I think what we're going to do right now is tell people that Schlensker Road is no longer a race track and we're getting it started, so we need a motion.

Commissioner Mourdock: I'll move that we act to begin the process to reduce the speed limit on Schlensker Road subject to a review by the Sheriff's Department and by EUTS regarding some traffic studies.

President Jerrel: And the neighbors...I would ask Don to come back and if everybody else wants to they would be more than welcome to, but we can communicate and with Mr. Ziemer.

Ted Ziemer: I don't think it makes any difference what EUTS does, frankly. They're going to put their cables across the road and Rose is going to have exactly the same data that she has now. These people are here to tell you how concerned they are about their safety.

President Jerrel: Right.

Ted Ziemer: We really don't care about Rose's data. If we're going to have another meeting where we are going to consider Rose's data again, then I certainly want every one of these people to come back because they're here for their safety and not to try to follow some standard established by INDOT. So if we're saying that we're going to study this further then maybe we should come back again--

Commissioner Mourdock: No, that wasn't what the comment was, Ted.

President Jerrel: No.

Commissioner Mourdock: As you know--

Rose Zigenfus: My data...excuse me, my data is last Thursday and Friday and that's why it was late getting to you on Friday afternoon, so this is the most recent data that we've been able to pull together on Schlensker Road.

Commissioner Mourdock: Okay, then I'll amend the motion slightly because I did say to include data from EUTS--

President Jerrel: Yeah, I think we want the Sheriff's Department.

Commissioner Mourdock: I would move that this Board act to begin the process to reduce the speed limit on Schlensker Road with the final speed limit to be

determined after discussions with the Sheriff's Department and the County Engineer as well to see what is most applicable.

President Jerrel: Is there...

Commissioner Tuley: I'm not going to second that. The reason I'm not going to second that to be honest with you is from the point of EUTS and everywhere else I don't know where five miles makes a difference, but to the people that live out there fives miles an hour does make a difference, so I'm not going to second the motion. If you guys want to carry this for another couple of weeks that's fine, but--

President Jerrel: I said I'm prepared to vote tonight if you're comfortable.

Commissioner Tuley: --my mind is set on 30 miles--

President Jerrel: You know, I mean, I am prepared to vote for the speed limit tonight.

Commissioner Mourdock: Well, go ahead and make a motion then, Pat. I mean, I don't know quite what we're disagreeing on from the discussion.

Commissioner Tuley: The only thing we're disagreeing on, and maybe we're not disagreeing on anything, okay? I'm not trying to be argumentative, but the people who live there who drive it every day who have kids that play out there and ride around and stuff feel 30 miles per hour is an appropriate speed given the information we were given tonight that people are going to speed no matter what we set it at, so why give them a five mile an hour cushion to start with, so let's go with 30.

Commissioner Mourdock: Okay, let me just explain my rationale.

Commissioner Tuley: Okay.

Commissioner Mourdock: Is that there are more speed limits set at 35...I mean, there are some natural increments of speed limits, 35, 45, 55.

Commissioner Tuley: Right.

Commissioner Mourdock: By going to 30 it seems to me you're just kind of exacerbatingly the problem in that people don't know what the heck the speed limit is. Now, you can argue that and say, well, gee if it is 30 maybe that is going to slow them down that much further, but, again, we're all saying that isn't going to matter because people are still going to drive at whatever speed they drive and I am trying to be consistent with the other speed limits that we have out there.

Commissioner Tuley: Yeah, and the other argument could be...for discussion could be if they don't know what the speed limit is they're sure not going to know if we introduce a third speed limit. It's been 45, it has been 30 and now it is back to 45, so now we're going to give them 35 and nobody is going to know what the speed limit is on that particular road.

Commissioner Mourdock: Yeah, as I understand it it wasn't really 30, it was just posted at 30, but that's an academic point.

Commissioner Tuley: It wasn't legally posted at 30, but it was posted at 30.

Commissioner Mourdock: Right.

Commissioner Tuley: I don't know.

Commissioner Mourdock: Make a motion, Pat. I mean, I'm willing to resolve this as well. I thought we were trying to head one direction, but let's see where we go.

Commissioner Tuley: Well, you know, I still think no matter we do, if we put it down to 30 tonight the Sheriff stood...now I'm getting tongue tied...should go ahead and still take up the offer and put it out there and I know you have limited resources and stuff, but I think it sounds like there is a need to keep an eye on Schlensker and enforce the speed limit whatever it is. I'm inclined to believe it should be 30. I think there is a good case for it to be 30 and I'll move at this point that it be reduced to 30.

Commissioner Mourdock: Again, realizing this is starting the process by which we actually have the formal votes in the ordinance, I will second that motion.

President Jerrel: Okay, and I'll say so ordered. You understand what was just said? We're going to initiate the process in two weeks to begin the ordinance and it has been approved at 30 miles per hour, but we're starting with the Sheriff's Department. I think that is the most effective instrument there is.

Ted Ziemer: Are you going to begin advertising based on this motion or is that...?

Commissioner Mourdock: They need to have it drafted.

Joe Harrison, Jr.: Well, no, there is...believe it or not, John has got the speed limit ordinance for us to consider this evening for this year. What he'll have to do is amend that tonight. The final reading could then be on the 22nd. I am assuming that is when it was going to be and then we'll have to publish that particular ordinance in whole after the final passage.

Ted Ziemer: So then would I understand that based on this motion tonight that the ordinance that he has will be amended to change Schlensker to 30 miles per hour?

Joe Harrison, Jr.: That will be added in a few minutes.

President Jerrel: And then that will follow a normal process of being published.

Ted Ziemer: Would you advise that these very, very interested individuals be back here when you are going to finally do this?

Joe Harrison, Jr.: I doubt it. I mean, I think to be honest with you they've...you've made a good presentation for them.

Commissioner Mourdock: It's pretty well...yeah, it's cut and dry from this point. Just so you know, it's a happy coincidence for you because we update the speed limit ordinances once a year in the county, so you happen to be here the right night so that we can get this added on.

President Jerrel: And you didn't even know that.

Ted Ziemer: Well, thank you and you definitely get a painting. I'll get to work on it.

Rose Zigenfus - EUTS project update
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President Jerrel: Okay, moving on our agenda the next item on the agenda is the EUTS Director. Rose, I'm sorry that memo...you know, they get their materials earlier, but that's alright. I have passed them back and forth so when you speak to it it will all fit.

Rose Zigenfus: Make sense?

President Jerrel: It will all make sense to everybody.

Rose Zigenfus: Okay. You're asking for an update and I haven't been here to do an update in a long time so I really wasn't sure what all you wanted to hear tonight, so please give me some direction if this isn't exactly the road you wanted me to take, no pun intended there!

Commissioner Mourdock: None taken.

Rose Zigenfus: Green River Road corridor preservation initiative, we're calling the project that Commissioner Mourdock asked us to undertake with APC and the City and County Engineers. We had a meeting again last week to discuss the plan. A particular concern on this Green River Road corridor thing is the need for establishing frontage roads and the interconnection of large tracts of lands. Along with those two items the issue of median versus continuous turn lane in the segment from Morgan to Lynch was discussed and is being evaluated and whether or not we want to do that. As development continues north of Pigeon Creek the plan will address needed improvements of local collector facilities as well. They include, but are not limited to Heckel Road, Millersburg Road and Kansas similar to the Highway 41 corridor plan. So give me some feedback please on that plan and the next meeting will be sometime the last week of February. I think we've got one scheduled for the 23rd.

Commissioner Mourdock: That's your normal monthly meeting?

Rose Zigenfus: No, no, no. This is just between APC and the County and City Engineer to discuss this internally.

Commissioner Mourdock: Okay. That raises an issue, and I know there is no requirement to do it, but as we look at that section of roadway would we do well to have a public meeting to at least let the public know what we're looking at there?

Rose Zigenfus: I think once we get something for them, after this meeting on the 23rd, you should have a public meeting like you did for the other road plans.

Commissioner Tuley: I think there may be several times we want to incorporate a public meeting.

President Jerrel: Rose, I'm just going to give this to you because it is some things that I've been working on for, you know, we establish goals and this is one that fell under my report to outline some areas that we might be interested...things we're going to do and where the money is, you know, so that we know what to expect and that is what I prepared for the Commissioners. If I may read this and you can follow along and you and I can kind of see.

Rose Zigenfus: Okay.

President Jerrel: The first item was the Fulton Avenue Bridge and that just goes over the fact that the asbestos testing is done and the results were negative and we're going to have the bid letting. The cost for it \$4,864,000 and we're going to use \$2.3 of our allocated funds and then \$2,564,000 from the Cum Bridge account, so that one is under way. Eickhoff/Koressel and the phase one has the design approval in and we're currently in the right-of-way and the Commissioners are interested in proceeding and I notice I've got a public hearing must be held to determine the preferred alignment. That's something we're going to have to do. We have half a million dollars available in Roads and Streets to begin the initial part of this, so we're...if we want to go further we're going to have to as a Commission decide if we want to the go to the Council for additional funding. The Lynch Road extension interchange construction phase two from Burkhardt to Telephone Road has received design approval. We've got...we encumbered \$160,000 from '98 funds that we can buy those outstanding parcels, we hope, but the interchange construction has been estimated at \$8.5 million and we're in the process and have spoken to you about the idea of perhaps borrowing ahead on that. The Morgan/Burkhardt intersection is another CMAQ program. It has been approved and is an 80/20 split and I don't know when that...you told me the other day when we talked that the design was approved, it's ready to go. Of course, I would like to--

Rose Zigenfus: I don't know if it is on a bid letting list yet or not.

President Jerrel: Could you find that out for us?

Rose Zigenfus: Sure.

President Jerrel: That would be very helpful. That's a \$2.2 million dollar project and we do have our money in place, the funding that we will be required to have. Then the last page is a list of discussion items that the Commissioners have talked about. One, Mount Pleasant Road, because it's a collector road that is really in bad shape and whether or not we need to do some upgrading on that. If so, this is a project we may need to go Council on. We know we're not looking at money anywhere else and then there is a bridge out there that is needing some repair. Volkman is another one that is going to have...I'm trying to see how you feel about these. And then Carpenter Creek is something the Commissioners have put on their goal list for an evaluation and we have some funding that Council has put in place, so we do perhaps have money to do some study on that. And then approximately 400 feet of Virginia Street needs to be completed to connect Burkhardt to Cross Pointe. The developer is going to build up to this one point and it goes up to a point, so it's an estimated cost of about \$100,000 and our funding is in place, so we could complete Virginia so there would be another straight across that would be ready. That could be done at any time, I guess. Just do it. Then Burkhardt Road between Lynch and Morgan needs to be widened and we don't have any costs on that. The last statement is I would really like to, you know, for Council to come onboard with a presentation and explaining to them what is going on so we can make these things happen while our funding sources are good. You know, I know you haven't had time to look at this, but they just got it too. I just finished it.

Rose Zigenfus: I think Virginia Street is of critical importance out there. I know Mount Pleasant and 41, that area, also with the growth that you're seeing I think that is a good project as well.

Commissioner Tuley: Did you ever mention Shutte?

President Jerrel: Shutte Road, go ahead.

Commissioner Tuley: Rose, you've called me back...or called me a while back, maybe it was over the holidays or something, about the state is looking to do something to address Shutte Road and State Road 62.

Rose Zigenfus: I'm waiting on them to schedule a public hearing.

Commissioner Tuley: Okay, so they will schedule it?

Rose Zigenfus: I was also told that they wanted to confirm your position and they would be contacting each of you.

Commissioner Tuley: Okay.

Rose Zigenfus: And I don't know if you've gotten anything from them or a call or anything.

Commissioner Tuley: I haven't gotten anything.

Rose Zigenfus: But you will.

President Jerrel: Okay. Let's just...my message is keep them moving.

Commissioner Tuley: Right, but they'll conduct that since it is State Road 62, they'll conduct that public hearing?

President Jerrel: Yes, they will.

Commissioner Tuley: My assumption is they will ask for input from USI and...

Rose Zigenfus: In fact, we talked about holding it out there and USI has agreed to that.

Commissioner Tuley: Oh, good.

President Jerrel: That would be good.

Commissioner Tuley: That would be good.

Rose Zigenfus: We're just waiting on a date.

Commissioner Tuley: Would you maybe make sure we're fully aware of when that meeting is in case we don't know?

Rose Zigenfus: Absolutely.

Commissioner Tuley: Because I think it is going to be critical that we're there and hear the input before we can really give a positive or input into it.

Rose Zigenfus: Yeah, they want each one of you there.

Commissioner Tuley: Okay.

Rose Zigenfus: Or at least your position on whatever they propose.

President Jerrel: That's wonderful. Are there any other questions?

Commissioner Mourdock: No, Rose's comments on Green River while they're not here I think are very pertinent as well, so I look forward to whenever that public meeting is.

Rose Zigenfus: They're on my update that you have.

President Jerrel: Well, we need to blend these.

Rose Zigenfus: Number three on my list is the Lynch Road route transfer proposal. INDOT is reviewing that and last week, as you know, Thursday we took action, the EUTS Policy Committee, took action to contact them again to find out where that project stands and to get an update on it. Then also number four on my list is we programmed the intersection of Millersburg and Green River as a CMAQ project for installation of a traffic signal. It needs the warrants and the estimated cost is about \$75,000 with 80 percent being federal and 20 percent being local. That's \$15,000 to the county and I would recommend that the Commission consider this project and take necessary steps for implementation.

Commissioner Mourdock: Which intersection?

Rose Zigenfus: Millersburg and Green River. It needs the warrant for a signal. And then with regard to federal aid funds I thought you might want an update on that. We received the funding allocations from INDOT. We know what the allocation is. We have not received the obligation authority amount yet. It is somewhere in the amount of 88 percent of what they're telling us we have, but until I get that I don't want to give you any numbers until I know exactly how much we can spend.

President Jerrel: You know, I thought when I went to that one in service on TEA21 that the obligation was out, that the money when it was allocated was the money that was going to be available. That the obligation authority, has it been changed in any way?

Rose Zigenfus: It changes every year. Congress has to enact whatever their spending authority is and that is when we find out what the number is. From Dennis and his people they are telling me it's about 88 percent, but they don't have the final figure. So that's an annual thing.

President Jerrel: I'd like to look at the...I know you probably have a copy. I would like to see the language in that TEA21 because I think it is different in the number of different areas that maybe we can get better dialogue going with the state on those.

Rose Zigenfus: That's all I have in my report.

President Jerrel: Thank you very much, Rose.

Rose Zigenfus: I don't know if you have any other questions.

President Jerrel: Rose, we're talking among ourselves up here. When you

mentioned the light at Millersburg and Green River Road and they were saying...we do have the funding in place?

Rose Zigenfus: The federal funding, yes.

President Jerrel: No, I said--

Commissioner Tuley: Local.

President Jerrel: --we have the local.

Rose Zigenfus: Oh, you do?

President Jerrel: We have our local money in place.

Rose Zigenfus: Okay, so it could be a matter of letting a design contract?

President Jerrel: Well, it's...what? Richard, you're thinking.

Commissioner Mourdock: Well, I'm thinking of Green River as a whole.

President Jerrel: Yes.

Commissioner Mourdock: I know we don't have the funding to do this, but the fact that we need a stoplight now by traffic count at Green River Road and Millersburg is only making the point that we need to widen Green River Road all the way north, I mean.

President Jerrel: John and I talked about it. We don't have any costs on what that project would be.

Commissioner Mourdock: I understand, but--

President Jerrel: We can. We can do it.

Commissioner Mourdock: Well, step one I think it's appropriate that we go ahead and do a motion at this point and I'll move that we again start the process to put the traffic light at Millersburg and Green River.

Commissioner Tuley: I'll have to second.

President Jerrel: So ordered.

Rose Zigenfus: Thank you.

Commissioner Mourdock: And give them Rose's phone number!

Commissioner Tuley: Second!

Buente Trust - Vacation of an easement

President Jerrel: Okay, well we did my report and Rose's all at the same time, so at this point there is a public hearing for the vacation of the easement requested by

Buente Trust on a portion of Virginia Street.

Danny Leek: Thank you, Commissioners. My name is Danny Leek with Morley and Associates, and I represent the Buente Family Land Trust and their petition to vacate a portion of the Virginia Street right-of-way which extends between Cross Pointe Boulevard and Burkhardt Road. The reason for the request is currently the right-of-way for Virginia Street as it is dedicated doesn't line up with Virginia Street as it was constructed from Burkhardt Road and in doing the vacation we will rededicate a new right-of-way which will go north and line up with the existing Virginia Street. We filed a plat on behalf of (inaudible) Associates for Cross Pointe, Section 5 which dedicates that right-of-way and we've prepared documents for the right-of-way dedication from the Buentes to the county which is currently being processed by the owners.

Commissioner Mourdock: Do I...go ahead, this is the hearing and we need to move forward.

Joe Harrison, Jr.: This would be a public hearing at this time for any comments and then it would be a first reading on the ordinance. There will be a final reading on the 22nd, but there might be some comments.

President Jerrel: Is there anyone here that would like to speak to the vacation of this easement?

Commissioner Mourdock: I'll move on first hearing the approval of the vacation of the easement as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered. The final one will be when?

Joe Harrison, Jr.: The 22nd.

Danny Leek: Thank you very much.

President Jerrel: Uh-huh.

Commissioner Mourdock: Do you need a motion to advertise, Joe?

Joe Harrison, Jr.: It has been advertised for the public hearing.

First reading - Ordinance amending speed limits on county roads
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President Jerrel: Okay, the next item on the agenda is the first reading for the ordinance amending speed limits on county roads.

Commissioner Mourdock: I'll move that we amend the presented list supplied by the County Engineer to include a 30 mile an hour speed limit on Schlensker Road.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: I don't see it on here.

Joe Harrison, Jr.: If I could recommend, the County Engineer will reflect that on the ordinance in front of you and then it will be signed on the 22nd for a second reading and then it will have to be advertised or published one more time.

President Jerrel: Okay.

<p style="text-align: center;">Final reading Ordinance prohibiting smoking in county governmental buildings</p>

President Jerrel: Moving on, the final reading for the prohibiting of smoking in county governmental buildings. We did have a good meeting last week and many of you that are here tonight came back and you did do a good job of speaking to it, is there anyone that wishes to speak to this with new information?

Johnny Kincaid: I'm Johnny Kincaid and one of the questions that came up last time around was dealing with the Courts and jury rooms and accommodations for juries and we did a little kind of straw poll of other counties and whether they make any kind of provisions for their jurors. Warrick County, Ft Wayne, Valparaiso, Muncie and Henderson County, none of those counties make any provisions for...you know, special provisions for the jury room. The only two counties that we found that did make any kind of exclusion were Elkhart and Gary and they leave that up to the discretion of the judges at the time. The other thing that I wanted to make an offer here too is the fact that we do smoking cessation classes and when new policies come in it becomes a big time for people to make a decision that they want to try to quit. We offer free classes. We even offer up to six weeks worth of free patches and we want to make that offer to any county employees who are interested in being able to quit smoking, we would be more than happy to help them out.

President Jerrel: Did you have a comment?

Unidentified: I have some information.

President Jerrel: Sure.

Wayne Kirk: It's going to take me a couple of seconds to get prepared here again because there is so much in front of me. Again, my name is Wayne Kirk. I go to the University of Southern Indiana and I am part of the organization called Student Activist Organization and we're here to report facts, not politics, not emotions, not anything else, just what is in front of us, what can we deal with and how can we handle it from here on. Concerning a lot of the misinformation, sort of what Clinton does currently, or what we call lies presumably, Smoke Free Indiana, they use a tactic of fear that is a little bit used too much. You know, let's just go right to information that is provided for us like the World Health Organization. They did one of the most extensive studies on secondhand smoking and they were one of the leading organizations, part of the UN Charter, to investigate the effects of secondhand smoking and they were against secondhand smoking, but their research came out to be inconclusive. They couldn't find any information that proved either for or against secondhand smoking which how can we rule on a legislation that really has no empirical...well, the empirical studies are there but they have no final facts that should be supporting that which, I think, it's pretty important that we should be sickened to those types of things. Articles released through the

Wall Street Journal, the New York Times, Investor Business Daily, the Economist and several other magazines and newspapers, publications, they released several articles concerning this and there is a great reason to be concerned about legislation that should be passed for what reason whatsoever, I don't know. As for going back to Smoke Free Indiana, they do take money from the federal government, they get grants so we're creating spin-off groups within our society to lobby for new legislation from the federal government, which we know the government, federal government, is doing with the issue on smoking when they are doing something pretty illegal, I would say per se, suing tobacco industry and, well, the tobacco industry ultimately settled, but the Justice Department, and this is in the Wall Street Journal on Monday, February 8, 1999, it was released from the Cato Institute, which is a Washington based think tank organization, and they more or less, they follow through with our rights and make sure that we know what is going on constantly and they expressed that the Justice Department has said repeatedly that the federal government has no statutory authority in bringing a direct suit to recover smoking related damages. I know this is a little off the beaten path, but this is sort of to establish some sort of case reference to how the federal government is pursuing this tobacco legislation and to what is actually going on with Smoke Free Indiana here. The World Health Organization when they did do their research they compared about 1,500 healthy people and about 650 lung cancer patients and they've done numerous studies. Harvard has researched this. Several, several groups have researched this and they have not come up with anything. The environmental tobacco smoking is one of the biggest issues when they are talking about secondhand smoking. In 1988 Reagan's appointed C. Everett Koop, Surgeon General, he released a document more or less stating that secondhand smoking doesn't cause cancer or any harmful byproducts of anything. Also, several other organizations...try to figure out where my notes are here. Okay, this is concerning the jury...the trial that happened in Muncie, Indiana, which I came from that area, I came from Anderson. I also lived in Indianapolis. I ran for public office last year in Indianapolis for Pike Township Trustee. The tobacco case involving secondhand smoking out there or environmental tobacco smoke there was a unanimous verdict in that case meaning all jurors came and said that they couldn't find any evidence saying secondhand smoke causes any cancer or caused that person's death which is what they were trying to promote there, so, again, it failed in court. If failed after, you know, time, and time, and time again in the courts and here we are we're trying to promote public legislation that has failed in the courts, but we're trying to manipulate people and use our fears to create new laws and legislation, okay. I would like to mention this that I think that for the nuisance issue, yeah, I think that they should in public areas inside of buildings within the government buildings, not within private business, don't get me wrong here, within government buildings, public areas, people shouldn't have to be subject to smoke, but why can't you compromise and create a smoking room? Have you guys discussed that at all here on the economics of creating maybe a room or something in these buildings? Have you guys at all?

President Jerrel: Uh-huh.

Wayne Kirk: That should be discussed. I think it is pretty important here. Similar to your Burdette Park, you guys compromised there. That's because of economics maybe. It's not because of anything else because the city saw the economic interest not as much as social (inaudible) health interests involving that. This issue, secondhand smoking, it forces me in two different polarities here. I, you know, I understand there is smoking...direct smoking does cause harm. My dad smokes. I don't agree with it. I think, you know, you can overuse something and your body is automatically going to have problems. You can overeat, you can do anything in

excess and you're going to have problems. That's just obvious, I mean, but secondhand smoking, again, they haven't found any proof whatsoever, so I think we should take that into fact there too. Congressional Research Service also has released reports more or less stating that secondhand smoking doesn't cause any harmful effects, any serious harmful effects or any...I'm not quite sure to what extent yet. This is a little bit off the subject here, but this involves legislation that is going too far in this country and we should be opening our eyes up to this because this does affect us constantly each day. This is a jury or a suit that is being brought about against the gun makers. They're doing this because they are trying to charge gun makers for the homicides caused by guns. How can you do that? I don't understand. It's very similar to the smoking issue or you can just say, well, what if I got myself, which I'm in college which is synonymous to college here, what if got myself into \$10,000 in debt are you going to charge my father for my debt? You can't do that. I mean, he should have taught me how to be responsible with my money. Well, gun manufacturers should be teaching people how to be responsible with guns. We can't be manipulating the real issue here. These cases should not be brought up because they are a total violation of our rights. It's a total violation of what we should be standing for in this country and we should be stopping this right now. This is what these meetings are for is to start informing people of facts and truth and what is really going on not of fear, nor of innuendos or anything whatsoever. Another thing I have is a thing called juries rights. This is kind of...as president of the Student Activist Organization I am part of the organization called Fully Informed Jury Association which more or less tells the jurors that they have the right to decide a case upon the facts and the law, so we can say a law is unconstitutional, we can do that. People should be informed of that. It's a form of responding to the legislature that the laws aren't right because the legislators are protected by legislative immunity so they aren't held accountable to their votes. This is sort of one of the first things we're going to be doing. Now if this does pass, which it will, I'm very sure of it today, I just want to make a kind of fair assumption that in the near future that if anything is going to be escalated that we won't be quiet in the college levels. Students are going to come out of the woodwork. We are going to come out and we're going to fight. We're going to fight verbally, by pen, and civil disobedience and teaching people their rights and we're going to inform people and we're also going to start voting, something that is not being done too well nowadays, but it's time for us to do that. It's time for us to make that case. That's all I have today, thank you.

Jenny Cissell: My name is Jenny Cissell and I'm a registered nurse at Welborn Clinic and I teach smoking cessation and help a group of people that are trying to quit smoking. We have smoke free support group. My concerns here tonight are not so much with statistics, but with what I have seen in the last 28 years as a nurse and I respect what this young gentleman brought before you tonight. I don't believe much of it because as a nurse I read just the same information that he does and it doesn't come across to me that way. I've seen too many people hurt and maimed and dying from the issue of smoking, so that is what I would like to refer to tonight. First of all, secondhand smoke is dangerous. It's dangerous to children and adults that are in the same environment as a smoker. It can trigger asthma, it can trigger respiratory problems and infections, bronchitis. I have to respect someone that does smoke. I mean, that is their decision, but when they infringe upon the air of the other people here in Indiana that don't smoke I feel like that's a serious issue. There is 28 percent of the people in Indiana that smoke and there is about 72 percent of the people here in Indiana that don't smoke. Again, I respect their opinion to smoke, but I think that we have to think about the other people that are in the same working quarters, jury areas, that don't smoke. There are 4,000 different toxic chemicals in

every cigarette that a person smokes, 35 cause cancer and the side stream smoke that comes from exhaling is just as dangerous as what a person is inhaling, so side stream smoke is what the people on the outside receive. The City Council has voted to ban smoking in city run buildings. To me it makes sense to follow suit in the county buildings. I think this publicity sends a message also to our young people. They've seen this in the newspaper and we ask our children not to smoke, we ask them not to experiment with drugs, but as role models we've got to send the same message. What I would want to ask a smoker and I've done it before because I talk to people every day about it, is how would you feel if your child smoked, your ten year old? Ninety percent of the new smokers today are teenagers and I know that for a fact as well. One of our physicians, which I'm not sure if he has come before you or not, Dr. Selby did a really, I thought, intensive comparison on a video that we've used for Welborn Clinic's Finally Beat Smoking Program. What he did was tell a gentleman, he said I want you to go home and I want you to hold a picture of your grandchildren in one hand, I want you to hold a package of cigarettes in the other hand and look at yourself in the mirror and ask yourself which one do you want to say goodbye to first and this is a pulmonologist that sees people die every day from smoking related illnesses as well as secondhand smoke. I invite you tonight to be proactive to prevent disease in these offices and public buildings and reduce insurance claims and reduce illness and not to be reactive and what I mean by that is why would you want to pay for doctor visits, chemotherapy, radiation and medications to the people that may need it one of these days because they've been exposed unduly to secondhand smoke. Candy Allen...Kathy Allen was here last week. She has a severe eye disease which is severely aggravated by smoking. She came up during the City Council and spoke when we were trying to get the City Council to vote to ban smoking and she came up last week also. I think if you just think about this one lady, you know, keep her in mind when you vote against...for the ban on this county buildings. Again, I think we should be consistent with City Council and I invite you all to help promote better health for your workers and for the people, the public that come within the buildings. Thank you for hearing me out.

President Jerrel: Yes.

Unidentified: I would like to say--

President Jerrel: I think he is next. He had his hand up a minute ago and you can go after him.

Dan Steward: Thank you. I'm Dan Steward, I'm Vice Chair of the Libertarian Party of Vanderburgh County. I want to thank all of you for letting me speak tonight. I'm thankful that I live in a country where we still have freedom, where we say the Pledge of Allegiance, something that warms my heart. It makes me feel really good that we say and we not just say, but we know and we feel that liberty and justice for all and we strive towards that. We work towards that goal. That's what I work for as a Libertarian and as a member of a party and also I believe so much in freedom that I am willing to go out of my way to do things that other people would not feel would be such...well, just say that they would be things that other people would seem to look at as outrageous maybe. I do these things because I care. I care about my freedom. I care about the freedom on non smokers as well, but the thing is that they have to also care about mine. I want to let you know and I want to thank all of you first for deciding not to side on the side of the pressure groups. Not to side on those, you know, that deal in fear. Those that...groups like Smoke Free Indiana whose facade on the outside is to say that, yes, we care about smokers, we care about people, we care about you, but on the inside they, you know, they disrupt speakers

as they talk. They are also guilty of violence against people that oppose them. I'm one of those victims. I am one of those people that has gone up against Smoke Free Indiana. The first time I did they damaged my vehicle, a vehicle that I had painted up with signs. Nothing inflammatory, nothing controversial, just my rights as a smoker and as a human being. For that I got attacked. Just last week, after the meeting here last Monday I went home to find that someone had again damaged my vehicle. They had vandalized it, took some of the things that I had on there, decorations on the van, and threw them towards my window. These are people that know where I live. I'm listed in the phone book, you know. My address is listed, too, so I'm not a hard guy to find. I'm not a hard guy to miss either especially if you see me in a cigarette costume. As of Tuesday night...yeah, that was me. As of Tuesday night and Wednesday morning I was visiting with a friend in Chandler, Indiana. I was in her vehicle and when I came back home I tried to start my own vehicle and drive down the road. As I did, again, it was vandalized. Lug nuts were loosened on the front of my vehicle and there is damage to the alignment of my tires. Again, a third attack upon my vehicle. The people in Smoke Free Indiana are a pressure group. Again, as I said they can say on the outside what they stand for, but I know on the inside that, you know, that it's not that. I know that when you scratch the surface you will find some people that cannot stand descent, that freedom is opposite of what they believe in. I don't want to impugn any of them or their members or their leadership, Mr. Kincaid or Ms. Sinclair or any of them, but, you know, I've got to point the finger where the finger needs to be pointed at and I want to thank you. I want to make sure that you people understand that if you give in to their demands when they tell you, well, let's ban smoking at Burdette, too, you know, and you just go okay, but when you do that, when you give into these pressure groups you are giving into people that are violent. You're giving into people that are hateful, you know. You're giving into people that, you know, that are just so much used to having their way that anything, you know, that isn't their way, you know, will make them violent, will make them angry. I want to thank you again for allowing me the chance to speak tonight and I hope that you will think about that. Goodnight.

President Jerrel: Mr. Roll.

Lyman Roll: Thank you, Commissioners. My name is Lyman Roll. I would like to defend Smoke Free Indiana. I have been affiliated with the group for a number of years and I consider them a very conservative bunch and I have never known any of them to demonstrate any violence toward anyone. Not to my knowledge and I find that very hard to believe.

Dan Steward: I've got it on video.

Lyman Roll: It struck me as preposterous. What I want to bring to the attention of the Commissioners was something on the economic...you know, we've heard a lot of eloquent comments on the health and safety issues and secondhand smoke has for all intents and purposes has been indicted for many, many years. I have a report from NIOSH, National Institute of Occupational Safety and Health, who does the research for OSHA. This was a 1992 publication and it was based on extensive research, so the idea that the jury is out on secondhand smoke is just absurd and preposterous. To hear people repeat it in this day and age you have to think that they are on RJR Reynold's payroll. The economic issue I wanted to bring forth is when a building is being built such as our new auditorium, if the ventilation system hasn't been installed yet, if it is a smoke free building ASHRA recommends a much lower...a much lower cubic feet per minute return of air to the building, but when smoking is allowed they recommend a much higher and therefore that would be

driving the cost of operating that building. I hope that there is some way that can be done unless it has already been installed because that would be a lot of capital cost up front to try to accommodate smoking and now if you're not going to allow smoking in there that would be money that would have been wasted on that ventilation system. Can you tell me tonight whether or not the ventilation system has been installed and--

President Jerrel: It's being installed.

Lyman Roll: --was it installed allowing for smoking to be included?

President Jerrel: The specifications...do you want to?

Joe Harrison, Jr.: It was not contemplated that smoking would take place in the facility although the architects were hoping that the Commissioners would take this step although that proposal will not be considered final until tonight.

Lyman Roll: Well, some consideration could also be given to the Civic Center Complex itself. If the ventilation system is ever replaced, if it is a smoke free building you could have enormous savings there on a new ventilation system. The system that we have here presently, an outside auditing company has come in numerous times and has recommended a total smoking ban for this facility to improve the air quality. It hasn't been acted upon, unfortunately, but hopefully it will be and I highly recommend it. Thank you.

Brian Majors: I'm kind of sorry, I have a headache. I had one earlier and all this talk of sewer pipes and speed limits has kind of made it a little worse. I'm not going to say too many things tonight because you've heard--

Commissioner Mourdock: State your name, Mr. Majors.

Brian Majors: Oh, Brian Majors, the Libertarian Party. You've heard everything before. Really all I want to say is this is the last chance. Politics is the art of compromise. Well, there is a chance to compromise here. You can compromise with the smokers. You don't have to ostracize them. I'm not really going to say much, but I would like to say no Jim Crowe laws for smokers. That's all I would like to say and by enacting this it is not only bad policy it is un-American and it's wrong and if you vote for this you line up with the other thousands of local legislators who have signed up for this kind of thing, but if you vote against it you stand out as a leader, so you can either go with the flow, do the easy thing and throw the unpopular minority out from amongst you or you could be a real leader and stand up and vote against this Jim Crow law...Jim Crowe law, I'm sorry my head, Jim Crowe law tonight. So here is your chance to be either real leaders or just blind followers of the rest of Indiana. Thank you.

Johnny Kincaid: There have been a couple of things that have been stated on public record that I can't let pass without referring to them. First of all, I want to apologize for having laughed when the name Dr. Koop was mentioned earlier, but Dr. Koop is the man who began the entire secondhand smoke movement, so to say that he is of the belief that secondhand smoke is not harmful struck me as being very, very funny and I apologize for that. The issue of violence, we all know that's so ludicrous that we don't even need to go there, but on the issue of use of federal funds I do have to state for the public record that no federal funds have been used in providing any information, for providing any of the meetings or anything else associated with

this ordinance. The people that have talked here have all been volunteers. I do not work for Smoke Free Indiana. I'm not here on Smoke Free Indiana funds. I'm here as a volunteer, as have all of the speakers who have been here for the two hearings and I want emphasize that fact and the fact that accusations dealing with federal funding are completely unfounded. Thank you.

President Jerrel: At this time...oh, yes. We'll let the lady behind you...well, I don't care. She was starting up first.

Anna Stockton: I just have a couple of questions.

President Jerrel: Your name first.

Anna Stockton: Oh, I'm sorry. My name is Anna Stockton. I live in Posey County so I don't have...really shouldn't be here probably, but I had a couple of questions. Have you guys thought about where you are going to put the smokers if you ban smoking here? Where are you going to have them, like outside somewhere or have them in a different part in the outside area? Also, if you do have the outside, have you thought about all the trash that would be accumulated around that area? Wouldn't that be more time for the workers who clean up the trash or spend more time on that?

Commissioner Mourdock: If I may address that, Ms. Stockton. I did have a discussion with Steve Utley who runs the Building Authority, that's the maintenance group that actually looks after this building. On the cleanup time his estimate is even though there would be some cleanup around that the net time spent would be less because of the other things that smoking causes inside the building that have to be cleaned up. As far as where that would happen, there are a series or there can be put near the exits a number of what are being referred to as smoking stations that are, I don't want say decorative, but at least they are something more than an ash can with a bunch of cigarette butts sticking up out of them, so, yes, we have had those discussions.

Anna Stockton: Okay.

Commissioner Mourdock: It was a good question, thank you.

Marsha Abell: My name is Marsha Abell and I am probably the only person here who actually spends well over 40 hours a week in that building over there. I just have some questions. As some of you may know I have been on vacation. What rooms in the court building would not be smoke free? Are there any? I've heard jury deliberation rooms have been mentioned or is it going to be the entire building?

Commissioner Tuley: We'll have to vote on it, but just speaking as one Commissioner I don't foresee any room being over there being designated for smoking. There was an approach by two judges. Two of the judges last week asking for some special consideration, but I didn't...again, I am speaking as myself, but I didn't get a real sense that it was truly going to be necessary to do that and primary part of my rationale behind it was I asked the judge specifically how they would address that and control that room and what have you and I really wasn't comfortable with the answer I got. I kind of felt like they sidestepped me. They never did really answer my question. Another officeholder here went to the judges Friday or to that one particular judge and carried forth that I would be willing to meet with him if he could sit down and show me and give us a written plan or something

that would explain how they would plan on doing that and take that into consideration and I didn't get that as of tonight's meeting and I don't see them here, so from my point of view I don't foresee any changes. It looks like a totally smoke free building.

Marsha Abell: Okay, well that's what I was concerned about. First of all, you've probably been in one of those jury deliberation rooms. They're not of any size at all. They're just big enough for a conference room table. If I were fortunate enough to serve on a jury, which of course in my position I won't, I would not be able to be in a jury with someone smoking in there because I have a high...I have no tolerance to smoke whatsoever. I would also like to point out that I have 53 employees in my office and I have some who smoke and none of them would mind at all if you made that building entirely smoke free. Our bathroom is absolutely filthy and we go down to the judge's corridor and use the judges restroom to keep from having to use the one. The general public has just trashed our bathroom something awful. We've had the curtains removed and we have a small area in there called the lounge. They recently took the curtains down and threw them away. They couldn't even clean them anymore, so I would certainly...I don't know about all the other county buildings, but the one that I spend a lot of hours in a week I would certainly encourage you to make it totally smoke free.

Brian Majors: Can I just say one more thing about the--

President Jerrel: Yes.

Brian Majors: --violence part. I'm sure violence isn't condoned by any of the leadership of Smoke Free Indiana, but I have had eggs thrown at me, you know, I've been yelled at, verbally threatened. My pregnant wife has had to listen to untold numbers of threatening phone calls calling me names, calling what I stand for names, calling smokers in general names, so there is a climate of intolerance here. I'm sure it's not condoned by the leadership, but it is real and I have felt it and so has my family. That's all.

President Jerrel: At this time I'm going to just call on the Commissioners. This is the final reading on this ordinance and I'll just start with Pat. By the way, just one other little misstatement a minute ago. It was Commissioner Tuley that made the recommendation on Burdette Park's swimming area, so it didn't come from anybody else, but if you have any comments to make and then I'll go to you.

Commissioner Tuley: Just so everybody understands, the judges last week asked for some special consideration. The officeholder over there approached me, explained to me the judge was not trying to take care of his employees, had some legitimate concerns there, and that's all well and good and I appreciate that, I just, again, I just felt like it's important that we don't start making concessions in buildings here where people have to come to. You know, we did make some concessions at Burdette, but, again, that's a choice. If they decide to go to that particular chalet because they want to smoke and their family smokes and they want to subject their family to that, that's fine, that's their call. So I didn't mind conceding there a little bit, but I'm inclined to believe we're doing the right thing here. I think it sends the right message and quite honestly there has been enough publicity in the last week and I did not get a single phone call, a single letter or a single comment made to me out in public anywhere that said you're wrong, Commissioner, you've got the wrong idea. Any comments that I got, phone calls or candid conversation I had with anybody, you're on the right track and I think we're doing the right thing.

Commissioner Mourdock: I will start a little bit where I was last week, and again compliment all of you who came to the microphone tonight, and particularly, perhaps surprisingly, I want to compliment Mr. Majors and also Mr. Kirk because it takes a lot of guts to be in the minority. This is one of those issues where it's very easy to define yourself on the majority side and just kind of go with the flow and it's pretty hard to walk to the microphone and in your heart feel that you really are standing for something and know you're going to get ridiculed for it, so I compliment both of you for doing that. But, again, I will say what I said last time, too, that I have a little libertarianism in me, small L. The issue was sort of hinted at by Mr. Kirk that maybe this is going to lead to some other ban on smoking in private buildings, at restaurants or whatever and I'll tell you that if that was before this Commission as a county ordinance I would oppose it because I do think that private businesses can be run the way they want to be run, but as Pat said a moment ago people have to come into this building. This is a public building and it ought to be a smoke free building. Maybe it isn't so much an issue of health, I mean if you want to believe that, it isn't an issue of health, but what it is is an issue of civility. People ought to be able to go to a public building and not put up with all the hassles and inconvenience of smoking, so I will move on first reading the option of this ordinance.

Commissioner Tuley: Final reading.

Commissioner Mourdock: Pardon?

President Jerrel: Final.

Commissioner Mourdock: Final reading, I'm sorry.

Commissioner Tuley: Second.

President Jerrel: I will now call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I am very proud to vote yes, so this will be a smoke free building. It's our intention it will be a smoke free building.

Commissioner Mourdock: Yes, everything.

Joe Harrison, Jr.: If I could ask for a motion to publish the ordinance because it did contain an amendment.

President Jerrel: Okay.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p style="text-align: center;">First reading Ordinance amending weight restrictions on certain bridges</p>
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President Jerrel: The next item on the agenda is the first reading of the ordinance amending weight restrictions on certain bridges.

Commissioner Mourdock: Is John Stoll still here?

President Jerrel: John, are you still here?

Commissioner Tuley: Somewhere.

President Jerrel: Okay, he is working his way up here.

Commissioner Tuley: There's John hidden behind the crowd.

John Stoll: That ordinance revision is to cover the revised postings that were recommended in the last bridge inspection report. Every time we've gotten the inspection reports we followed it up by making revisions to the ordinance, so it is recommended that it be approved.

Commissioner Tuley: John,--

John Stoll: Yes.

Commissioner Tuley: --I know it's first reading, are you Mr. Hahn by chance? Okay, I was going to say I got a phone call this afternoon from Don Kolb who is, as most people know, a pretty big farmer down there in the bottoms. The concern he had was the eight ton limit on Seminary, I guess where Kings Road--

Unidentified: Near Kings Road and Seminary.

Commissioner Tuley: Okay, that there is an awful lot of farmers down there that have an awful lot of heavy equipment that if truly eight tons is the limit we need to put on there that maybe some consideration should be given to maybe replacing it. I think Mr. Hahn is here to talk about that particular bridge.

John Stoll: I told Mr. Hahn that a while ago, I don't remember exactly when that bridge is slated for replacement. I don't think it is this year, but it is soon. Do you all have your copy of the inspection report back there?

Commissioner Tuley: It's back in the back.

President Jerrel: Yeah, it's in the...

John Stoll: I could say I would go get one and find out when it is slated for replacement.

President Jerrel: If you want to go in my office the little one in the middle and just look behind my desk and the bridge report is about the second shelf.

John Stoll: Okay, I'll go get that and let you know when it is slated for replacement because it is coming up soon, but I don't remember when.

President Jerrel: Well, we'll just go on until you get that.

Commissioner Tuley: If you want to go look for it and what have you, Mr. Hahn, do you want to just go ahead and make whatever comments you need to make?

Robin Hahn: I'm Robin Hahn, farmer in Union Township. When I saw the notice in the paper I worried about it because eight ton is a very small amount. There is a lot of grain trucks that pass over that bridge and weighing empty they're over eight ton and there is even school buses that go across that bridge. Empty those weigh approximately 12 ton, an empty school bus. So we're talking about heavy loads of grain going across there, so what I was wondering is if the bridge is going to be replaced is if we can ask for a waiver in the meantime. We're going to take a chance crossing a bridge with a heavily loaded truck, but, again, we don't want to pay a \$2,500 fine every hour we cross the bridge with a load of grain.

Commissioner Tuley: I told Don I would be glad to speak on behalf of the concerns down there, but I also have to watch out for the county.

President Jerrel: It's already...is it already eight?

Robin Hahn: It has been in the past posted eight, if I recall.

President Jerrel: So it's what it is all along and we'll know in a minute what--

Commissioner Tuley: I mean, I don't know how to say this, there is not a nice way to say this, but I guarantee you if we just kind of turn our eyes and someone crashes through that, the first one that is going to get sued is going to be us.

Robin Hahn: I realize the liability, but we've got to move our grain and our machinery across the bridge.

Commissioner Tuley: What I wondered--

Commissioner Mourdock: Yeah, but there is another side to that, too, Pat, and I think of the Waste Management garbage truck that fell through the bridge out on (inaudible) Road just over into Warrick County and Waste Management ended up buying the county a nice new bridge.

Commissioner Tuley: Based on they exceeded the limit.

Commissioner Mourdock: Right, exactly.

Commissioner Tuley: Yeah, and I guess what I am hoping for is when John figures out when that bridge is going to be replaced if there is maybe a way to change that around, I mean, that's a plan and what have you. Is there a way to maybe trade that one out for one earlier that needs to be replaced, you know, one that is scheduled earlier that is maybe not going to affect so many people adversely, is what I am trying to get at.

Robin Hahn: Okay.

Commissioner Tuley: I'm willing to work with it any way we can, you know, taking the liability off you guys and us.

Robin Hahn: Right.

Commissioner Tuley: And I would assume these other two, and I don't have any reason to believe that they wouldn't be.

Robin Hahn: We have to use the bridge regardless, but we just don't want to pay a \$2,500 fine every time.

Commissioner Tuley: Oh, I understand that.

Robin Hahn: Thank you.

John Stoll: Our earlier report recommends replacement in two to four years and another sheet says replacement in 1998. I remember last year--

Commissioner Tuley: Say what now?

Commissioner Mourdock: '98.

Commissioner Tuley: I heard '98 and this is '99.

John Stoll: Whenever this was listed as replacement last year we had contacted the inspectors to find out if it really was the worst one out there to replace and at that time we were told no and then we proceeded to put in the new bridge further down on Seminary Road. You may recall that one, it was a new bridge to replace a culvert.

President Jerrel: Right.

John Stoll: So the money that was budgeted for this one was used elsewhere on the basis of what we were told on the phone call to our consultants. We need to check and see what the discrepancy is here.

President Jerrel: Why don't you call and see, right.

John Stoll: Their description of work it says:

“Due to the non redundant nature of this superstructure, low load limit, inadequate channel and geometry, replacement is recommended within two to four years.”

And this inspection was done in '98, so I don't know why the two conflict.

President Jerrel: Would this likely be the same cost about as that, I don't know, I want to think of Number 7 and something else, those that were replaced? They were replaced with culverts.

John Stoll: The other one on Seminary that we did last year was in the neighborhood of \$100,000 so if it truly is needed right now I think there is money in the Bridge Fund that we could do it.

President Jerrel: Well let's check the money, call the consultant and we'll make a decision on it at our next meeting.

John Stoll: Okay.

President Jerrel: If we approve this we can--

Commissioner Tuley: Yeah, I mean I don't have a problem with...I know you're getting ready to make the motion, approving on first reading with the understanding that we're going to get some more information and we can change this before we actually adopt it, okay.

Commissioner Mourdock: I'll move acceptance of the ordinance regarding weight restrictions on certain bridges.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Co-op Extension Service Purdue University contractual service agreement</p>
--

President Jerrel: You have in your packet a final reading...I mean, excuse me. The contract with County Co-op Extension with Purdue whereby, you know, we are paying them a certain amount of money and in turn then they take care of those costs rather than doing it like we had been. This was agreed to last year.

Commissioner Mourdock: I'll move acceptance of the '99 county contractual service agreement with the extension agent.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Any group or individual wishing to address the Commission</p>

President Jerrel: Is there anyone here that wishes to speak to the Commission?

<p>Steve Craig - Burdette Park</p>

President Jerrel: If not, we'll go through the reports. While you're talking to him, you want to let Steve go real quick? Let's take the Burdette Park. We'll run you up here real fast while he is finishing that.

Steve Craig: I forgot what I was going to talk...no! I kept it in front of me so I wouldn't. I guess in our report you got our year end financial statement.

President Jerrel: Right.

Commissioner Tuley: Steve, that is pretty thorough.

President Jerrel: Very.

Commissioner Tuley: That's extremely thorough. I was pleasantly surprised and

very pleased.

Steve Craig: Well, thank you. There was a couple of other things. Not that I like to pat ourselves on the back, but every once in a while...we had a survey from Bristol Meyers that was very basic, but you appreciate to get them and when you have...they are probably our biggest picnic of the year by far and when you can get an A+, what they told us, then I thought maybe you guys ought to get to read that.

President Jerrel: Yeah, that's nice.

Steve Craig: The only other thing I had was that Gary and I was going to drive up tomorrow to see the A. Martin Lodge up in Nashville, Indiana because I have had several people now tell me that it is something that we ought to look at to maybe structure ours. Starting with Bettye, she had mentioned she had been there and really enjoyed it.

President Jerrel: Yeah, it is.

Steve Craig: I've had two or three people tell me since then we ought to go up and not copy it, but at least get some good ideas from it and so Gary and I thought we would run up there tomorrow if it was okay with everyone.

President Jerrel: There is a request if you would like to act upon the request to permit them to use a Park vehicle and go to Brown County.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much.

Steve Craig: Thank you.

John Stoll - County Engineer

President Jerrel: Okay, County Engineer.

John Stoll: First item I've got is a request for a change order on the Daylight Sewer project. This is for the final driveway that requires a bore instead of an open cut. This cost increase is \$5,110.

Commissioner Mourdock: Is this the same one we spoke of several weeks ago or additionally?

John Stoll: This is the additional one. The one large one went to Fruehauf Trucking, I believe, and this is a smaller one. It's a 30 foot driveway rather than 120 foot the Fruehauf driveway was. There are no other ones that I am aware of that have to be bored that weren't called for in the contract originally.

Commissioner Mourdock: Is this a concrete or paved driveway?

John Stoll: It's a rock driveway.

Commissioner Mourdock: Do we have a choice?

John Stoll: No, unfortunately.

Commissioner Tuley: I was afraid that was the answer.

Commissioner Mourdock: Move approval of the change order.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a letter to INDOT regarding the Fulton Avenue Bridge. This is a letter that is sent to the local transportation section of INDOT regarding the construction inspection agreement that we'll have with Bernardin Lochmueller. This doesn't require signatures on the agreement right now, this is just a cover letter to forward the agreement to INDOT for their review. The amount of the agreement is \$545,216. It's likely that will require some changes because when Bernardin Lochmueller came up with that cost estimate they did not have INDOT's time frame established in the contract so they estimated construction being completed in July of 2000 and then they had some additional work as far as finishing up the final construction records through September of 2000. I contacted INDOT last week with the recommendation to put it has a fixed date completion of December 31st, so once INDOT does take action on establishing the terms of the contract then they can review this agreement and see if the time frames established in this agreement correspond with what they have established as construction time frames and then determine whether or not the dollar figures are accurate, so there may be some revisions required on this, but Steve Dilk of INDOT did tell me to go ahead and forward the agreements up to INDOT now so they could get in the process of reviewing it.

President Jerrel: So these don't...these sound like they are completely out of sync.

John Stoll: Depending on what INDOT puts as the terms of the contract it could be. They could put the...if they follow the recommendation to put the completion date at December 31st, yes, that will be way out of line with the amount of time that Bernardin Lochmueller has estimated by a good six months probably assuming that they got the job done on December 31st and took a couple of months to finish out all the paperwork and claims.

President Jerrel: So what are you saying? We're going to go ahead and try this to see?

John Stoll: This letter is just to submit the unsigned agreements to INDOT for INDOT to review them and INDOT will check to make sure that the time frames in the inspection agreement matches up to the time frame established in the construction contract. No action is needed, I guess, but that letter needs the Commissioners' signatures so I can forward the information up to INDOT.

President Jerrel: Okay.

Commissioner Mourdock: I'll move approval of the signing of the letter.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a request for acceptance of streets in Breckenridge Subdivision, Section 1 and 2. This involves acceptance of Breckenridge Drive, Vertigo Court, Crescendo Court, Lobo Court, Silverthorne Court, Silverthorne Drive, Cimmaron Drive and Sawmill Drive. The grand total is .74 miles.

President Jerrel: Is there a motion?

Commissioner Mourdock: Move approval of the streets referenced in Breckenridge Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I would like to recommend that we award the Heckel Road Bridge contract to CCC of Evansville in the amount of \$241,405.88. They were the low bidder on the project.

Commissioner Mourdock: Move approval of the award.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a street acceptance request for Sycamore Hills Subdivision. This subdivision...this street acceptance requires also some acceptance of some additional right-of-way. The developer built the road out of the right-of-way, so to correct that problem he has had to dedicate additional right-of-way. I've got a deed signed off by the owners of that right-of-way which is Sovereign Technology Limited Liability Corporation and I also have a corporate resolution from that company dedicating the right-of-way, so contingent on the acceptance of the additional right-of-way it is recommended that Saddlebrook Road in Section 4 of Sycamore Hill Estates be approved. This is 705 linear feet of road.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a revised street plan for Elpers Industrial Sub. You may recall back in December we approved these street plans subject to some revisions on the drainage plan. This is the plan we originally approved and this is the revision. They basically deleted this one storm sewer pipe and rather than run it down here into this ditch on the east side of the property they are now going to run it to the ditch on the west side of the property. This is in conformance with what was approved as part of the drainage plan, so it is recommended that the revised plan be approved.

Commissioner Mourdock: What is this sub?

John Stoll: Elpers Industrial Sub.

Commissioner Mourdock: I'll move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I've got unless you've got any questions.

Commissioner Mourdock: A bit of direction for you, John. It is that time of year when we again need to convene those people we were calling the infrastructure working group.

John Stoll: Okay.

Commissioner Mourdock: Would you please take that upon yourself to call those entities together in the next week to ten days and report back to us as far as what the progress is. If you let me know what day you're going to do that I will do my best to try to be present, but I think it is important we start coordinating everybody again now that the construction season is almost on us.

John Stoll: Okay.

Commissioner Tuley: John, someone brought to my attention last week, I don't remember exactly what day it was, late in the week, we either have a stop sign down at Franklin and Woods...Woods...I don't remember where Woods runs into Franklin in the county, but you know Woods goes along there. Part of it is in the city and part of it is in the county.

John Stoll: Okay, but it was on Woods?

Commissioner Tuley: It was on Woods.

John Stoll: Okay.

Commissioner Tuley: And then if that one is down then there is one missing like at Upper Mount Vernon and like St. Phillips or vice versa. One of them is down and one of them is missing completely. I think they are stop signs.

John Stoll: What was the second intersection?

Commissioner Tuley: Like Upper Mount Vernon and I think it is St. Phillips Road or something like that. I'm thinking that one is down because the individual that called me said he called Posey County and they looked at it said, no, that's the wrong color sign, that's not our sign. I thought all stop signs were the same color. I'm not sure, but you can get someone to look into it?

John Stoll: I'll check on that, yeah.

President Jerrel: Alright, thank you. Keep us posted on what is happening with that bridge.

Weekly reports

President Jerrel: Okay, we also have reports for the Garage, Soil & Water and Ozone Officer. Is there a motion to accept those?

Commissioner Mourdock: I'll move acceptance of those three reports.

President Jerrel: Is there a--

Commissioner Tuley: Second.

President Jerrel: --second. Thank you. So ordered. Now the County Attorney is going to--

Robin Hahn: (Inaudible) for the County Garage?

President Jerrel: Sure.

Robin Hahn: I would like to put in a couple of cents for roadside trimming. On the west side we've got some roads that tree limbs are just notorious for growing out and my wife has a school bus and she owns it and operates it herself. She has called the County Garage numerous times to get those limbs trimmed down and last year she wrote a letter. We haven't had any results yet and I know they have one of these bushhog machines that goes down the side of the road and trims the limbs and I was wondering if that is just certain times of the year.

Joe Harrison, Jr.: What's the address again? There on Old Henderson Road?

Robin Hahn: No, this would be on the west side more, Broadway Avenue, West Franklin Road, Smith Diamond Road, Schmuck Road, Bayou Creek Road, Strueh Hendricks Road, all those roads it's just wooded areas, solid. Those limbs just constantly are growing out and if you meet someone you scratch the side of your vehicle up. Her school bus about every two years I have to climb up on the roof and repaint it for her.

Joe Harrison, Jr.: Well, the county will have to take a look to see. You know, if those trees are on county right-of-way--

Robin Hahn: It has to be on a right-of-way because, I mean--

Joe Harrison, Jr.: --then they can trim them.

Robin Hahn: --they're growing out into the road.

Joe Harrison, Jr.: If they're on private property the only way they can is if it is at an intersection. Otherwise, they can't go on private property, but they'll have...I'm sure they can take a look at it and see.

Robin Hahn: I sure would appreciate it, thank you.

Joe Harrison, Jr.: Sure.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: I just have two items. The first are the bids that came in on the shirts and hats for Burdette Park. It seems like that was yesterday, but it was two and a half hours ago, VC-99-02.

Company name	Amount bid
Gus Doerner Sports	Submitted unit pricing for all items
SouthWest Grafix & Apparel	Submitted unit pricing for all items
Imagination Screen Printing	Submitted unit pricing for all items

I would ask that you take these under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The last item I had relates to the Old State Road sewer Barrett Law project. The project was just accepted earlier this evening and I have prepared a preliminary assessment roll regarding the proposed benefit amount to each owner which is benefitted by the construction of the sanitation sewer project. This is a preliminary assessment roll that I would ask that the Commissioners accept and if that happens then I have also prepared a notice for a public hearing concerning the final approvemement of the assessment roll. There will then have to be a public hearing for that and I've got a date in mind of March 1st at 5:30. If, in fact, you all are will to accept this preliminary assessment roll we can get the process rolling where we will have a hearing on the assessment roll and then the final procedures with regard to collection of the assessments would then begin.

Commissioner Mourdock: I'll move acceptance of the preliminary findings.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I have a notice of public hearing. I think I gave a copy of that to Charlene already and I would ask that this is a notice of public hearing concerning assessment roll for the Old State Road sanitary sewer Barrett Law project. It sets forth the fact that the Board on today's date accepted the project as well as the assessment roll and indicates that there will be a public hearing on March 1st at 5:30 p.m. in this room for the purpose of considering the final assessments to be assessed towards the owners of those properties benefitted by the sanitary sewer project on Old State Road. So if there is a motion to publish the notice, that would be great.

Commissioner Mourdock: I move the notice to publish.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I've got.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Superintendent of County Buildings.

Tony Greubel: I would like to ask permission for your approval to change the long distance carrier for the county from LDDS to LCI. The reason being that LDDS has moved their local support office out of Evansville to Oklahoma City and this has caused a problem with Janet Watson in the Auditor's Office. It's more inconvenient for her to change access codes with county employees and the School Corporation has had the same problem. They're going to change their long distance carrier to LCI the last week in March and LCI on top of having better local support is going to offer us a better rate at 8½¢ per minute compared to about an average of 14½¢ by LDDS. It's not a contract. It would just be a month to month deal so we can drop out at any time if we would like.

Commissioner Mourdock: What was the current agreement with LDDS? That's my only concern that can we actually terminate given where we are right now?

Tony Greubel: Yeah, we can terminate that.

Commissioner Mourdock: On a month to month basis?

Tony Greubel: Yeah, uh-huh.

Joe Harrison, Jr.: If you all consider that I would certainly have a motion to terminate and then approve another. My only concern is whether or not we've gotten sufficient quotes from a number of the long distance services.

Commissioner Tuley: Yes, that's my question.

Joe Harrison, Jr.: But that is...there are other long distance providers, but that is certainly for the Board to consider. You might find some other more competitive prices, but that is just my own thought.

President Jerrel: Tony, do you know anything about the...you said the School Corporation was changing. Did they seek competitive prices, do you know?

Tony Greubel: I'll ask Kelly from VanAusdall, she is our account representative with VanAusdall & Farrar and see if she did competitive pricing for them or just found that they had local support. I mean, she did competitive pricing, but I don't know if she did a formal series of quotes, in other words.

Joe Harrison, Jr.: I'm just a little leery without doing formal...you know, without seeking quotes and changing.

Commissioner Mourdock: I'll move that we direct the Superintendent of County Buildings to review the long distance service and come back with competitive quotes as to possible providers.

Tony Greubel: We have time. Even if we would do it it wouldn't be effective until the end of March.

Commissioner Tuley: I'll be glad to second that motion.

President Jerrel: So ordered.

New business

President Jerrel: Is there any new business?

Consent items

Commissioner Tuley: We have to do the consent items.

President Jerrel: Oh, excuse me. I don't have...I was just busy writing my name. Is there a motion to approve the consent items?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have your meeting list.

Old business

President Jerrel: Old business?

Commissioner Mourdock: One item of old business, we have before us some draft language to be used in a letter to department heads regarding possible accrued comp time and sick days and I would move that letter be--

President Jerrel: Could you read that into the minutes?

Commissioner Mourdock: Okay, the letter would read:

"The County Commission agrees to the prorated buyouts being used for county employees leaving employment. A county employee is eligible for up to 60 sick days, any accrued compensatory time that they have earned and any unused vacation days and personal days for the current year. Time earned, such as vacation, sick and personal days, will be prorated during this current year. Vacation days and personal days are not carried over from year to year."

I would move that language be put in a letter to all department heads since it is in agreement with our stated policy.

Commissioner Tuley: Okay, you said it is in agreement with our stated policy, so this is just a reaffirmation?

President Jerrel: Right.

Commissioner Tuley: Okay, second.

President Jerrel: So ordered.

President Jerrel: Is there any other business to come before this body? Any new business?

Commissioner Tuley: No.

Joe Harrison, Jr.: There is no meeting next Monday, just to remind everyone again.

Commissioner Tuley: Nor Tuesday, yes.

Commissioner Mourdock: Really.

President Jerrel: Is there a motion to adjourn?

Commissioner Mourdock: Chief Ellsworth has been so patient to sit there, did you have something, Brad?

Brad Ellsworth: Not unless you have any questions.

Commissioner Tuley: I know why you were here. You were here to catch them rowdy non smoking people beat up them other guys. You wanted to make sure it didn't happen.

Brad Ellsworth: If they vandalize that car I'm going to catch them.

Commissioner Mourdock: I was beginning to think that before this meeting was over we would receive Cedric Hustace's painting of the finished convention center! I will move adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 8:14 p.m.

Those in attendance:

Bettye Lou Jerrel	Richard E. Mourdock
Patrick Tuley	Joe Harrison, Jr.
Suzanne M. Crouch	Charlene Timmons
Tony Greubel	Cedric Hustace
Jerry Bryan	Bob Dillow
Brad Ellsworth	John Stoll
Ted Ziemer	Don Dees
Laura Blankenship	Steve Uhm
Pat Cato	Rose Zigenfus
Gary Blankenship	Terry Raley
Danny Leek	Johnny Kincaid
Wayne Kirk	Jenny Cissell
Dan Steward	Lyman Roll
Brian Majors	Anna Stockton
Marsha Abell	Robin Hahn
Steve Craig	Members of the media
Others unidentified	

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
February 22, 1999**

The Vanderburgh County Board of Commissioners met in session this 22nd day of February at 5:39 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Commission meeting to order please. The first item on the agenda, I would like to introduce the people before you. To my right is Tony Greubel, our Superintendent of County Buildings; Joe Harrison, Jr., next to him, is our County Attorney; Pat Tuley, County Commissioner, to my right; far left, Charlene Timmons is our Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel. I would like to ask you to join me now in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The agenda looks long, but I've made a decision, I don't think it looks complicated, so we ought to be through in about 35 or 40 minutes. The first item on the agenda would be the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of February 8, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the approval of the certification of the Executive Session. We met from 4:45 until 5:30 and discussed personnel matters and litigation.

Commissioner Mourdock: I will move that we accept the summary minutes of those matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**DMD - Agreement for professional services and
semiannual performance report for flood mitigation**

President Jerrel: The next item on the agenda is approval of agreement for professional services and submit a semiannual performance report for flood mitigation and that is in your packet and I don't believe there is anyone here for that. Is there?

Commissioner Tuley: Yeah, Joe is here.

President Jerrel: I'm sorry, I didn't see you.

Joe Coleman: I'm sorry, I was hiding behind the podium. Yeah, the semiannual report is for the period from June 30th...or July 1 through December 31. We expect that during the next reporting period the entire program will be wrapped up. As mentioned in the report one of the last activities of the program will be a Fair Housing Week in June, part of our plan and with the cooperation of the Human Relations Commission to affirmably further fair housing which is a grant requirement.

Commissioner Mourdock: Just for the record we need to have you state your name.

Joe Coleman: Oh, my name is Joe Coleman, Metropolitan Development.

President Jerrel: Are there any questions?

Commissioner Mourdock: I'll move approval of the agreement for professional services with Specialty Systems of Indiana.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

John Dyer - Approval to construct home along Ohio River
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President Jerrel: The next item on the agenda is Mr. Dyer. He has a request.

John Dyer: I sent the Commissioners an e-mail this morning. Did everybody get it?

President Jerrel: We have all the information.

John Dyer: Did you get this?

President Jerrel: Yes.

John Dyer: Okay.

Commissioner Mourdock: If I may go backwards just a second to clarify, we had two things with that prior issue. One is the actual agreement for professional services with Specialty Systems and then we also had the thing directly from Joe. As a separate document, do we need a separate motion on that, Joe?

President Jerrel: Motion to approve?

Joe Harrison, Jr.: Yes, why don't you do that, I'm sorry.

Commissioner Mourdock: Okay, just to be efficient there I would also move that we approve the semiannual performance report with the Indiana Housing Finance Authority. Approve that for signature as filed in our packet tonight.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Sorry, Joe. Okay.

President Jerrel: Let's perhaps...have each of you had a chance to review the

materials? We had our attorney review the legal standing of the issue and do you have a comment to make?

Joe Harrison, Jr.: Not at this time. If Mr. Dyer wants to proceed, I know the Commissioners have reviewed your request. You might just want to indicate to them what your proposal is and as far as what you're proposing there is a statute that was recently passed that obligates the Commissioners to consider your request as far as the rebuilding of the structure that is currently located at the present address. If the Commissioners are...gives them the authority to either grant or deny the request that you're making here this evening, so if you want to proceed ahead and if there is any other comment Mr. Lehman may want to respond. I think the Commissioners have had a lot of documentation to at least consider it and they've received an opinion from me.

John Dyer: I apologize for showering you with information as you imagine. By the way, my name is John Dyer. I'm petitioning the Commissioners this evening to allow me to demolish a home that I own at 5148 Old Henderson Road in Union Township, Vanderburgh County. The premise for this is Indiana Statute which you are all familiar with. I may also cite as premise the policy of the Federal Emergency Management Agency which has published policy which specifically endorses this type of activity. I have documentation for that statement, too, if the Commission would like to see it. I would suggest that the project that I am proposing satisfies conditions set forth in the state and federal regulations, that it is consistent with stated public policy regarding flood hazard area management objectives and practices, that it will improve the county's FEMA audit by reducing the inventory of non compliant structures in the flood hazard area. That it lies upon a site characterized as minimal flood risk in terms of hydraulic force frequency and duration of flood effects. That this project will be carried out without public expenditure or subsidy. That it will increase property value and tax assessment and that in addition, I'm finding it a little difficult perhaps to get unanimous consent on this issue, but I think this project may serve community planners as a model for responsible floodplain development particularly in view of the initiative of the State of Indiana in passing this law they clearly intended that this sort of project should take place. I find in the some 30 or so FEMA documents that I have reviewed on the issue that FEMA is additionally in very much in favor of this kind of project. I would assure the Commission that I will strive to make this a very excellent model for this type of proposal and will cooperate in every way.

Commissioner Mourdock: The only question I would have, Mr. Dyer, and Joe I would ask for a little legal guidance here, I want to be sure that the county is not looking at any liability down the road. We did, just for your information, Mr. Dyer, have a situation come up at one time where a building was built outside the county codes. It was an area where a building was for a lot of reasons not designated to be built there at certain elevations. People went ahead and built it anyway and then a building permit was issued. The building was built and people came back sued the county. The one thing I would look for in this situation would be that perhaps the summary minutes of this discussion from tonight's Board meeting be recorded somehow in the Recorder's Office perhaps to cross reference the deed for Mr. Dyer's property so that it is clear of what the intent is by the Board waiving the one requirement and also making it obvious to whoever would subsequently own the property that these things were put in place and that they buy that property on that condition.

John Dyer: I would certainly be willing to make a covenant with the county to indemnify and hold harmless the county for any matters arising out of this issue.

Joe Harrison, Jr.: That's exactly what we're looking for.

Commissioner Mourdock: Okay, and would that then be part of the chain of title that whoever buys it is assuming that same hold harmless clause?

Joe Harrison, Jr.: Yes, I mean it runs with the property.

John Dyer: Right.

Joe Harrison, Jr.: So, sure.

John Dyer: It is certainly not a problem.

Commissioner Mourdock: Okay, with the provision that that document be drafted and executed by Mr. Dyer and the other owners of the property--

Joe Harrison, Jr.: Oh, sure, they obviously want to speak.

John Dyer: Certainly.

President Jerrel: Yeah.

Joe Harrison, Jr.: But as far as what Mr. Mourdock is referring to if this Board makes a decision one way or another and it is favorable to you I would like to, if you would, get a document to me, a covenant to that effect and let me look at it. If it needs to be revised in some fashion we can do that, but if, in fact, this Board goes that route that's what we'll need.

John Dyer: Gladly.

President Jerrel: Essentially the issue is the current facility is not as high as it should be.

John Dyer: That's correct.

President Jerrel: And you're going to raise the first floor four and a half feet so it meets the standards that are recommended.

John Dyer: Exactly.

Commissioner Mourdock: And include certain engineering things to withstand hydrostatic pressure and building code items.

President Jerrel: Right, and that is the issue, really. If you didn't do it and you lived there nothing would change.

John Dyer: Exactly, except that the county's FEMA audit would, of course, reflect that it still had a non compliant structure in its inventory. Of course, the federal government would be still exposed to the potential that I would make a claim under the National Flood Insurance Program.

President Jerrel: Well, let's...you want to let some of our...okay.

Roger Lehman: Hi, my name is Roger Lehman, Building Commissioner. We received Mr. Dyer's request and forwarded the information to the Commissioners

and also to the Floodplain Management Committee for the city and county. That committee received information last Tuesday and also this morning. That committee took a vote and on a two in favor of approval...I'm sorry, two opposed approval and three in favor of approval it came up with a no action vote on that. The city and the county from our agency's standpoint we have been pushing and working hard to eliminate flood hazard conditions particularly in the floodway and that is what is unique to this location is that it is not in a floodplain, it's in a floodway of the Ohio River. The state in its desire, I guess, to do something after the flood of '97 did institute this law that said a building could be rebuilt if it met all the current requirements. We have just got a report from Mr. Coleman on spending \$127,000 on purchasing property in this area and razing it. We will have another \$600,000 grant that we have received and have not put into effect yet, but we will in the next few months, for purchase and removal. Our position is that the only way to assure that there is not damage in the floodway is to eliminate the hazard which would be to, obviously, remove the building. Mr. Dyer has a very nice presentation and we have no reason to believe he won't do what is required if this is approved, but as a point of what the city and county are trying to do as far as reducing and eliminating flood hazards we are not in favor of construction in the floodway at all.

Barbara Cunningham: I don't know if I can...Mr. Dyer probably can give my presentation, he has heard it a couple of times. But I don't know if, you know, my problems as we said in the last two meetings are number one...and I desperately hope that Mr. Dyer could prove it was a lot of record and he could not, so I don't have a subdivision lot. What you have is a parcel that was probably what...23 acres in size? It was purchased in '94 by someone. It was in a family trust. It was leased ground and you had river camps that were placed on that and over the years have become some of them permanent residences all without benefit of permits and I think you mention, too, that the house that you purchased, not when he had it, was a FEMA loss in '97. The loss was not...the money was given for the loss, but the loss was not replaced. Now that is not Mr. Dyer, but this is the kind of things that we're working with. So I have a problem in that I don't have a subdivision lot and I have, you know, the houses that are faced on that and I don't know how I can, you know, give a permit unless I have...like any...if this were any place else I would either insist that it be lot of record or they plat a residential lot. To plat a residential lot on a septic takes two and a half acres. The lot is not...what is it? About a fourth of an acre?

John Dyer: It's 70 by 300.

Barbara Cunningham: Yeah. So, I mean, so that's problem number one. The second problem I had with it was the septic system. You know, Dwight is here so maybe he can say something about it. I find, you know, a septic that could be not usable for a period of time because the land does flood down there a couple times a year and I found that was a problem that the septic system did not work. I had a third problem, does anyone remember what my third one was? Mr. Dyer, you're not going to help me?

John Dyer: I'm not going to help you. You're doing good.

Barbara Cunningham: Let me see, there was a third thing. It was the septic...you know, we're not talking floodplain where you can just elevate it. We're talking about floodway where there is moving water. This is right...just right, is it north of the Dogtown Boat Dock? Yeah, it's a floodway. Yeah, it's not a floodplain, it's a floodway. I think, you know, for some of these reasons it, you know, we don't have an approved road, it's not a subdivision, I'm worried about the septic. I'm worried

about us...that was it...I was worried about us spending money in other parts of Union Township purchasing properties and, you know, the message that we're sending. On the other hand, Mr. Dyer has done very well. We offered to hire him this morning, the presentation he gave was so good. But he has done very well on that, but, you know, I can just see if he gets it then are we going to do this...is everybody going to be able to do that and it just does not meet what we're trying to do with Project Impact, but there is the window of opportunity for the Commissioners to make a decision.

President Jerrel: Well, wait just a minute before you walk away.

Barbara Cunningham: Okay.

President Jerrel: I listened to Mr. Dyer and I thought he made an excellent presentation.

Barbara Cunningham: Uh-huh.

President Jerrel: But just to help everybody out this is by the...in the vicinity of Dogtown Tavern, across the street, next to the boat launch?

Barbara Cunningham: Okay, you go...it's a little bit away from Dogtown Tavern. It's not on--

President Jerrel: No, but's on Old Henderson, but it is in that general vicinity.

Barbara Cunningham: Yeah, if you were landing at the Dogtown Boat Dock, if you went a little bit to the north which is away from the Dogtown Tavern.

Commissioner Mourdock: Upstream.

Barbara Cunningham: That you would be...this would be the first house.

President Jerrel: Right.

Barbara Cunningham: It's 862 feet and we're talking about replacing it with what, 3,000 or 4,000 square feet?

John Dyer: A 3,000 square foot house.

Barbara Cunningham: And, you know, that's a lot more as Dwight said this morning he needs some information because from the Health Department that is a lot more going in the septic system.

President Jerrel: Let me ask you the rest of the question.

Barbara Cunningham: Okay.

President Jerrel: So if you got on that Old Henderson Road and I ride my bike from that point down to the gravel it's about 12 ½ miles down and 12 ½ back. It's 25 miles.

Barbara Cunningham: If you say so, Mrs. Jerrel.

President Jerrel: And the homes that we are buying were almost at the end where

the gravel is on Old Henderson Road, is that not correct?

Barbara Cunningham: I'm not sure about that. Are they farther than--

Roger Lehman: Well, the big group of homes are close to the old lock and dam. We've bought spot homes--

President Jerrel: On down.

Roger Lehman: --on down and we bought one on Bayou Creek.

President Jerrel: Yeah, well I was trying to get all that clear in my mind. Now, those homes flood more often? Does this home flood the same as all those homes?

Barbara Cunningham: Probably this one floods a couple times--

Roger Lehman: The frequency would be the same.

Barbara Cunningham: The frequency would be about the same and the road floods, too.

President Jerrel: Uh-huh.

Roger Lehman: Once or twice a year.

John Dyer: Well, actually (inaudible). We're on much higher ground than they are.
(Inaudible comments from audience.)

Roger Lehman: Oh, yeah, the old lock and dam. We're talking about Dogtown.

Barbara Cunningham: Uh-huh, the Dogtown area.

John Dyer: It's a long way.

President Jerrel: Well, the elevation is different?

John Dyer: Yes.

Roger Lehman: Yes.

Commissioner Tuley: And you're raising the elevation?

John Dyer: Well, our land to start with is a lot higher than that land out there.

Commissioner Tuley: But I mean the structure itself is being raised as well?

John Dyer: Yeah, the structure will be raised.

President Jerrel: But the starting point is different.

Roger Lehman: The starting point is higher there than as you go on down the road.

President Jerrel: Yeah, that was my question. It seems that way when you're working your way down that way. It seemed as if it were higher, so that's another

issue that plays into this situation.

Roger Lehman: Right.

President Jerrel: Okay, I just wanted to make sure that I was correct on that.

Barbara Cunningham: Well, and I don't know, we've talked about this. I don't know if we've done a CRS application to lower the flood insurance, you know we've been working on that.

President Jerrel: Uh-huh.

Barbara Cunningham: And I don't know if that plays a part in this type of thing or not.

Roger Lehman: I don't think it will directly if the end result (inaudible, not at microphone).

President Jerrel: We've gotten a lot of communication about lower flood insurance recently so you might want to know about that, too.

John Dyer: If I may, everything that I've read--

President Jerrel: You want to come back up.

John Dyer: Oh, sure. Everything that I've read says to me that the county will benefit with a lower flood insurance rate. Probably not very much, I'm just one house, but according to FEMA their standards for the audit is number of non compliant structures in the county and when I do this there will be one less non compliant structure in the county. I haven't talked to anybody in FEMA, but it seems like an inescapable conclusion based on what I've read and I have read a lot of FEMA information. That seemed to be the real sticking point here. If I may in rebuttal, please, address a couple of the other issues. There has been a lot of concern about my septic tank. It works fine. We have very sandy soil there. We're not going to have more residents there than that septic tank has handled...I know absolutely for sure that the house has been full-time residence with two people for the last 13 years including my wife and myself from May through November. We live with that thing every day. We've never had a problem with flow. Never saw any above ground discharge. We know it has got a septic tank. We know it's got a field bed...well, we were told, but you can't see it. It's underground and unless it does something bad like make a smell you'll never know that there is anything...that it is even there. We haven't experienced that and, in fact, if we did I would be real concerned about it because I'm about to build an expensive house on it and I don't want to do that on top of a smelly cesspool. The issue of the river coming up, duration and frequency is very low. We are on pretty darn high ground. It has to hit 40 feet before it comes over our ground. I have a chart somewhere that shows...actually for several years it, you know, for last year it did not flood, this year it has not flooded us and probably won't flood, so we're not talking about a situation where a piece of property is under water all the time or even a lot. If it was under water a lot none of us would want to live there. It's just a minor inconvenience. If the county would like I would be more than happy to undertake some kind of remedy like I could put a 60 gallon marine waste storage tank in my shop area which is going to be on the second floor and when the river comes up over 36 feet flip a valve and we've got about 35 days that we could go into the storage tank until the water goes down, but the water almost never stays up more than four or five days at a time. Even in the current situation I can't imagine the septic tank being working or not

working being an issue because the septic tank consists of a sediment tank, the tank itself, and the field bed. Well, the sediment tank traps the solids. The field bed percolates off...what comes out of the septic tank is gray water which then percolates off in the field bed. That's how those darn things work. Well, if my ground comes under water all that happens...first of all, the digestion process is anaerobic. It occurs in the absence of oxygen, so if the water comes up and fills my system it might be a little bit less efficient but because it is going out into a field bed there is not very much chance of any organic solid biomatter making its way into the river and even if that were possible every time we get a three inch rain in Evansville the city Sewer Department dumps millions of gallons of raw sewage right into the river. My neighbors and I would have to flush our toilets 4,000,000 times in a period of about three days to even come close to that. I'm not--

Commissioner Mourdock: Let me change the course here for a minute.

John Dyer: Yeah.

Commissioner Mourdock: Joe, could you give us a little background again by statute as far as what Barbara referred as this window of opportunity? Can you tell us what the statute says, how we're to look at this?

Joe Harrison, Jr.: Essentially this legislation that enables Mr. Dyer to reconstruct his home where it is without the restrictions that are normally there was passed on May 13th of 1997. That particular statute reads, I'll just tell you as follows:

"Subject to Subsection B and notwithstanding IC 14-28-1-26.5 is added by this act, any dwelling (which would be him) including a mobile home constructed before March 1, 1997 that has been damaged by boundary river floodwater may be repaired, reconstructed or replaced if the repair, reconstruction or replacement meets the guidelines of the federal regulations described in IC 14-28-1-26.5 (B) as added by this act and subject to the discretion of (in this case if it was in the city it would be the Mayor, in this case it's the county) the County Board of Commissioners if the dwelling is not located in a city or a town. This section expires December 31, 2000."

So that's the window of opportunity. I don't think Mr. Dyer lobbied for this legislation, but--

John Dyer: But I was sure glad to see it.

Joe Harrison, Jr.: --it directly impacts him, you know, right on the nose. If he wants to do this without all the restrictions that are there otherwise which may be prohibitive for him to even do this he would have to make this request and get approval from the County Commissioners before December 31, 2000. If he tried to do it on January 1, 2001 it wouldn't work.

Commissioner Mourdock: Unless they renew it.

Joe Harrison, Jr.: Unless they renew it.

John Dyer: Would you agree, Mr. Harrison, that this is a very broad and powerful law?

Joe Harrison, Jr.: Oh, yes. It's...I think Mr. Lehman would, too. It essentially is

saying there is a hiatus on all the other regs and statutes, federal regs, with respect to what he wants to do on this property. So that's going to change, I'm sure.

John Dyer: Sure, next year.

Joe Harrison, Jr.: January 1, 2001, but at least for right now it is discretionary whether or not in the county the Commissioners want to permit Mr. Dyer and his wife to proceed in this fashion.

John Dyer: My short pitch is I'm going to do a good thing and be good for the county and I hope you'll let me do it.

President Jerrel: Any questions?

Commissioner Tuley: I met with him just like you guys did. He has contacted, I think, everybody.

President Jerrel: Including DNR.

John Dyer: Yes, ma'am.

Commissioner Mourdock: Just again so I better understand, what appeal process, Joe, under this statute is there?

Joe Harrison, Jr.: Appeal?

Commissioner Mourdock: Yeah, is there any?

Joe Harrison, Jr.: No. I mean, if this Board denied what he wanted to do, I don't know, I'm not to sure there is much he could do. If someone else out in the public didn't like what we did I don't think there is anything they could do either. It's simply a...there doesn't appear to be any appeal process in this piece of legislation that was adopted unless Roger reads it differently I think it's discretionary by this Board. If they want to do it, if someone is upset about it, they're going to be upset. They could come back. There is not restriction if it was turned down he couldn't come back the next day and try again, but he has got until 2000...the end of 2000 to keep coming back.

John Dyer: It's not me, I swear.

Commissioner Mourdock: The Governor is on the phone!

President Jerrel: I'm open for a motion, comments.

Commissioner Mourdock: I'm always somewhat torn on the issue when it comes up to something between the property rights type of issues and the overall zoning and planning types of issues. I think there is definitely an element of risk here that may be greater than what Mr. and Mrs. Dyer recognize, but you look like adults to me, too, so I think much of it is your risk. My concern for the county's point of view goes back to what I said before that I certainly would want everything clarified with a hold harmless type agreement to protect this Board, but if the present owners of the property are agreeable to that type of instrument as prepared by Mr. Harrison, then I would move that we give approval to this request.

Commissioner Tuley: It's, like you say, you get in the property right...individual

property rights I have a hard time sometimes with trying to control or whatever, but I think somewhere along the line the legislature must have thought this wasn't all that bad of an idea. You said it, he is an adult, she is an adult. I think you may be right, there may be a little bit more risk here than they're willing to admit or recognize, but having said that I'll second your motion.

President Jerrel: I'm going to ask for a voice vote, but just a comment, this will essentially be an improvement over what is currently there. I see Roger nodding his head, so I'll call for a voice vote.

Commissioner Tuley: Yes.

Commissioner Mourdock: Is he nodding his head in the affirmative?

President Jerrel: Yes. Yes, he is. Alright, Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I'll vote yes.

John Dyer: Thank you.

Barbara Cunningham: May I ask a question for clarification?

President Jerrel: Yes.

Barbara Cunningham: Would the Commissioners then order this to be a lot using his dimensions so I may issue the permit? I don't know how I can take it through the subdivision process? It doesn't need anything like that. I mean, I'm not asking you to do anything--

President Jerrel: Tonight.

Barbara Cunningham: Well, he wants to do it.

Commissioner Tuley: Yeah, he is ready.

Barbara Cunningham: What I would like to have you tell me is that this is to be considered a lot ordered by the County Commissioners with his meets and bounds description that you have, you've got that for me, so that I can do that.

President Jerrel: Okay.

Commissioner Mourdock: Let me just clarify one thing with that. You are fairly recently...you're fairly...you've acquired this property fairly recently correct?

John Dyer: In '98.

Commissioner Mourdock: Was there a field survey done at the time?

John Dyer: Yes, two.

Commissioner Mourdock: Down along the river sometimes two is not enough! Okay, with that then, Barbara, in determining that this is a lot does that cause any complications for the Dyers going back to the septic situation we discussed earlier? If we suddenly say, now this is a lot is somebody else from the Health Department going to come in a say, ah-hah, now that it's a lot you can't do it because it's not two and a half acres?

Barbara Cunningham: Are you going to do that Dwight?

Dwayne Caldwell: Dwayne Caldwell, Health Department.

Commissioner Mourdock: I'm sorry I couldn't hear you.

Barbara Cunningham: Dwayne with the Health Department. No, I don't think it will.

Commissioner Mourdock: Well, I just want to make sure that we're not setting a bear trap here.

Barbara Cunningham: I think we're going to have the same problem with the septic system. It's this size only. It's not going to be any bigger or less.

Commissioner Mourdock: Okay, well let's just get it on the record.

President Jerrel: And no additional people.

Dwayne Caldwell: Yeah, I'm Dwayne Caldwell with the Health Department. Don't tell my boss, Sam, I was here. I was just observing. Basically, as far as the septic system goes we don't have any record of what is there. We have no idea what size tank, how much field bed or anything like that. I was told by Sam that if you decided to go ahead and let him build that we could say on the letter that we have no objection if you're going to let him, but that's as far as we would go.

Commissioner Mourdock: Okay.

President Jerrel: Alright, thank you.

Commissioner Mourdock: Thank you, Mr. Caldwell.

Dwayne Caldwell: Remember, I wasn't here.

Commissioner Mourdock: Okay, coming back to Barbara's comment then as far as what this Board needs to do to designate that as a lot I'm still not sure what we quite need to do.

Commissioner Tuley: I think we declare it a lot based on the meets and bounds.

Joe Harrison, Jr.: Yeah, I think the bottom line is that she is going to be ordered to--

Barbara Cunningham: Declare the permission granted for the replacement.

Joe Harrison, Jr.: Yes.

Barbara Cunningham: You don't necessarily have to...lot maybe is the wrong name.

Joe Harrison, Jr.: Right.

Barbara Cunningham: Let's do permission granted for the meets and bound description as shown...as given tonight.

Joe Harrison, Jr.: And ordering you to permit--

Barbara Cunningham: Yeah.

Commissioner Mourdock: To accept the meets and bounds?

Barbara Cunningham: That makes sense. Don't call it a lot because we can't get it--

Commissioner Tuley: I'll second her motion.

Commissioner Mourdock: You've got to restate it though. Let me take a shot. What we're doing is we're saying that we're authorizing Area Plan Commission to move forward based on the meets and bounds descriptions provided by the Dyers for the property in question.

Joe Harrison, Jr.: And to grant the proper permit.

Commissioner Mourdock: And to grant the permit for that property.

Commissioner Tuley: Nicely done.

Barbara Cunningham: If it meets code requirements.

Commissioner Tuley: Okay, I'll second.

President Jerrel: I'll say so ordered, but the covenant part was included in the first motion?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Yes, in the first part.

President Jerrel: Okay.

Commissioner Mourdock: You'll need to work with Joe Harrison to get that document.

Joe Harrison, Jr.: Okay.

Severe Weather Awareness Week proclamation

President Jerrel: Alright. Okay, moving on. In your packet you do have Severe Weather Awareness Week and that will be March 7th through the 13th and this is something that is...I hope that we can do some more participation within the Civic Center. The schools all will be observing the special week and the day of the tornado will not be announced, the time, the day is but we won't give the time because that way the kids get a real test of whether or not they can meet the proper position that they're supposed to be in when they leave the building because, you know, we've had a number of tornadoes in this area. We may not have any this year and I hope we don't, but there isn't anyone here is there, Tony, for this? Okay, so do you want me to read it or you would like to read it into the minutes?

Commissioner Mourdock: You need the whole thing?

President Jerrel: Yes.

Commissioner Mourdock: Sure, I can read it. This is a motion to designate March 7th through the 13th, 1999 as Severe Weather Awareness Week:

“WHEREAS the months of March through June present the highest risk for severe thunderstorms and tornadoes to strike Vanderburgh County and;

WHEREAS Vanderburgh County is located within the nation’s tornado belt becoming a prime target for tornado outbreaks and other types of severe weather and;

WHEREAS the statewide tornado warning exercise will be held on March 10, 1999 for the purpose of testing communication systems, equipment and procedures and;

WHEREAS during this week the Evansville-Vanderburgh County Emergency Management Agency is emphasizing its safety procedures involving tornado activity;

NOW THEREFORE the Board of Commissioners of Vanderburgh County do hereby proclaim March 7 through 13, 1999 as Severe Weather Awareness Week in Vanderburgh County and encourage all citizens to become aware of tornado danger signs and to learn how to safeguard the lives of their families, friends and citizenry in the event of severe weather activity in our area;

IN TESTIMONY WHEREOF I hereto set my hand and seal and cause the seal of Vanderburgh County to be affixed this 22nd day of February, 1999.”

President Jerrel: Is there a second to that resolution?

Commissioner Tuley: Yes, I’m sorry, second.

President Jerrel: Okay, so ordered.

<p>McClure Memorial Baptist Church Motion to withdraw order for tax deed</p>
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President Jerrel: The next item on the agenda is the McClure Memorial Baptist Church. Is there someone here to speak to this? You have before you a motion to withdraw order for tax deed. Tony, did you have a comment about that?

Tony Greubel: No, you were going along just right. They paid their taxes. It was after the deadline, but it finally was paid, so this is to withdraw the motion in order to take over their property.

Commissioner Mourdock: Okay, I’ll move approval of the motion to withdraw the order for tax deed for the McClure Memorial Baptist Church property.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Reginald Heck - Vacation of easement Permission to advertise and set hearing date</p>

President Jerrel: The next one is Reginald Heck, permission to advertise and set hearing date for petition to vacate easement.

Commissioner Mourdock: I'll move that we advertise and set the hearing date for the petition to vacate an easement located at 1114 Indy Court with the suggested hearing date for March 8, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Final reading Ordinance amending speed limits on county roads</p>

President Jerrel: We're now ready for the final hearing on the ordinance regarding speed limits on county roads. We have the information in our packets. One change was made last week and I'll call that to your attention. It was Schlensker Road, but is everything else the same?

John Stoll: Right.

President Jerrel: So Schlensker Road will be set in at 30 miles an hour as approved last week.

Commissioner Mourdock: Right, and that is only for the section from Browning Road to Petersburg Road--

President Jerrel: Right.

Commissioner Mourdock: Which I guess now that I think of it is Schlensker Road.

Commissioner Tuley: I think it is, yeah.

President Jerrel: Yeah.

Commissioner Mourdock: I'll move approval on final reading of an ordinance amending Chapter 10.16 Section 010 for Vanderburgh County regarding the speed limits.

Commissioner Tuley: Second.

President Jerrel: And final reading I'll call for a voice vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. The next item on the agenda is--

Joe Harrison, Jr.: Bettye Lou, with regard to that can you all approve permission to advertise? Since there was an amendment they'll have to advertise the publication of the final document.

President Jerrel: Oh, okay.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p style="text-align: center;">Final reading Ordinance amending weight restrictions on certain bridges</p>
--

President Jerrel: The next item on the agenda is the final reading for the ordinance amending weight restrictions on certain bridges.

Commissioner Mourdock: I believe these are the same as we had last week.

President Jerrel: Yeah.

Commissioner Mourdock: I'll move approval of an ordinance amending Chapter 10.24 Section 060 of Vanderburgh County Code regarding weight restrictions on certain bridges as presented to us in our packet.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Need a roll call.

President Jerrel: I'll call for the roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

<p style="text-align: center;">Final reading - Vacation of easement for Buente Trust</p>

President Jerrel: The next is the final reading on the vacation of easement along a portion of Virginia Street for the Buente Trust.

Commissioner Mourdock: I see movement in the back of the room.

Danny Leek: I'm Danny Leek with Morley and Associates representing the Buentes and would be happy to answer any questions you may have.

Commissioner Tuley: This is where it was realigned and everything.

President Jerrel: Yeah, it is just straightening up the street.

Commissioner Mourdock: I'll move approval on final reading of the vacation of the easement for a section of Virginia Street that is been requested by the Petitioner, Buente Trust.

Commissioner Tuley: Second.

President Jerrel: I'll call for a voice vote on final reading. Commissioner Tuley?

Commissioner Tuley: Second...yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Appointment - Catherine Hill, Greenway Passage Committee

President Jerrel: The next item on the agenda is the Greenway Passage Committee appointment. We did receive a request from the Pigeon Creek Greenway Passage that they would like to recommend to us that we appoint Catherine Hill to replace Dr. Charles Price who resigned from the committee. Is there a motion to approve?

Commissioner Mourdock: I'll move approval of Ms. Catherine Hill for that position and just for the record since we often state those people's names with addresses, I don't have the address, but it is the same Catherine Hill that is on the Weed and Seed Program of the Neighborhood Investment Council.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Second amendment to lease - Co-op Extension Service

President Jerrel: The next item on the agenda is the County Co-op second amendment to the lease. There are some minor points...do you have any comment, Joe, or is everybody comfortable with the--

Joe Harrison, Jr.: This document has been signed by the Kahres, the landlord for the property located at 13301 Darmstadt Road, which is the Purdue Co-op Extension Service. This is a modification to the lease that is in effect between the county and them for that property that the Co-op Extension Service leases. Essentially the original lease was, I believe, signed in July, July 1, 1996, and then there was an amendment to that September 9, 1996. This particular document would reduce the term from May 30, 2006 to January 31, 2003. It does provide for an option to renew the lease set forth in paragraph two for an additional 36 months should the county

wish to renew the lease. If that is the case they would have to give at least 180 days notice to the Kahres of that intention. In addition, the rental under the lease will not be increasing as was previously provided. It is going to stay where it is now at \$3,727 a month. Also, there is a provision that indicates if funding for the Purdue Co-op Extension Service program is cut by Purdue or the state by 50 percent or more the lease could be discontinued. So essentially, other than that there are a few other minor changes, but other than that the terms of the other lease will apply except for the highlighted provisions that I've read into the record.

President Jerrel: Are there any questions regarding this?

Commissioner Mourdock: I'll move approval of the second amendment to the lease between Vanderburgh County and Steven W. and Karen A. Kahre for a property known as 13301 Darmstadt Road.

Commissioner Tuley: Second.

President Jerrel: So ordered.

American Medical Response - Approval of contract

President Jerrel: The next item on the agenda is the American Medical Response and you have in your packet the contract and, Mr. Harrison, were there any comments that you want to make?

Joe Harrison, Jr.: AMR is again proposing a one year agreement with the county which would begin at the first of this year. The contract price would be the same as it has been for the last several years, \$197,000 would be the maximum contract price. The ambulance service contract relates to those areas outside the city of Evansville not including Darmstadt, not including Scott Township and not including Armstrong Township. It's essentially the same as the contract is currently in place between AMR and the county except for the following three changes. AMR is proposing to respond to life threatening emergencies in less than 12 minutes and they will respond to other calls in less than 15 minutes. There is a requirement that they do so, I believe it is 90 percent of the time, if not they are penalized and, obviously, that is a reduction in their contract price. Now all calls must be responded to in under 14 minutes, so essentially what is being proposed is that life threatening calls, again, under 12 minutes. Other calls under 15 minutes. Again, what is out there now in the current contract says all calls must come in...all responses must be under 14 minutes, so there is a possibility of an additional minute with regard to other calls, but life threatening calls is a reduction of two minutes. AMR will also...they're proposing to also post at least one ambulance within the county. Currently there is no requirement of a posting of an ambulance out in the county. They're proposing as an example of that location like at Lloyd and Red Bank Road. In addition, AMR has indicated that they will be Y2K compliant prior to the end of this year. I have had an opportunity to speak with Maury Nichols about this and I know he is for lack of a better term apparently the spokesman or one of the spokesman for the volunteer fireman that are served by this county contract. He indicated that although I think he would prefer to have probably all ambulances maybe of AMR maybe situated within the county I believe that the response time issue is of critical importance to the volunteer fireman. Any time that the response time is reduced certainly is an improvement and is the best for the citizens of this community. You want ambulances to get to a call as quickly as possible. Again, this contract is different from last year. Again, it is a one year contract and we'll have to see what

happens after this year, but it is different from the current contract. It certainly appears to be an improvement over the current one as far as the citizens of this community are concerned. There may be some other people who may want to comment with regard to the proposed agreement.

Commissioner Mourdock: Just to clarify something, it's a one year contract, but it is actually based on January 1st, so it is effectively 10 months from now?

Joe Harrison, Jr.: That's correct.

Commissioner Tuley: How long is the city's contract?

Joe Harrison, Jr.: Well, they had a five year agreement, but I think they signed the five year agreement two years ago.

Unidentified: '97.

Joe Harrison, Jr.: Okay, so I think they've got three more years left with AMR.

President Jerrel: Is there anyone here that wishes to speak to this?

John Buckman: Well, having just been briefed on this at 5:25 I don't have a whole lot to say except I would like to thank the Commissioners for reducing the response time to 12 minutes. That is very important. I guess we would urge you to go ahead and sign this contract understanding that it is better than last year, but we still need to improve it and so we need to work for the future as well. We've reduced the response time by two minutes, but we took the farthest part of the county out of the contract so what did we really reduce? We're giving them the same amount of money but we've reduced two townships that they are no longer responsible for which probably relates to about 12,000 to 13,000 people. You know, I understand we've got to have a contract and, Bettye Lou, we know you've worked on it and I assume the other Commissioners have worked on it. We appreciate that. Let's go forward and let's go ahead and get this done, but let's look to the future and say we've got some other things that we've got to do to help give better service. You know, what I look at as life threatening emergencies, we've got two brand new deputies sitting here tonight and it's okay for them to go out and get shot and have to wait 12 minutes for an ambulance and that is what we're saying worst case scenario or have a roof fall on a volunteer firefighter's head you've got to wait 12 minutes for that ambulance. I really don't think that is acceptable, but I understand we've got to have a contract and let's move forward. Thank you.

President Jerrel: Thank you. John, did you give your name?

John Buckman: John Buckman, Fire Chief, German Township Fire Department.

President Jerrel: Okay. Yes.

Mike Lockard: I have to agree...by the way, Mike Lockard with SRI Ambulance and I agree with John is that it is a good contract in the fact that it has reduced the response times. I want to say that I think it is great that you guys have moved forward with reducing the response time, but my parents live in Vanderburgh County, they live outside the city limits and it was not that long ago that my young son had an asthma attack and needed an ambulance. He would not have gotten an ambulance within 12 minutes. He would of had to wait 15 because he did not meet the requirements that are in the contract that you guys were looking at which is a

Delta Response. I have to agree with John is that I think it is somewhat of a disservice to say 12 minutes for one, but 15 for the other for the example he used for the Sheriff Deputy that got shot. That might not have gotten a response within 12 minutes, it might have been a 15 minute response depending on how the call taker prioritized that call on the 911 dispatch center. I think that with the way that you guys divided out the 12 and 15 minute response I think that leads to the potential for extended responses for what most people would consider a life threatening emergency, chest pains, difficulty breathing, emergency allergic reactions, those would not necessarily require a 12 minute response. They may get a 15 minute response and I think that potentially is a disservice to the people who live in the county. The other thing I would say from looking at the contract is that there is no provision there for the on scene safety people that I work with in the volunteer fire departments. If they request an ambulance for other than an emergency there is nothing in there that says when AMR has to arrive. It could be 20 minutes, 30 minutes, it could be an hour. There is no provision in there for when they have to arrive for non emergency requests for on scene safety personnel such as John or these Sheriff Deputies and I would just ask that you guy consider that as something which would serve the safety personnel of Vanderburgh County. Other than that, I agree. It's a better thing for the people out there to reduce the responses. Thank you.

President Jerrel: Thank you.

Brad Ellsworth: One more?

President Jerrel: Okay.

Brad Ellsworth: I'm going to quit coming to these meetings! Speed on Schlensker Road. Brad Ellsworth, Sheriff. Just in hearing, not knowing anything was going on about this tonight, my only comment would be and I believe I asked John that the city response is eight minutes. My point on that would be that I see no difference of less importance on the residents out in the county than there is in the city and as Deputy Sheriff, I guess I'm not a Deputy anymore, 15 minutes is a very long time to sit there a wait and listen for the sirens and I would say that based on what we are paying are we getting a reduced rate due to the increase in minutes versus the eight minutes? If we're paying the same rate as the runs in the city then we should get eight minute response time too, to the residents of Vanderburgh County.

Commissioner Mourdock: If I may jump on all those comments. First of all, Mike and John, I appreciate your comments. Brad you can quit coming to these meetings! No. All those are valid comments and especially Mr. Lockard's comments about some of the things we might look to in the next contract. One thing that we did set forth to do here is have a short term on this contract so that we can get a better set of terms and conditions, if you will, when this thing comes up next time. On that 12 minutes and 15 minutes having two separate standards I think that's a very good issue that we ought to look at when we renew this or start talking about renewing this in just the next couple of months to have a replacement contract ready come November and December. I guess the one that is of concern to me though when you have an accident situation or whatever situation it results in the ambulance heading out that way if there is an argument for having two response times it is you don't want to put more people at risk with the situation...or by the situation that has developed. For instance, I remember many years ago taking a test to be a policeman and the one of the questions that was asked was you come up on the scene of an accident and traffic is partially blocking the road and there is somebody hurt, there is somebody bleeding and there is somebody laying in the ditch, and what

is it you do first? What you do first, as Brad and his Deputies would tell you, is to make sure somebody else doesn't coming driving up and plow into the accident where you have even more casualties. You know, if we say we're only going to have one response time and basically designate everything an emergency or a higher level emergency--

President Jerrel: Delta Level.

Commissioner Mourdock: A Delta Response, I guess I have to question are we going to cause the ambulances to drive faster at times when they don't need to and thus put other people at risk? We don't want to have more people hurt as things progress, but I add that as a comment as something we might want to consider as we start to look at this down the road.

President Jerrel: Are there any other comments?

Commissioner Tuley: Yeah, the only comment I want to make is this contract does expire, as you indicated, in ten months. In getting reduced times and what have you or more ambulances so that we can get reduced times in a safer condition might be easier if we talked to more than one provider. Mr. Lockard is here and representing someone else and I would ask that when we get in those negotiations that maybe we talk to two different groups and see if somehow we can reduce this response time or the cost or whatever and provide better service if we can.

Commissioner Mourdock: Two or more.

Commissioner Tuley: Or more, exactly. You're right, two or more. So I just think in our county and the people we represent best interest to get as many people to the table as we can get.

President Jerrel: Is there anyone else who would like to comment? Is there a motion?

Commissioner Mourdock: I'll move approval of the contract to extend from the period of January 1, 1999 through December 31, 1999 with AMR for ambulance services in the county excluding the areas of Scott Township, the Town of Darmstadt, and Armstrong Township.

Commissioner Tuley: And I'll second.

President Jerrel: So ordered.

Brad Ellsworth - Introduction of new deputies
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President Jerrel: At this time I am going to introduce two new deputies that are with us this evening, they've just joined the Sheriff's Department. Kurt Althoff and Matthew Kimmell. We would like to welcome you. Appreciate your being here. This is sort of typical. Sometimes a little more interesting, sometimes a little more hectic, but typical of Commissioners' meetings and you're welcome to come any time.

Brad Ellsworth: That was the real reason I came! Can I comment?

President Jerrel: Sure.

Brad Ellsworth: I said this is really the reason I came. Brad Ellsworth, Sheriff. I did want to introduce our two new deputies. When I took office one of my goals was that the new employees did get a better understanding of county government. So many times we go down to that end of the building and we never meet each other and I think it gives them....makes them a better, well rounded employee if they understand and see the faces behind the names and papers, so I would like to introduce to you all Matt Kimmell and Kurt Althoff. Matt comes from Vincennes University and then to the Airborne Rangers, US Army, so he is going to have a lot of experience to bring to the department. Kurt Althoff comes from his second generation, I believe, law enforcement. His father has a long career, John Althoff, with the Evansville Police Department. Kurt also is a graduate of Vincennes University and they were number one and two on the list out of approximately 400 applicants on this new applicant list so they've gone through quite a bit and made quite an accomplishment of ending up number one and two so we would like to welcome them to the department. We're going to run them around in their first year of probation through all of county government so they get a better understanding.

President Jerrel: That's a good idea.

Brad Ellsworth: Thank you.

Commissioner Mourdock: That's a very good idea, Brad. Appreciate it.

President Jerrel: Okay, moving to the department heads. County Engineer.

Commissioner Tuley: Are we going to stop for rezoning?

President Jerrel: Yeah. We did advertise the rezonings for 6:30, so I would ask that we take a brief...I'm just going...if you'll wait, I'm just going to say that we'll take a brief break in this meeting. Is there a motion to do that and begin the rezoning?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered.

The meeting was recessed at 6:35 p.m.

The meeting was reconvened at 6:44 p.m.

John Stoll - County Engineer

President Jerrel: You ready? Is there a motion to reopen?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: Alright, the Commissioners' meeting and we were just ready to hear from John Stoll, the County Engineer.

John Stoll: The agreements I put on your desk are the state and county agreements for the construction of the Fulton Avenue Bridge. Pursuant to these agreements the

county will pay \$2,564,004 and there will be \$2.3 million in federal aid used on this bridge. The cost estimate of \$4,864,000 came from INDOT. That is their estimate for construction, inspection and a five percent contingency. Joe Harrison has reviewed the agreements and had one change made, but that change has been included in the revised agreement, so it is recommended that the agreement be approved.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That bridge is on the March 23rd letting and it does have the December 31st completion date.

Commissioner Mourdock: Which is somewhat different than we normally do it.

John Stoll: Right.

Commissioner Mourdock: We normally just have so many days to finish it and we put a hard date on this bid to see if we could speed it along.

John Stoll: INDOT did confirm that today. Next I've got an acceptance form acknowledging that the Water and Sewer Department did accept the Old State Road sanitary sewer. This was done at their meeting of February 9th.

Commissioner Mourdock: I'll move acceptance of the report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: At the last meeting Robin Hahn was here to discuss the eight ton load limit on the Seminary Road bridge. Checking on that Beam, Longest & Neff told me that they had an error in their prioritization of the replacement for bridges and they said that should have been scheduled for year 2000 not for 1998. I told Mr. Hahn that and I told him that if we budgeted the money it is possible we may get it done prior to 2000, but the project is currently not budgeted and we would have to go ahead and get everything else that we currently have planned done before we could really pursue that project, so he is aware of where that bridge weight limit stands.

Commissioner Tuley: That is...that has been that way for a while has it not?

John Stoll: Quite some time. We checked the old bridge inspection reports and it has been posted that way for, I believe, it was at least four to six years.

President Jerrel: Okay.

John Stoll: Next I just want to let you know that Cross Pointe and 62 intersection is finally open to traffic. There are a few items that the contractor needs to take care of on the punch list, but it is open to traffic. At the last meeting Commissioner Tuley had brought up the issue of some stop signs missing on Upper Mount Vernon and

on Woods. On Woods was it for the apartments that are being built out there right at that intersection? Because that is the only place we could find where there was no stop sign and that is in the city.

Commissioner Tuley: Oh, that's fine. He just said Woods and Franklin.

John Stoll: Okay, I couldn't find anything down there.

Commissioner Tuley: I know there is a division there.

John Stoll: Right.

Commissioner Tuley: Between city and county. Okay, well I'll relate that back to him.

John Stoll: Okay, well if he has got a more specific location that we missed let me know and we'll see if it is us.

President Jerrel: I have a question back on Cross Pointe. Now when is it...is it open now?

John Stoll: It is open.

President Jerrel: Cross Pointe is open and you can get on Cross Pointe from Morgan and get off on Burkhardt?

John Stoll: You can head south on Cross Pointe down to Oak Grove and then head west on Oak Grove over to Burkhardt.

President Jerrel: Okay, so there is another passageway there?

John Stoll: Right.

President Jerrel: Okay. Is there anything else?

John Stoll: That's all I have. One other thing I forgot in regard to some complaints that you had received, Pat, on the water standing at Boonville-New Harmony and Seib, Hedden and Kansas and at McCutchan and Baseline we're waiting for a good rainstorm to go out and see exactly where it is.

Commissioner Tuley: Okay, I'll accept that.

John Stoll: On the Petersburg Road issue about the potholes there is plenty of potholes out there and I know Erik has been patching some of them and we definitely need to get that road paved this year so that is one we're looking at doing on a contractual basis.

Commissioner Tuley: Okay, John, thanks.

President Jerrel: Okay, thank you very much.

Commissioner Mourdock: Are you going to be here for the Drainage Board meeting tonight?

John Stoll: I was going to leave.

Commissioner Mourdock: Oh.

John Stoll: Do I need to be here for something?

Commissioner Mourdock: I don't know. Bill Jeffers is not going to be here and I didn't know if there would be any questions that would come up.

President Jerrel: Linda is here.

Commissioner Mourdock: Okay.

John Stoll: I did submit a report on the Bob's Gym site and I forgot to bring a copy for Linda, but if the conditions outlined in Justin Shofstall's letter are followed the water will not cross the road during a 50 year storm. It does involve realignment and reconstruction of the ditch along Rosenberger and it does involve resetting their driveway culvert at a different grade, but based on those calculations they have been reviewed in my office and based on that it will work, so if it is approved it needs to be approved subject to those conditions in addition to anything else requested by the Surveyor's Office.

President Jerrel: You want to let Linda look at this while...

Commissioner Mourdock: I'll just ask Linda the question if she needs...or if you think John needs to be here for that meeting. If not, that's fine that you can leave, John. I don't care, I just wasn't sure.

Erik Bentle - County Garage

President Jerrel: Okay, Erik Bentle, County Garage.

Erik Bentle: The first thing I have is a second sheet you have there. We're getting a new radio system installed this week and Burdette would like to take possession of all of our portable radios which is 16 of them total.

President Jerrel: Yes.

Erik Bentle: And ten of our mobiles to use out at Burdette Park. That would include the repeater along with it.

President Jerrel: We can do that without a document. We'll just declare them surplus and give it if there is a motion to that effect.

Erik Bentle: Now that will leave approximately 42 radios, mobiles, to be auctioned off.

President Jerrel: Yeah.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: The other thing I've got I would like permission from the Commissioners

to put an article in the paper for ditches. Any county resident that has a ditch that needs to be maintained please contact the County Garage so that we can finish our ditch list and have it in to you by March.

Commissioner Mourdock: Okay, do we need to schedule a set date for hearing or review on those? I guess we don't like we do the road hearings, right? I don't recall that we've ever done that before.

Commissioner Tuley: No.

Joe Harrison, Jr.: I think we did last year, didn't we?

Commissioner Mourdock: For ditches?

President Jerrel: Well, we got the list, you know, of the--

Commissioner Tuley: We didn't call for a public hearing though.

President Jerrel: No, we didn't have a public hearing, but I think that is a good point, Erik. Maybe Tony can type up a release and we can get it out so that--

Erik Bentle: We're having trouble coming up with enough ditches to satisfy us for the year and this is going to help us because we just don't want to start digging in people's yards.

Commissioner Mourdock: No.

Erik Bentle: We know what kind of problem that starts.

President Jerrel: Right.

Commissioner Mourdock: Some people in the city have mentioned that to me.

President Jerrel: Okay, well why don't maybe you two guys talk.

Commissioner Tuley: There is a question I have about Red Bank Road north of Upper Mount Vernon on the east side of the road. There is an obvious ditch along the road to a certain point, like the first or second house, and then all of a sudden it is filled in. So every time we get a rain the water comes down and then it just goes over the pipe and then across the road.

Erik Bentle: Apparently some time down the road people have just covered that in to level their yards out.

President Jerrel: It's Anthony all over again.

Joe Harrison, Jr.: Yeah.

President Jerrel: Anthony Road where people just cover it in.

Commissioner Tuley: Is it in our right...I mean--

Erik Bentle: Yes, it is at our right-of-way and we can start ditching there, but as soon as you go ditching where they have already covered up we open up something we don't want to unless we get permission or to pacify them somehow go ahead and do

it.

President Jerrel: It might be a good idea if you could just get the address of that.

Commissioner Tuley: I'll get you the address. But it does, I mean, they just filled in it. They didn't put a pipe in it, they just filled it in.

Erik Bentle: Yeah, there are several locations like that that we're going to address. We're going to basically have to go knock on their door and explain to them the problem we've got and we need to solve it. You know how that goes, but that is the only way I know to solve that problem.

Commissioner Tuley: Well, that's just one that comes to mind when you're looking for ditches.

Erik Bentle: There are several of them like that.

President Jerrel: You know another thing that could happen that would probably help is if we developed a letter, maybe you two guys could talk about this. A generic letter addressing the opening of those ditches because of what it is causing. If you can't find anybody at home...see, a lot of times you have a lot of--

Erik Bentle: Right, people working.

President Jerrel: --trouble getting people at home and if we at least had a letter in general terms outlining the problem and then ask them to call you.

Erik Bentle: Okay, that will work.

Joe Harrison, Jr.: Just so long as we know 100 percent that it's our right-of-way.

Erik Bentle: Oh, we'll check all that out before we do it, yeah.

Joe Harrison, Jr.: If you have any questions call me ASAP.

Erik Bentle: Well, we've got the book that gives all the right-of-way for all the roads.

Joe Harrison, Jr.: Okay.

Erik Bentle: So we can go by that.

Joe Harrison, Jr.: I understand, but sometimes it's good to double-check.

Commissioner Tuley: Before we get sued.

Joe Harrison, Jr.: Yeah.

President Jerrel: I would like to just say, Erik, I appreciate. He has worked really hard to help set some standards and do some things at the Garage and I went out Monday morning...or Friday morning, Sandie and I did, on some of our policies and the men were all very receptive, it was a good meeting. So I appreciate that.

Erik Bentle: Thank you.

Commissioner Tuley: Oak Grove Road, did you get a chance to--

Erik Bentle: Yes, they were out there Friday about 2:15 and ran out of material and didn't have time to go all the back to Rudolph and get more, but they were out there first thing this morning and filled it in.

Commissioner Tuley: Okay, thanks.

Commissioner Mourdock: Erik, one other question. I see on your schedule you've got replacing...oops, I'm sorry. You have framing and pouring the new wash rack in the yard.

Erik Bentle: Uh-huh.

Commissioner Mourdock: Do we have a separate sediment basin for that or how are you...?

Erik Bentle: We've got...yes, we've got a sediment basin that they are putting in for that, yes.

Commissioner Mourdock: Okay, to make sure we don't have any...my only concern is we're out their washing trucks, we knock a bunch of oil and crud off, it goes in the ditch, and all this other--

Erik Bentle: We've got a six foot by four foot catch basin.

Commissioner Mourdock: Okay. Stay on top of that then. It sounds like you obviously already are, but we want to make sure we don't create some environmental liability.

Erik Bentle: Yeah, Jack has really done a good job planning this out and checking into it.

President Jerrel: I think I have sketch of that back there.

Erik Bentle: We have changed the wash basin a little bit to make it a little wider and deeper so we can use our gradalls and backhoes to clean it out when it gets full.

Commissioner Mourdock: Okay, there you go.

Erik Bentle: Yes, we have got a good trap to catch everything.

Commissioner Mourdock: Great, okay. Jack was listening when I spoke before then.

President Jerrel: Yeah, he did.

Erik Bentle: Alright, thank you.

President Jerrel: Okay, thank you.

Commissioner Mourdock: I'll move acceptance of the weekly report from the Garage.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Work was supposed to have started on cleaning up the Futrell Dump today.

President Jerrel: Good.

Tony Greubel: That's all I have to report.

President Jerrel: Good. Do we have any idea how long that's going to take?

Tony Greubel: They said eight weeks.

President Jerrel: Eight weeks, good.

Steve Craig - Burdette Park

President Jerrel: Okay, Burdette Park.

Steve Craig: The first thing I have would be the no smoking recommendations that was made by the Park Board. Do we have any thoughts on that?

Commissioner Mourdock: I've read through the report and I don't have any problem with what they were recommending.

President Jerrel: Huh-uh, I don't either.

Commissioner Mourdock: I mean, I think it was reasonable.

Steve Craig: One suggestion that was made which I thought was kind of clever is that we would have no smoking signs in our office and when people want to make their party that day no smoking we give them the signs. We'll have a little wooden frame, they can put them in there and then nobody can smoke there. That way all of them can actually be no smoking if they wanted. If people wanted smoking then they could on different days when they would have them rented.

President Jerrel: That's a good idea.

Commissioner Mourdock: How many events are there that are referenced in the report, Steve, that we've already rented a facility and the issue was, well, we've already rented it and now we can't go back and tell people they can't smoke in it. I mean, I understand the logic of that. Is that a big problem or is that a small one?

Steve Craig: I would say in excess of 1,000.

Commissioner Mourdock: Dates?

Steve Craig: For a year in advance that's...we rented chalets last year at 900 for a year and then the buildings.

Commissioner Mourdock: Joe, do we have any problem ex post facto on this?

Joe Harrison, Jr.: Well, I think it...obviously it should have been...technically it should have been in there if, in fact...are you talking about those who rented some without that being in there? I mean, the thing is, I don't know about ex post facto, what is going to happen is a lot of them are going to cancel, you know.

Commissioner Mourdock: Possibly, yeah.

Joe Harrison, Jr.: But I think just in glancing at this you are going to designate a number of them to be smoke free?

Steve Craig: Yes.

Joe Harrison, Jr.: I'm sorry, I didn't have a chance to glance through here, but I'm sure you...did you pick a number?

Steve Craig: Yeah. Chalet #3 and #5, Shelter House #8, Lakeside Shelter House and Pool Room A and B.

Joe Harrison, Jr.: Okay. But, obviously, those that aren't rented, I guess what they are saying in the future if it's those designated ones that are rented they are going to be smoke free all the time. It just may be that someone may smoke in one of those some time this year if they have already contracted for it.

President Jerrel: But we do intend to have information available. I think we'll plan to do something here that is available so that people know that this includes Burdette as well.

Steve Craig: Yeah, we're going to have...I already talked to Joe.

Joe Harrison, Jr.: We've already talked about amending...in fact, I think we already did amend the contracts.

Steve Craig: Yeah.

President Jerrel: Right, okay.

Joe Harrison, Jr.: And we've amended some other contracts.

Steve Craig: Yeah, we have. One other thing I had was that last fall after we closed the pool down that I had came and talked to you about replacing the filter pumps at the bumper boats and replacing the bumper boat motors because we was putting more money into them repairing them than we could actually go out and buy new ones for. I was wanting to know if we could do something on that now.

President Jerrel: I suggested to Steve that we...if the Commissioners agree that we could authorize purchase of the filtration system for the bumper boats to be set in, but we would do it either on Council Call or if I can find adequate funds in an appropriate account. The reason I am saying it that way is that if I can find

appropriate money then they can go ahead and get them ordered sooner, otherwise it will take them till probably May and then it would be a good bit of time before it would be available.

Commissioner Mourdock: It sounds like I was hearing two different things though. You were talking about the motors in the boats and you're talking about the filtration system.

President Jerrel: Well, the motors...it's all.

Steve Craig: It's both of them.

President Jerrel: Both of them.

Steve Craig: It's like the whole kit.

Commissioner Mourdock: So your comment, Bettye Lou, regarding the filtration also includes the motors he is talking about?

President Jerrel: The motors, right.

Commissioner Mourdock: Okay.

President Jerrel: We've been talking about this for about a month. You remember, it came up last month and Gary, our Assistant Manager, is the one that has had experience with this company. That's what the issue was, how long do we have to order them before we can get them in in time for this year's season and Gary wasn't available, he had a death in his family, so Steve got back with me and said, you know, Gary is afraid if we go on Council Call which would be April 15th and it would be the first part of May before--

Steve Craig: That's way too late.

President Jerrel: Yeah, it would be late before we get them. I think there is sufficient money in some of our accounts that we would be able to pay for it, but if there isn't then we'll go on Council Call, so I guess we kind of want a meeting...a motion that would amend itself to either one of those circumstances.

Steve Craig: Because once after we get the filter pumps ordered we have to take the old ones out and we'll install them ourselves, but we'll have to install a complete new filtration system for the bumper boats which won't take a long time but it will be something that needs to be done this spring.

Commissioner Mourdock: I'll move then that we investigate using Commission funds for the use of the filtration system and bumper boat repair as requested and failing that make Council Call to do the same.

Commissioner Tuley: Second.

President Jerrel: Thank you. That will work because if we can't find it then we'll just go on Council Call, but at least if we can find it it will get done in time for the season.

Commissioner Mourdock: Okay. I'll also move we accept the Burdette report filed in this evening's packet.

Commissioner Tuley: There is only one question that we need to address that is in there and that is the top of page two.

Commissioner Mourdock: Oh, that's about the, yeah, the bus thing.

Commissioner Tuley: About the bus situation.

President Jerrel: Right.

Commissioner Tuley: Since they didn't want to make a recommendation. I'm going to accept the report, but then I want to come back to that issue.

President Jerrel: Okay.

Commissioner Tuley: So I'll second your motion on the report.

President Jerrel: I'll say so ordered and then let's go back to the bus issue.

Commissioner Tuley: The Board didn't have trouble that eight years was a fair amount of time, correct?

Steve Craig: No, I explained to them the money and then they wanted to know how many years that was and I said it's the eight that they did. You know, it comes out even. The question that one of them, maybe two of them was questioning, they're both the same entity, the one that was trading the buses was getting the benefits out of the exchange.

Commissioner Tuley: Yeah, I hear what you are saying. I don't guess technically it is a School Corporation funded event, but it is posted and put together by the supervisor for the Athletic Department. It's that annual Sports Appreciation Night or whatever they call that. So I guess the letter could come then from this body to the school approving the use of it eight years specifically for that event.

Steve Craig: Well, the reason it is not funded though is because don't they get everything donated? So they don't need to fund it.

Commissioner Tuley: Right, that would be my guess. I don't know.

Steve Craig: I mean, that's what I explained it to them.

Commissioner Tuley: The only people who are there outside of...to my knowledge the only people that are there are people who are--

President Jerrel: Old coaches.

Commissioner Tuley: Okay, old coaches.

Steve Craig: Old coaches?

President Jerrel: I mean, all the employees and then some old ones. Well, they may not be old, but they're old.

Commissioner Tuley: But is there a problem with this body then since the Advisory Board has a problem with it?

President Jerrel: I don't have a problem with it. Do you have a problem with it?

Commissioner Tuley: I don't have a problem. I personally don't have a problem.

Commissioner Mourdock: Make a motion.

Commissioner Tuley: I'll just move then at this time that Tony be directed to write a letter to Mr. Staley at the School Corporation granting them eight years free use of the Bishea Building in exchange for the two buses that were donated specifically for the Sports Appreciation Night, dot, dot, dot, dot, dot. Tony, you can write it, you know what I am talking about.

Commissioner Mourdock: I'll second.

President Jerrel: And I'll say so ordered. I'll talk to you tomorrow...no, Thursday. The newspaper reported that there is all of the Evansville projects were put on hold by the Ways and Means Committee.

Commissioner Mourdock: Really?

President Jerrel: Yes, all of them. I mean, among all of them is the Burdette Park Build Indiana request. Now I am going up there tomorrow and I am going to try to do some CPR.

Commissioner Tuley: Well, I think Representative Becker said, and I'm going to paraphrase, but the games haven't really started yet.

President Jerrel: That's right.

Commissioner Tuley: So don't be too alarmed yet.

President Jerrel: It isn't over until the fat lady sings.

Steve Craig: Yeah, it kept sounding better as it got towards the end, but if you read the headlines and the first part of it--

Commissioner Tuley: You thought we were done.

Steve Craig: --it looked like we were gone to begin with.

Commissioner Tuley: But if you're going up there it sure wouldn't hurt anything.

President Jerrel: No, I'm taking some of our, you know, of our booklets and I'm going to go up and make an effort to see as many people as I can. You know, if you all could help out in that respect, too, making telephone calls I think they need to know we really need to revisit this whole issue again and get the letters generated one more time. I think you need to call some of our supporters and ask them to get some letters. If you would get them signed and everything Tony has the addresses of everybody. I think we ought to give it a try.

Commissioner Tuley: Would it not be bad...or a good idea to submit another letter to each of our local people in support as this Board and sent as a bipartisan request to all of them?

President Jerrel: Yeah, I think it would be if you want to make that in the form of a

motion we'll get it going.

Commissioner Mourdock: Sure.

Commissioner Tuley: Then I move at this time that again, Tony, you draft another letter to all the representatives from Vanderburgh County from this body again urging them to reconsider and to push and request that the funding for the Joe O'Day building--

President Jerrel: Discovery Center.

Commissioner Tuley: Discovery Center, I'm sorry.

President Jerrel: Or lodge? Discovery Lodge.

Steve Craig: It's the Joe O'Day Discovery Lodge.

Commissioner Tuley: There you go. We would want special consideration from them and not let that die.

Commissioner Mourdock: I'll ask you to amend your motion slightly because when we did the survey for Burdette Park a couple of years ago, Steve, you'll recall that we were surprised by the amount of usage we had from some of the license plate counts from Posey County, Gibson County and Warrick County, so those representatives from those counties might well receive that letter also.

Commissioner Tuley: Very good.

President Jerrel: We did have...and I think that would be very helpful.

Steve Craig: The Day Camp does have a high use from the Newburgh area and from Posey County.

President Jerrel: Yeah.

Commissioner Mourdock: I'm sure you still have that report, Steve, maybe you can get those numbers to Tony so that he can include that reference in those letters as well.

President Jerrel: In the letter.

Commissioner Mourdock: To those Representatives and State Senators.

Commissioner Tuley: Our attorney said let's make one more amendment and include the Chairman of the Ways and Means Committee.

President Jerrel: Yeah, Pat Bauer, we want to make sure he gets...well, Tony has all the members now. I think we need to let them know because we did all that work and we've been--

Commissioner Tuley: Just to sit back and say, okay, well you're not going to give it to us.

President Jerrel: Yeah, and we have to...and it benefits so many people. It isn't just us.

Commissioner Mourdock: It isn't just Vanderburgh County.

President Jerrel: No.

Commissioner Tuley: That's right. That's a good point.

Commissioner Mourdock: I don't know that I formally seconded the motion but I'll do that.

President Jerrel: And I'll say so ordered.

Steve Craig: Thank you very much.

President Jerrel: And then I'll call you when I get back.

Steve Craig: Okay.

Weekly reports

President Jerrel: Okay, moving right along we have Mike Wathen, Soil & Water, and the Ozone Officer. Is there a motion to accept those?

Commissioner Mourdock: I'll move we accept both reports.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under the consent items are there any questions? If not, is there a motion?

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You've got the scheduled meeting list.

Old business

President Jerrel: Is there any old business that needs to come before the Board?

New business

President Jerrel: Any new business besides establishing a road hearing date?

Commissioner Tuley: I don't know if this would be Commissioners' business, but I would just like to remind everybody, Suzanne and Betty Hermann, are the two Republicans, and Rick Borries and myself are hosting the annual Hasenpfeffer this Saturday starting at 11:00 a.m. and going until question mark. Usually around 2:00, isn't it?

Suzanne Crouch: I think it's around 2:00.

Commissioner Tuley: About 2:00 at Germania Maennerchor. You are all invited. There will not be any long winded political speeches.

President Jerrel: Good. That's the 27th?

Commissioner Tuley: The 27th, uh-huh.

Commissioner Mourdock: We believe you when you tell us that because you're a politician too, right?

Commissioner Tuley: That's right.

Commissioner Mourdock: One bit of maybe new or continuing business just as a reminder and I think, Pat, you're going to be there, but the evening Wednesday the 24th at Daniel Wertz School the Westside Improvement Association is having their meeting and they've asked that we be there specifically to talk about things like Carpenter Creek so I'm certainly going to be there and I think you're--

Commissioner Tuley: At 7:00 p.m., I'll be there.

President Jerrel: I'll--

Commissioner Mourdock: You'll be in Indy.

Commissioner Tuley: You'll be in Indy.

President Jerrel: I won't be back from Indy, so I won't be there. Okay.

Commissioner Mourdock: It will be an interesting meeting, I'm sure.

President Jerrel: I bet. Okay, how about road hearing dates?

Commissioner Mourdock: Typically we do that about mid March.

President Jerrel: Well, we've got the 15th is on a Monday or the 22nd is on a Monday.

Commissioner Mourdock: I think the earlier the better.

President Jerrel: The 15th.

Commissioner Mourdock: Never know where the weather is going to be, but if we get an earlier break and we've got the priorities set it gives us that much more time, so I would move March 15th be the date for the annual road hearing.

Commissioner Tuley: Second.

President Jerrel: So ordered. Charlene, will you...did you hear that?

Charlene Timmons: Yes.

President Jerrel: Okay.

Charlene Timmons: Permission to advertise.

Commissioner Mourdock: I move permission to advertise that date.

Commissioner Tuley: Second.

President Jerrel: So ordered. Any other business to come before the Board?
Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:10 p.m.

Those in attendance:

Betty Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Joe Coleman
John Dyer
Roger Lehman
Barbara Cunningham
Dwayne Caldwell
John Buckman
Mike Lockard
Brad Ellsworth
Kurt Althoff
Matthew Kimmell
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Betty Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
March 1, 1999**

The Vanderburgh County Board of Commissioners met in session this 1st day of March, 1999 at 5:37 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners' meeting to order. At this time I would like to introduce to you the people up front. On my far right is Tony Greubel, our Superintendent of County Buildings; next to him, Joe Harrison, Jr., County Attorney; Pat Tuley, County Commissioner, to my right; my far left, Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first action item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of February 22nd.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session. We discussed personnel matters and litigation.

Commissioner Mourdock: I'll move approval of the summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

EMA - LifeFlight Appreciation Proclamation

President Jerrel: The first item, action item, that we're going to deal with now is the proclamation of the Board of Commissioners for the LifeFlight Appreciation. We do have some members here and I would ask them to come forward. Would you like to introduce yourself?

(Inaudible comments made away from microphone.)

President Jerrel: Would you mind going to the mike?

William Dukes: My name is William Dukes, I'm a flight paramedic with Welborn Baptist Hospital LifeFlight.

Russ Vick: My name is Russ Vick and I'm an RN.

Jim Croce: My name is Jim Croce, I'm a pilot.

President Jerrel: Are these...would you like to come up and introduce yourselves also? Okay. At this time we do have a proclamation and I would ask that it be read into the minutes.

Commissioner Mourdock: Okay, I'll be glad to do that. Some of you don't know of this event, so you'll have to forgive the whereas here. This is a proclamation of the Board of Commissioners for LifeFlight Appreciation¹.

Sherman Greer: I'm Sherman Greer, Emergency Management Director for Evansville and Vanderburgh County. As everyone knows February 6 is more or less a date that we never forget around here. Number one because February 6, 1992 is when we had the C-130 crash. Also for myself a personal tragedy is four years to that date my mother passed away on February 6, so today being here to honor these young men and honor the LifeFlight program on a upbeat type of situation to where that we've saved a life really honors me to present to the LifeFlight crew that flew the mission this Certificate of Appreciation from the Emergency Management Agency signed by Frank McDonald, Bettye Lou Jerrel and Sherman Greer from the Emergency Management Agency. Thank you. They're good at saving lives, but they don't want to talk!

Jim Croce: Thank you all very much.

Commissioner Mourdock: Okay, well, thank you. Just for the record I would move that the proclamation which I read a moment ago be entered into the record.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very, very much. We appreciate it.

Jerry Bryan - City/County Purchasing

President Jerrel: Okay, moving on. Jerry Bryan, Purchasing Director.

Jerry Bryan: Okay, tonight I have two awards. The first award is for Burdette Park for their hats, etc. and we had three bidders: Gus Doerner, SouthWest and Imagination and the Advisory Board at Burdette recommended that Gus Doerner be the low, responsible and responsive bidder and they were \$4,329 which was the low bid and I recommend that they be awarded the business.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The second item of business is the annual paper bid, APA022-99. This

¹LifeFlight Appreciation Proclamation was read as attached.

has already been approved by the Board of Public Works as we use about \$100,000 worth of paper in our office for the two copiers that we have and we will use the five bidders that we had and then we'll go to the low bid price as in the shaded areas. We'll jump around taking the low price on that, Bettye.

President Jerrel: Okay.

Jerry Bryan: And I recommend that the award be as given here.

Commissioner Mourdock: I'll move approval as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

Domestic & Sexual Violence Commission - 1998 annual report

President Jerrel: Next we have with us a group that we've been participating with, but we haven't really had an opportunity to have them come before us and we have two very fine people, would you like to come up and introduce yourselves, David and Barb?

Barb Miller: Good evening. My name is Barb Miller, and I'm the Executive Director of the Albion Fellows Bacon Center and also the incoming President of the Evansville-Vanderburgh Commission on Domestic & Sexual Violence. With me this evening is Detective Dave Stefanich who is the Domestic Violence Case Coordinator and also a Detective with the Vanderburgh County Sheriff's Department. We are here to present the 1998 annual report which you have received. You received that last week and I don't really want to go into great detail in terms of anything other than specific questions that you might have, but Dave is going to tell you a little bit about the work that went on in the Enforcement Committee. He co-chaired that committee and I'll turn that over to him at this point.

Dave Stefanich: Just briefly I was going to comment on a few things that we've done as part of the Enforcement Committee. Who makes up the Enforcement Committee is Vanderburgh County Superior Court Judge Doug Knight; Candice Perry; Julia...her name is not here, but from Albion Fellows Bacon Center.

President Jerrel: Julia Carver.

Dave Stefanich: Jill Hendricks with the Vanderburgh County Probation Office; myself; and Lt. Bert Weisheit from the Evansville Police Department; and Martha Posey from the Prosecutor's Office. Our goals this year...what we try to do is get things set up for the court system, was one of our first goals to try to get all the domestic violence court cases set up so that they're all done on one day so that the Prosecutor's Office and the judges could become more familiar with the cases that are reoccurring and that has been set up through the Prosecutor's Office. That was one of our first objectives. We also are working with the judges to try to revise some existing policies and procedures when we issue...or judges issue an enforcement...by law enforcement protective orders. We're trying to streamline that

and make that a little more effective and kind of clear up some of the problems that the police officers have been having with enforcing that. Also, this year we've put together a program where people that have been sentenced for domestic violence offenses get sentenced to the Domestic Abuse Intervention Program. A lot of times we've been finding problems with people that are indigent and cannot pay for those, so we worked out a deal with the Safe House and Charles Locke is going to take care of that between them and whoever...the program, the Domestic Abuse Intervention Program so that they can work the people...the people that are indigent can work from the Safe House or through the Safe House and pay for those counseling sessions that they are ordered to attend by the judge. Briefly, that is kind of what we've been working on so far this year and have made pretty good success with...or had pretty good success with those things so far. I don't know, does anybody have any questions on those? Just trying to skim over these real quick.

Commissioner Mourdock: I have just one, Dave, or, Barb, either one. I'm just curious, in looking at some of the goals that you have in the report, and I like it when you state the goal as far as what you want to do, do you have any feel for how we are as a community with our statistics in this area versus other communities?

Barb Miller: As far as the incidents of domestic violence or--

Commissioner Mourdock: Right, incidents.

Barb Miller: Well, I think as far as runs go it seems like law enforcement runs are an average of eight to twelve a day.

Dave Stefanich: Between the city and the county that would probably be fairly safe, eight to ten runs a day. I think overall in comparing what Evansville-Vanderburgh County has as compared to a lot of other agencies one part that was in the report that I didn't mention that we were asked to come up...the Sheriff Department was asked to come up to Indianapolis when they had National Victim Rights Week and present our domestic violence program up to Indianapolis and it received overwhelming support from people in the state and a lot of people have contacted us and want to set up similar type of programs, so I think Vanderburgh County and Evansville are quite a bit ahead of a lot of agencies or other cities, county governments, as far as trying to address domestic violence.

Commissioner Mourdock: I might just encourage you to look at it from the statistical point of view. I would always like to know where we are versus where the rest of the world is. I say that not literally, of course. I know one of the things I've learned from the Jail Committee is that we don't always mirror national crime statistics and it would be interesting to see in this area how we do compared to the rest of the country.

Barb Miller: One of the things that we're trying to do is, you know, look at the different statistics that we keep, not only in service agencies, but in law enforcement, Prosecutor's Office, the DAIP program and see if we can give the community a clearer picture of what is going on. I think that is one thing that we've recognized is that we all keep statistics in a variety of different numbers, but it is extremely hard in family violence cases to really get a clear picture of how somebody flows through the system. Batterers are a good example. It's very hard when you have people who can go through the system more than once, when you have victims who want to press charges and then take that back and they don't want to press charges now and we see them time and time again, so it is, it's very difficult, I think, to get a clear picture of how severe the problem really is. One thing that we have concentrated

on is in education because I think the more you educate the more you make people realize that they're not alone and this is not an isolated problem, you're not only giving them, I think, the courage in a lot of cases to speak out and come forward and get help, but you know you're letting them know that this is a community that cares and I think that is one of the most positive benefits to having the Commission is you have all kinds of different entities working together to recognize that it is a major community health problem and the only way we're going to really make a dent in that problem is to work together. I think one of the most flattering things that we have recognized is that we get calls from other areas of the state and other shelters because we do have such a great reputation for working together asking how they can get something similar to this started in their area.

President Jerrel: I might just remind the Commission, Vic Chamness, who followed me at the School Corporation when I retired, is the Commissioners' representative and Barb and I had a chance to meet the other day and that is a perfect opportunity to include this in the in service booklets that all the teachers participate in and it gives us a chance to start early with some educational efforts, so I compliment both of you and Vic is a good guy to work with.

Barb Miller: We're pleased, very much so. One thing that we would like to ask is we are looking for varied representation on the Commission and there is a slot available that the Commissioners are to elect an individual. This was vacated by Beth Campbell. Her term was up at the end of the year and we have an individual that we would like you to consider for appointment and that is Stan Young. Stan is an outreach worker with the Evansville Black Coalition. He is from Evansville. He has also worked at the CK Newsome Center for a number of years and he was the unanimous choice of the Commission members for a recommendation to you because we felt like he would be a great person to really have his hands in the community and really work with families who have violence occurring within the families and that he would be a great addition.

Commissioner Mourdock: And we do have the paperwork at our fingertips on that, so I will nominate Mr. Stan Young to be our rep to the Domestic & Sexual Violence Committee.

Commissioner Tuley: I'll second.

President Jerrel: So ordered. Thank you very much. Come back any time and please share with us the information as you gather it.

Barb Miller: Thank you.

Commissioner Mourdock: Before we leave the topic, one quick question, Bettye Lou, you mentioned about your...Mr. Chamness who followed you and that was an in service, did you mean that was an in service with the School Corporation?

President Jerrel: Yes.

Commissioner Mourdock: So they get the word out through the school system?

President Jerrel: Yes, and the teachers are also...well, the teachers themselves are trained to assist and be...awareness is very important for teachers.

Commissioner Mourdock: Okay. I was wondering if it ought to not be something we should somehow make available to people in this building, county employees.

President Jerrel: Probably. We need to explore that. Maybe we can sit down and talk about how we can do that.

Barb Miller: I'd be happy to do that, thank you. Appreciate your interest.

Dave Stefanich: Thank you.

Commissioner Tuley: Thank you.

Appointments to Property Tax Assessment Board of Appeals

President Jerrel: Okay, the next item on the agenda is the County Assessor. In your packet you have two appointments recommended. One is a Republican and one is a Democrat according to the law. They...Susan Curtis has her Level II license, correct?

Cheryl Musgrave: Yes.

Commissioner Mourdock: I guess...you want to say something, Cheryl, or do you want me to just go through it?

Cheryl Musgrave: I'm here to answer questions if you have any.

Commissioner Tuley: The only question I've got...I'm sorry, Richard, I didn't realize you were getting ready to speak. She has her Level II, does George have his Level II or who is the other one.

Cheryl Musgrave: The Council, County Council is required to appoint another Level II.

Commissioner Tuley: Okay.

Cheryl Musgrave: I've asked that they...I suggested one to them and I am also a Level II, so that will make three of us on the Board. All these suggestions meet every curlicue of the law. We've worked very hard to make sure that they do.

Commissioner Tuley: So by virtue of you being County Assessor, then you can also be one of the four appointees?

Joe Harrison, Jr.: She is one of the five members.

Cheryl Musgrave: I'm one of the five.

Commissioner Tuley: One of the five? Okay, I'm sorry. You're just saying for the record you already have your Level II as well?

Cheryl Musgrave: Correct.

Commissioner Tuley: I'm sorry, I misunderstood what you were saying.

Cheryl Musgrave: Sorry.

Commissioner Tuley: I thought you were being appointed as one of the four.

Cheryl Musgrave: No.

Commissioner Tuley: Okay, so two of the four that have to be appointed must be Level II?

Cheryl Musgrave: Correct.

Joe Harrison, Jr.: Right.

Commissioner Tuley: Which with the two that you have recommended to us and the two you've recommended to Council you have fulfilled that?

Cheryl Musgrave: Correct.

Commissioner Tuley: Okay, and then the other thing you said the political affiliation and I think the only other thing was at least two of them must be property owners and I think you explained to me the other day that they are.

Cheryl Musgrave: The two Commissioner appointees must be property owners and both of the individuals--

Commissioner Tuley: Both of these are?

Cheryl Musgrave: --that I have suggested are.

Commissioner Tuley: Okay, I'm sorry.

Commissioner Mourdock: I will move then that we appoint Mr. George Koch and Ms. Susan Curtis to the Vanderburgh County Property Tax Assessment Board of Appeals.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Ordinance - Establishment of Community Correction Fund

President Jerrel: The next item on the agenda, Mr. Harris Howerton is not here, but it's the first reading on the Establishment of the Correction Fund ordinance which must be in place before they can obtain the funding.

Commissioner Mourdock: And, Joe, you have reviewed this, I presume? This is just the normal yearly ordinance?

Joe Harrison, Jr.: Yes, it would be first reading. We'll have final reading next week and then it has got to be published after.

Commissioner Mourdock: Okay, I guess pursuant then to IC 11-12-6 I move on first reading the establishment of the Community Correction Fund Ordinance as submitted to us.

Commissioner Tuley: Second.

President Jerrel: So ordered.

CAPE - Request for surplus computers

President Jerrel: The next item on the agenda is a request by Gale Brocksmith from CAPE for surplus computers. We've not done this before and we decided to put it on the agenda and see what our attorney had to say.

Joe Harrison, Jr.: The statute has been changed a little bit. As a matter of fact, that is what I was looking at.

President Jerrel: Do you want us to come back to that in a minute?

Joe Harrison, Jr.: Yeah, that would be great. Give me another minute.

Carl Hofmann - Raze order extension request

President Jerrel: Let's move on. Mr. Hofmann has requested an extension on raze order on a structure located at 11800 Petersburg Road.

Carl Hofmann: Good evening. I'm Carl Hofmann, this is my wife Jane. We've received a raze order from Mr. Lehman, the Building Commissioner. It was like a month deadline and we've got quite a few possessions in the buildings that are there with it being a commercial piece of property. I realize the corner has gone to great disrepair. One building has to be razed 100 percent because the roof is coming in. The other, the store building, and the other what we used to have as an arcade building, the arcade building is in good shape relative to all the other structures. What we're asking for is an extension to get the green building, which is the one that is falling in, get it removed, get the corner cleaned up and either get the store building razed or bring it up to whatever code that would be possible until we can make a final judgement on what we want to do with the property. If you're not familiar with where it is at it's west across from the Hornet's Nest on the southwest corner.

Commissioner Mourdock: The only question I would have, Mr. Hofmann, is I don't see in any of the documentation your specific request for a date. You were looking at the letter, the letter that was sent to you was on February 1st which gave you until March 3rd, so obviously that was based on a 30 day time. Are you requesting another 30 days so that we would be looking at the first week of April?

Carl Hofmann: Okay, the letter that I received it said that I had to file for a hearing by the 11th or 12th of February which I did, this hearing. I work third shift, my wife works days. The letter that I had written to Mr. Lehman I said possibly by the 1st of July, reason being like in December and January we had the ice and bitter cold. It has been raining. I don't have access to backhoes, dump trucks and this kind of thing. I've got to get things lined up to be able to do that, plus also the possessions that are in the building I need to get moved somewhere else. Like I said in my letter to Mr. Lehman, I asked until the 1st of July that way it would go into the spring with the warmer weather and hopefully it wouldn't be so wet. We could get in and do this, get the property cleaned up. I'm not trying to put the Commission off or to disrespect the County Commissioners or the Commission, I just want the additional time to make as a good as compliance as I can.

Commissioner Mourdock: Okay.

Commissioner Tuley: The only question I have really is for Roger. I would just like for Roger to give us some history here if you could.

Roger Lehman: We've dealt...Roger Lehman, Building Commissioner. We've dealt with this property over the past several years mainly on weed complaints and trash and debris and those types of things. We did send a letter in October saying that the rear building must be razed, the weeds removed, and a cistern to be covered and the main building immediately repaired or razed. This was October the 6th when we sent that letter. Getting basically little response to that, then we issued the letter that Mr. Hofmann referred to February 1st telling him that the building needed to be removed or he needed to request a hearing. I do have some pictures here that were taken on January 28th, if you all would like to look, they're on both sides of the page. The building on that day at least was not secure which is a problem as far as fire and also as far as traffic nuisance to kids and that type of thing. I don't have a big problem with giving the Hofmanns a little time to get it cleaned out. I think there should be no...there really isn't much there to repair or save. The building has not been maintained for...I don't know, when was the last time that was occupied?

Jane Hofmann: Four years.

Roger Lehman: Four years ago? Yeah, to me it appears that there has been nothing done in a maintenance standpoint for at least four years and I don't believe it was in great condition then, so I would very strongly say the buildings need to be razed. I would not object to another 30 days or at the outside 60 days to accomplish that, but I think we need to come to closure on this if we could because it has been an ongoing problem.

President Jerrel: I have a question. If we grant an extension I would want to know that something is happening so that we don't end up with whatever the next date is this same kind of request that you haven't been able to make arrangements because the only thing that is...this is an invitation for kids or someone to get into it and it can cause, I mean, a lot of trouble for you in terms of lawsuits, so it needs to have some sort of action or it will be a bigger problem than just what it is now. Is it possible that...and I don't want to put any work on your department, but you have their phone and we need a report as to the status of what has happened like I would say within 30 days there ought to be some movement and it ought to be documented and then I don't know what the pleasure of the Commissioners is in terms of how far out you want to go.

Roger Lehman: There is a lot of construction out that way so we are in the area very frequently, so we can make a--

President Jerrel: I think we need to see that something is being hauled away, the trash is being removed.

Commissioner Tuley: I think the only thing, and the attorney has kind of said something to me about, what I want to make sure or what we should make sure of what we have is an order to raze the building and that is your intent. Is it all the buildings? The out buildings and everything else, so there is no misunderstanding--

Commissioner Mourdock: But I'm not sure that is what Mr. Hofmann said.

Commissioner Tuley: I know, that's what I want to make sure before we vote we all understand we have a raze order here and we have a request for--

Roger Lehman: I'm only aware of two buildings. If there is a third one on--

Carl Hofmann: There are three.

Roger Lehman: Only two of the dilapidated buildings. I guess the other one must be in pretty good shape because we didn't take pictures of it.

Commissioner Tuley: I just want...whatever we decide to do everybody walks out of here knowing that we all agree we're talking about the same thing.

President Jerrel: Is it the unattached building?

Carl Hofmann: We have three pieces...three buildings on the property. The one closest to the corner was the store and where we lived, the house part. Right behind there is a green building and then behind it another 40 feet is a 22 x 24 building that is used as an arcade building years ago and now it is kind of storage. It's in pretty good shape, you know.

Commissioner Mourdock: So just to follow up with Pat's point, I mean, are we all agreeing on the two buildings that are to be knocked down?

Carl Hofmann: I know the one has to be. The other one I would like to see if it is salvageable, what would need to be done, what the cost would be to do it. If the cost is prohibitive, you know, I'm a limited man. I can't--

President Jerrel: Do you...Mr. Hofmann, 60 days ought to be plenty of time to find out whether it is prohibitive or not and you can get moving. I mean, I think that would be more than reasonable. Is that satisfactory with you?

Commissioner Tuley: Yeah, I've got two...I've got Joe talking to me and I've got this. Okay, 30...say it over, what you guys just said.

President Jerrel: Sixty days and he should have...he should know whether that one building could be restored of the three and there should be movement and we should have something happening out there.

Commissioner Mourdock: I'm still not sure we're on the same wave here.

President Jerrel: Uh-huh.

Commissioner Mourdock: You're saying the one building out of the three might be restored. If I understand Mr. Hofmann there are two buildings that we're saying need to be razed and there is three on the property.

Carl Hofmann: Correct.

Commissioner Mourdock: Two that need to be razed and you're saying that one of those you think you can save.

Jane Hofmann: Well, the one, the store site, has historical value to it. If you completely take it down there is nothing left.

Commissioner Mourdock: So that is the one you're suggesting might not be razed?

Jane Hofmann: We would like to see if there is something that we could do to it to

save the historical value.

Commissioner Tuley: What have you done since October?

Jane Hofmann: Personally we've just been trying to get some of the personal stuff out.

President Jerrel: Are any of these pictures the historical building?

Roger Lehman: The bottom one.

President Jerrel: This one?

Roger Lehman: Yes.

Carl Hofmann: The property on our abstract goes back to the mid to late 1800's.

President Jerrel: Well, I think we need to be...we're not being definitive and that's what we need to be is definitive and say what we're...yes, sir.

Roger Lehman: Can I make a suggestion? Why don't we require the green building be gone in 30 days which would show good faith and everything and between the 30 and 60 days they would have to come up with a repair plan with a documented contractor and costs and everything and the ability to do it and if they don't at the end of the 60 days the raze order will be effective for the corner building also.

President Jerrel: And you'll be able to keep track of that because you're out there.

Carl Hofmann: Would that be immediate at the end of the 60 days? An immediate raze order? You know, just do it then or...?

Roger Lehman: Well, you would have some kind of--

Commissioner Tuley: Well, there has got to be some kind of closure. I mean, yeah, I think what he is saying is at the end of the 60 days you may not have all that work done, but at least you will have shown the things that he just pointed out, that you have a plan, that you have a contractor and you've shown the financial ability to do that plan. At the end of that sixty days if you don't somewhere along the line there has got to be some guidelines established that we're going to have to do something.

Roger Lehman: Well, basically our two options are the county would raze it and place a lien on the property. I suspect at that location that would be recoverable probably not without too much trouble. Or the Hofmanns could come with a proposal to raze that building within a reasonable period of time which I would say shouldn't exceed two or three weeks.

Commissioner Tuley: After the 60 days.

Carl Hofmann: Do you have a cost estimate?

Roger Lehman: On razing?

Carl Hofmann: Yes.

Roger Lehman: No, not yet. After this hearing we will. Just off the cuff I'd say you're

talking around \$7,000 if there is not a basement. Yeah, probably around that for both of them.

Carl Hofmann: Now part of that structure, the store, is concrete blocks which is not subject to the wear and tear like the wood siding and stuff is which could be used in consummating another business or a building, you know.

Roger Lehman: I think you could make that part of your plan between the 30 and 60 days and then they look at that at that time.

Commissioner Mourdock: Let me read back what I understand right now to see if we all agree on this. What we're saying is within 30 days the green building will be gone and if the second building isn't under repair or a planned repair within the next 30 days then it would be razed within another 30 days.

Commissioner Tuley: The only thing I want to ask you to add to that is with the plans we include the things Roger pointed out such as construction bids, contractors, signed and/or a proof of ability to carry out that plan.

Commissioner Mourdock: Okay.

Roger Lehman: Since it is a commercial location Mr. Hofmann wouldn't as a homeowner be able to do the repairs himself, it would have to be a licensed contractor. The other thing I would like you to add to that if you could would be to maintain the building sealed so that it is not accessible to anybody at any time.

Commissioner Tuley: As long as we're still in the discussion side of it, with your motion on the floor, in one of the raze orders it mentions flammable materials. Have those been taken out yet or are there any flammable materials in there?

Roger Lehman: Well, it is basically all combustible.

Commissioner Mourdock: The building itself.

Commissioner Tuley: I mean, there is no gasoline or anything like that in there?

Carl Hofmann: No, no, not at all.

Roger Lehman: Just paper, and wood, cardboard.

Commissioner Tuley: Alright.

President Jerrel: Okay, we have the motion on the floor.

Commissioner Tuley: With the amendment, you agree to that?

President Jerrel: With the amendments added.

Commissioner Mourdock: I didn't know I made a motion, but--

Commissioner Tuley: Oh, I thought you did, I'm sorry.

Commissioner Mourdock: Yeah, I didn't. I read it back. Let me just read it to be sure we understand it here. I move then that within 30 days the green building will be razed and if the second building isn't under repair or planned repair with a planned

repair defined as a funding program in place and a presentation of the written plans to this Board, then that building would be razed within another 30 days.

Carl Hofmann: As far as repairs, where do I get (inaudible) what would bring it up to code? That's what I need to know because I have to--

Commissioner Mourdock: You need to get with Roger on that.

Roger Lehman: What we would like to do is once you get it cleaned out is to call and we'll come out and if you want to have a contractor or two there at the time so we can point out things. If we point them out to you and then you tell the contractor we're going to end up meeting them again, so I would like to get it all taken care of at one time. We would be more than happy to do that. But you need to get the contractor, I can't get the contractors for you. You need to make those arrangements.

Commissioner Tuley: Let's have the plan presented for approval through Roger and have Roger recommend to us. I don't want to review those plans.

Commissioner Mourdock: Right, right. Okay, I'll amend the motion to include that.

President Jerrel: Okay.

Commissioner Tuley: I'll second the motion.

President Jerrel: And I'll say so ordered. Okay, and then we'll...you and Roger will get together and, Roger, I'm going to give you back--

Suzanne Crouch: I think Charlene wants that.

President Jerrel: You want that? Okay, and then you can give it back to Roger.

Roger Lehman: Can you make a copy of them and give them back to me? Okay.

President Jerrel: Okay, thank you very much.

Public hearing and resolution - Old State Road Barrett Law project

President Jerrel: The next item on the agenda is the Old State Barrett Law project.

Joe Harrison, Jr.: What's on the agenda this evening is the final resolution of the Board of Commissioners modifying the Old State Road sanitary sewer Barrett Law project assessment roll that was submitted and filed with the Board on February 8, 1999. That particular assessment roll listed 26 lots to be benefitted by the sewer that has been installed on Old State Road. However, the property with an address of 8515 Old State Road is not to be benefitted by the sewer project and that has been confirmed also by the County Engineer through the engineer that was in Andy Easley's Office who was working in connection with the contractor on the project. So there is only 25 lot or tract owners to be benefitted by the project. The total project cost was \$115,000 so you divide that by the 25 and you come up with \$4,600. The final resolution, if you'll bear with me for one second I'll read it into the record and then, Mr. Mattingly, probably has a comment or two he may want to make². Now I will continue on the reading of this based upon the assumption that

² Final Resolution of the Board of Commissioners of Vanderburgh County modifying the Old State Road Sanitary Sewer Barrett Law Assessment Roll was read as attached.

this Board has not acted, but I will continue on. This is a public hearing with respect to the assessment roll issue at this time.

President Jerrel: And at this time anyone that wishes to speak so it's your turn, Mr. Mattingly.

William Mattingly: Thank you. Thank you for remembering my name. I don't know if that is good or bad. I think your number is still wrong as far as 26 people, not to do with the 8515, but there was number two manhole was intentionally moved to a location of a proposed subdivision site of Jerry Lamb. This manhole was moved approximately 65 feet and the bottom of that manhole had an intentional Y put in it for the proposed easement of this Wexford Estates. I feel that he should be included in the amount of people that have to pay for this sewer. I got a cost estimate on putting in a hot manhole for a live sewer which was \$4,000. I feel that should come off the top of this plus you should add 26 people to this list because that manhole was intentionally moved for that purpose. It was our money buying this sewer and somewhere down the line somebody saw fit to do this to their benefit. I have the plans here if you would like to look at them. Does anybody want to look at them?

President Jerrel: Yeah, I would like to look at them.

William Mattingly: This is manhole number two right here, manhole number two was moved to this point here with an intentional Y put in it. This proposed easement for Mr. Lamb's subdivision on Old State Road, which you guys approved this.

President Jerrel: On another--

William Mattingly: At another time.

President Jerrel: Yeah. Who did the...Mr. Easley. Is Mr. Easley here?

Commissioner Mourdock: John Stoll is here.

President Jerrel: John, do you know anything about the movement?

John Stoll: At one time it was proposed that some modifications be made to help serve Mr. Lamb's property and Mr. Leroy Walther sent us a letter saying he wanted no changes made to the elevations, so we made no changes to accommodate Mr. Lamb's development. If the manhole was moved...I don't have the as built, so I haven't seen that, but if the manhole was moved I would assume there was a reason construction-wise.

President Jerrel: Do you have any information to add to this?

Leroy Walther: No, I don't. The only thing, like John said, I did have a letter issued to the engineer and to John not to make any deviations to the sewer line as it was put in. I know nothing of any deviations.

Commissioner Mourdock: Just for the record, that was Mr. Walther.

President Jerrel: Okay, so you don't know of any and you don't know of any. You both said there weren't to be any, but you're saying there were some made?

William Mattingly: There is definitely.

Commissioner Mourdock: But I think we're speaking of two different things.

John Stoll: Well, I know there were changes made because of conflicts with other utilities. They had to get the things...the manholes in line to fit where it would fit to miss the water lines and gas lines and things of that nature, so I'm not saying there were no changes from the plans, but it wasn't specifically done to accommodate Mr. Lamb's proposed development.

William Mattingly: The bottom of that manhole had to be. It's intentional. It's a precast bottom you buy to put in the bottom. The Y is lined up exactly with this easement, exactly in front of it so that would stop him from having to put in a hot manhole at a price of \$4,000 to put a hot manhole in on a live sewer line if he developed this and to move it 65 feet regardless of utilities I think that is quite much. There was no utilities over there other--

John Stoll: Like I said, I am not aware of that change and the engineer nor the contractor said anything to me about moving that.

Commissioner Mourdock: Let me play--

William Mattingly: I questioned Mr. Easley and he said he would get back with me and it has been four weeks and he never has called back.

Commissioner Mourdock: Okay, let me play what if for a minute. I have to confess, I don't fully understand everything I'm hearing here. It's not tying together for me. If, in fact, that manhole was moved and if, in fact, the manhole is changed so that it would serve...what are you calling it?

William Mattingly: Wexford Estates.

Commissioner Mourdock: Wexford Estates, does that in any way affect what we have done with the Old State Road Barrett Law project? Is there any way that having access from those lots to that point would cause us to have that many more people to whom this should be charged.

Joe Harrison, Jr.: There was a defined area that would be served by this project and all the resolutions and procedures have been followed to this point with respect to those boundaries. We can't extend the boundaries for the project, it's beyond that time. As far as this issue is concerned, if there is an issue at this point--

William Mattingly: There is an issue, it was done intentionally.

Joe Harrison, Jr.: Well, at this point the sewer was accepted by the county for a day or two and now the city has it and I think you need to address this with the City of Evansville. All modifications, if there were any modifications made to the project the city had to approve of those modifications, is that true?

John Stoll: They accepted the sewer, so they approve.

William Mattingly: Do they inspect the sewer or what?

Joe Harrison, Jr.: Yes.

John Stoll: Their inspectors were out there.

Joe Harrison, Jr.: Yes, the City of Evansville.

President Jerrel: We don't do sewers, they do them.

Joe Harrison, Jr.: As far as the specific issue you're referring to I believe now that there was a request and that was denied to--

William Mattingly: But it was done anyway.

Joe Harrison, Jr.: Well, again, no one is aware of that being done.

William Mattingly: Andy Easley is.

Joe Harrison, Jr.: Well, what I'm telling you is that the County Engineer and Mr. Walther, speaking on behalf of the homeowners out there, specifically said that can't be done.

Commissioner Mourdock: Okay, but now we're back to my what if. What if it was done are we in effect giving--

Joe Harrison, Jr.: No.

Commissioner Mourdock: Are we in effect giving a free ride to those people in the subdivision who would in the future participate...or not participate, get the benefit of but not participating in the cost.

Joe Harrison, Jr.: No, because--

William Mattingly: You're giving the developer a free ride for putting in a manhole at that point.

Joe Harrison, Jr.: Again, the boundaries were defined by this project, so it was only those particular boundaries served by this project. You know, there is no prohibition against the City of Evansville permitting anyone to tap into any sewer anywhere in this county. The county is not in the sewer business, the city is. So I guarantee you there will be others out there at some point tapping into this sewer and they're going to pay a fee to the city. I don't know what it is going to be, but they're going to pay a hefty fee and you all may not like it, but that is what is going to happen. It's going to happen out on Old State Road...I'm sorry, on Oak Hill Road when that sewer is put in. It's going, you know, there are going to be others that are going to tap in to all sewers and, again, that is the city to decide whether or not they want to do it or not.

William Mattingly: You're not getting my point though.

Joe Harrison, Jr.: Well--

William Mattingly: Somebody called in a favor or something and this manhole was moved to that point.

Joe Harrison, Jr.: Well, again, there was no modification--

President Jerrel: This Board did not have anything to do with that.

Joe Harrison, Jr.: --by the county.

William Mattingly: I don't know where else to go.

President Jerrel: I know you don't.

William Mattingly: That's why I'm here.

President Jerrel: Okay--

Commissioner Tuley: Okay, the way I understand--

Joe Harrison, Jr.: The way I understood it there was an elevation problem based on the letter we got, too.

William Mattingly: There was an elevation problem for the sewer. Mr. Lamb wanted it deeper so he would not have to cross a creek.

John Stoll: Right, which we never approved that.

William Mattingly: Right, right. I agree with you there. Leroy knows that.

John Stoll: Right.

William Mattingly: They would of had to go back and redesign the sewer and come back and nobody wanted to wait that long to get the sewer. But when they moved the manhole 65 feet north to accommodate that easement to Wexford Estates I think that man should be one of the 26 people.

John Stoll: Well, he is being assessed on one lot on that side of the road.

William Mattingly: Yeah, but it can't do what it needs to do there because it is way up here. In fact, (inaudible comments away from mike).

Joe Harrison, Jr.: He does own one lot though out there.

Leroy Walther: Yes, he owns one lot.

President Jerrel: Okay, so what you're recommending Mr. Mattingly find out what the Evansville Sewer Department did?

John Stoll: I can get in touch with Easley, the contractor, the Sewer Department, everybody, and find out what the status is.

President Jerrel: Find out what occurred.

John Stoll: I guess from the perspective of the free ride like Joe said, no matter what somebody is going to get a free ride just like Keystone put in a lift station on Oak Hill Road and now that whole Oak Hill Road Barrett Law sewer project is tapping into that lift station, so it is going to be a continuous process and somebody will get a free ride once these sewers go in the ground. We can't stop that really.

Joe Harrison, Jr.: I didn't realize that Mr. Lamb does, in fact, own a lot out there. I did not realize that.

Commissioner Mourdock: But he is one of the 25?

Joe Harrison, Jr.: Yes, yes, I'm sorry.

John Stoll: I will contact the engineer and the contractor to find out why that manhole was moved and see what the status was.

William Mattingly: And why the Y was put in at that location. I still feel he should have to pay for one of us...be one of us and have to pay for this.

John Stoll: I'll check on that and find out what I can.

William Mattingly: Because a favor was done by somebody (inaudible). We paid for this sewer, you know. We're paying for this sewer and you shouldn't...he should have to pay his part of the fee.

Joe Harrison, Jr.: Mr. Walther, do you know which...which lot does Mr. Lamb own? I don't have that on this sheet.

Commissioner Tuley: I don't have one either.

Joe Harrison, Jr.: Has that been sold?

Leroy Walther: Yes. It's 8127 Old State Road.

Commissioner Mourdock: Number 17.

Joe Harrison, Jr.: The Mintons?

Leroy Walther: It was Minton and Mr. Lamb bought it.

Joe Harrison, Jr.: Mr. Lamb did buy it from the Mintons?

Leroy Walther: Yes.

Commissioner Mourdock: I misread that. If it is actually 8127, then it is Engelbrecht, Number 14.

President Jerrel: There is two of them here at 8127.

Joe Harrison, Jr.: Yeah, next to 8127 is different.

Commissioner Mourdock: The one says next to 8127.

Joe Harrison, Jr.: So it's 8127, which one is that, 14?

Commissioner Mourdock: Fourteen.

Joe Harrison, Jr.: Marilyn Engelbrecht.

William Mattingly: I don't have Engelbrecht on there.

Commissioner Mourdock: You don't have Engelbrecht on the list, Number 14?

Joe Harrison, Jr.: Yeah, it's on here.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: Charlene, whenever you checked this...that was in the last couple of weeks when we double-checked all the property owners?

Leroy Walther: 8127, it now belongs to Jerry Lamb.

Joe Harrison, Jr.: Well, that's not the right one. We're talking about 8127.

Leroy Walther: Okay, that lot belongs to a...next to 8127 belongs to Gary Rust. No.

William Mattingly: That's the right address. Apparently Mr. Lamb has sold it.

Joe Harrison, Jr.: Yeah, he sold it to Marilyn Engelbrecht.

William Mattingly: He bought it after our sewers were...after we came through here--

Joe Harrison, Jr.: But she is going to get assessed for it.

William Mattingly: Right, well...I don't know who--

Joe Harrison, Jr.: She owns it now.

William Mattingly: I figure it will go back to Minton.

Joe Harrison, Jr.: No.

Leroy Walther: Which one did she own now?

Joe Harrison, Jr.: 8127, it's Number 14, Marilyn Engelbrecht, 8127 Old State Road.

William Mattingly: 8127, right there. It's 15 on this one.

Leroy Walther: Yeah, 15 on this.

William Mattingly: But she'll be one of the 25 now?

Joe Harrison, Jr.: Yes.

William Mattingly: I'm still saying at the time since he doesn't own it that he should of had to pay.

Joe Harrison, Jr.: Well, if he would of owned it today he would have to pay the assessment.

William Mattingly: Okay.

Joe Harrison, Jr.: Well, it's whoever owns the property.

Leroy Walther: Has the one that purchased the property now planned the subdivision?

Joe Harrison, Jr.: No, there is no subdivision there.

Leroy Walther: No, see that is what Lamb had proposed or he's got plans.

Joe Harrison, Jr.: Well, there is nothing on file.

Leroy Walther: There is nothing on file.

William Mattingly: We were just wondering why our money was being used to put in a manhole for somebody else to reap profit.

Commissioner Tuley: Let's just talk about that. The original cost was estimated at \$115,000.

William Mattingly: Right.

Commissioner Tuley: John did not or no one presented us with any kind of change orders, correct? So the \$115,000 was \$115,000 before and after the manhole went in, correct? That's a question, it's not a statement it's a question.

John Stoll: Right, there were no changes to the cost.

Commissioner Mourdock: So moving the manhole...you could have moved it from one end to the other and it didn't affect the cost.

John Stoll: No.

Commissioner Tuley: If there was money paid it may have gone directly to whoever put it in from the city.

President Jerrel: From the Sewer Department.

Commissioner Tuley: From the Sewer Department or something.

Leroy Walther: Mr. Biggerstaff was strictly opposed to any changes in that. There was talk originally about him paying for a change, but he said he would not accept anything like that.

Commissioner Mourdock: Well, if the Sewer Department moved it the Sewer Department has to deal with how the system works and functions and I suspect they try to put in such manholes so that it provides for the best long-term planning and if they moved it, and I don't know that they did, but, you know, I'm hearing you say they did, if they moved it it was their decision to move it. If it would have affected the cost as Pat is saying we would have heard about it and would of had to approve it and that didn't come back to us.

William Mattingly: That's fine. That's not the point that I'm arguing about.

Commissioner Mourdock: Well, I understand what your point is, Mr. Mattingly, and I understand your argument a little bit, but I don't know that we're, as a Board, tonight able or capable of solving the problem that you're presenting which is that someone down the road is going to get the benefit of this at seemingly a cheaper price or have already because the manhole was moved to suit them.

William Mattingly: Okay, that's all I need to know.

Commissioner Mourdock: Okay.

Leroy Walther: I have two questions. Do you have an idea what the interest rate will be on the bond?

Joe Harrison, Jr.: I think it's going to be 6.75, but I will send out a notice. All of the...assuming the Commissioners approve this, all of the individuals to be benefitted by the project will get a letter in the mail within the next week setting forth the interest rate and there is also a bank fee of, I think, 1½ percent also assessed for those who want to finance, who want to go through the financing. Those who want to pay up front simply have to pay the \$4,600 amount within 30 days. Those who choose to finance--

Leroy Walther: By what day?

Joe Harrison, Jr.: Well, it would be 30 days from the date the notice is sent out, so if it is sent out within the next week you'll have 30 days from that date to pay it in full. If you choose to go on the finance plan you'll have, again, 30 days to respond accordingly, sign the agreement relating to the finance plan and the first payment will be due in November, not in May, but in November and then each November thereafter is when the payment would be made.

Leroy Walther: Okay.

Joe Harrison, Jr.: So we're talking about four thousand...it looks like \$460 a year plus interest plus the bank fee.

Leroy Walther: Okay, now that 1½ percent will be added onto the 6.75?

Joe Harrison, Jr.: No, it would be added onto the \$4,600. Let's just say it was one percent, which it's going to be higher than that, it would be \$46.

Leroy Walther: Would that be one time or each year then?

Joe Harrison, Jr.: No, it is my understanding it would be one time.

Leroy Walther: One time, okay.

Joe Harrison, Jr.: I think it's going to be 1½.

Leroy Walther: One and a half, and that would be a one time deal?

Joe Harrison, Jr.: Yes.

Leroy Walther: Now--

Joe Harrison, Jr.: Again, this will be in the letter from the Auditor's Office. The bank will give me the exact...the banks. It's National City, Citizens and Old National would be the three that would buy the bonds. They will be giving me the information within the next few days, but this is the preliminary discussions is what I've just stated to you.

Leroy Walther: Now what if someone starts to finance it and say five years down the line they want to pay it off. Is there any penalty or anything on that?

Joe Harrison, Jr.: There is no penalty, no. They would have to pay, you know, what the outstanding balance is.

Leroy Walther: Right.

Joe Harrison, Jr.: But there is no prepayment penalty.

Leroy Walther: Okay, thank you.

President Jerrel: Okay, we do need to accept the final resolution.

Joe Harrison, Jr.: Yes, and I would vote on it, please.

Commissioner Mourdock: I'll move approval of the final resolution of the Board of Commissioners of Vanderburgh County modifying the Old State Road sanitary sewer Barrett Law project assessment roll.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Poor relief appeal - Appointment of hearing officer

President Jerrel: Okay, we need to establish a hearing officer for a poor relief appeal that we've been presented.

Commissioner Mourdock: I'll move approval of the...I'll move approval of a hearing for a poor relief request pursuant to the request of the Knight Township Trustee.

President Jerrel: And appoint Joe Harrison, Jr.

Commissioner Mourdock: And appoint Joe Harrison, Jr. to handle that hearing.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Cape - Request for surplus computers

President Jerrel: Okay, alright we'll go back to Cape now. I believe Mr. Staab is here and wants to speak to that.

Martin Staab: My name is Martin Staab and some of you know me, some of you don't. I do a lot of volunteer work in the town here and Cape is setting up a computer lab for people that are disadvantaged, elderly, to try to get them back on the work rolls. We need...right now we're in need of 13 computers. We need them right now. We're so full, we have already a waiting list for people that want to learn and want to participate in this so--

President Jerrel: Do you have instructors, Mr. Staab?

Martin Staab: They have some. What they're going to do is some of the people that are being trained will be the instructors and we have some already. We have some Vista volunteers, we have some...I say we because that is my first love, Cape. I was with them 10 years. That's essentially what we're asking for, computers, monitors, the whole thing. They don't have to be new. They can be old. They don't have to be new as long as they're only going to be used for learning instruments. They don't have to be new or late models or anything else. They can be just...you can just take

everything out of them like what doesn't belong in there you can take out. I myself know nothing about computers, so my son, he is a computer nerd, I have a 17 year old son and he is a computer nerd. Well, that's really all I have to say except that I'm asking this Board to give me some of the surplus computers you have for Cape. If you so choose I'll help Bennie move them myself and I'll take them over to Cape. That's about all I have.

Joe Harrison, Jr.: That's fine as long as there is a declaration...if the Board wants to do it as long as there is a declaration by the Board that these items have been declared surplus already, I'm assuming, and that they be declared worthless. It is my understanding according to Tony, he may want to talk about it, that if these items were auctioned they would be lucky to bring 50 bucks or so for each one. So as long as there is a declaration by the Board that these items are, in fact, worthless they may be transferred to a non profit.

Martin Staab: Of course what you're saying, worthless, you mean...what do you mean by worthless?

Joe Harrison, Jr.: Well, worthless is a statutory term.

Martin Staab: Let's hear that term.

Commissioner Mourdock: Without monetary value.

Joe Harrison, Jr.: Without monetary value.

Martin Staab: Oh, okay. That doesn't mean the computers don't work, right?

Commissioner Mourdock: Right, yeah.

Martin Staab: Okay.

Joe Harrison, Jr.: It just means that there are not many buyers out there for them.

Martin Staab: Okay, that is what I am interested in.

Commissioner Mourdock: As politicians we've all been referred as worthless, we're familiar with the term.

Martin Staab: Including myself, too, so that's alright. I understand.

Commissioner Mourdock: Do we have in the letter I have in the packet from Cape, it does not have a specific list of equipment on it. Is there such a list at this time or...?

Martin Staab: I don't think so. We need the computers, monitors. We need at least 13 to start, computers, monitors, mouses, whatever you've got available in the line of computers. Whatever you have.

Tony Greubel: Bennie and I could take Mr. Staab and show him the computers that we've already declared surplus that we have in the basement and at the County Highway Garage.

President Jerrel: Could you also, Tony, I just think it is good business to include the serial numbers of those that are declared worthless.

Martin Staab: Good idea, good idea.

Tony Greubel: Yeah, we'll do that.

President Jerrel: Or without monetary...so that if we ever had an issue where we need to show that we've got them that we need to know the numbers.

Tony Greubel: If you do agree to donate them I'll write down the serial numbers and submit that at the following meeting after we give them to Mr. Staab or to Cape.

Joe Harrison, Jr.: Yes, I would prefer that if you consider this that you don't act tonight, that you have a request with a list and then make the approval at that time.

Commissioner Mourdock: There you go.

Martin Staab: Get back with me. Here is my business card. It's says Gale Brocksmith, but she is so busy over there just get back with me.

Commissioner Tuley: Okay.

Commissioner Mourdock: Yeah, that sounds like the best approach.

President Jerrel: Thank you.

Commissioner Mourdock: I'll move that the Superintendent of County Buildings compile a listing by serial number of what we have as excess...or out of service computers that are otherwise deemed worthless.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. We'll do that by next week, Mr. Staab.

Martin Staab: Okay, will someone get hold of me?

President Jerrel: Yes, Tony will call you.

Commissioner Mourdock: Tony will.

Martin Staab: Will you call me, please? Okay, thank you very much.

President Jerrel: You're welcome.

Commissioner Mourdock: Thank you.

Any group or individual wishing to address the Commission
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President Jerrel: I would like to...we have an item on there for anyone that wishes to address the Board. Is there anyone that wishes to address the Board?

John Blair: Hello, I'm John Blair representing Valley Watch tonight. I just wanted to kind of bring you up-to-date on some issues that we've discussed in the past. One of them is that as you're probably aware we've asked...that's one way of putting it, I guess...the Indiana Department of Environmental Management to redo the air quality analysis on the ConAgra plant and what we've accomplished there I'm not

sure because if you talk to IDEM's staff they say something, if you talk to Mr. Hamilton he says something else. It may have something to do with running for office or something, I'm not really sure. John Hamilton has announced kind of that he is seeking the congressional seat down here in the 8th District, so maybe that explains some of his reticence on being straight. But in any case, it is my understanding at this point that they're going to redo this computer model, but they're going to redo it with a resolution that it won't mean anything if they redo it unless the results are dramatic and I'm not sure exactly what dramatic means in Mr. Hamilton's eyes because if you up the thing by 500 percent that is only five parts per billion and that is significant in a number of ways and I just want to inform you about how that becomes significant and how the word dramatic may have some impact on all this analysis. We sit right now with the fourth highest reading which is what the determination of attainment or non attainment comes on of about 95 parts per billion over an eight hour average. If you add to that five parts per billion that would make it 100 parts per billion. The standard is 80 parts per billion, but because of the allowance for rounding you have to be more than 85 parts per billion. Obviously, this is pretty complex isn't it, although you did a pretty good job on figuring that $1\frac{1}{2}$ times 46 is 69 a while ago! Anyway, what it boils down to is that IDEM determined in the study the first time they did it that 937 tons per year would result in an increase in Vanderburgh County ozone of one part per billion, so if you use a little reverse logic of that that means if we're going to reduce by 10 parts per billion, then that would be 9370 tons that we would have to reduce a year which is taking most of our cars and most of our industry out of the pictures. So, obviously, there may be a flaw in the way they did it to determine there was only one part per billion, but I am just trying to give you some indication about what dramatic means. You know, if he is wanting...if he wants it to go up to 100 parts per billion in order to make it significant and to reassess the permit by doing the model correctly, and frankly, are you all aware of what has taken place as far as making the determination about whether it was done correctly?

President Jerrel: Yes.

John Blair: We filed a Freedom of Information Request and it is really clear that they have no confidence in their figures from that Freedom of Information Request. So if they do it I would suggest that anything maybe over 200 percent over what they found would be a significant, dramatic increase which would cause us a great deal of consternation. So I wanted to make you aware of that.

Commissioner Mourdock: Excuse me, John, do you think that is a reasonable number, 200 percent? Are you just using that as an example or do you think that truly ought to be a defining number?

John Blair: I think that...you know, I'm a little hesitant to say here on a tape recorder, being in litigation like Mr. Hamilton dodges, I'm a little reluctant to try to lay a case out like that because I'm not sure about anything except we're going to have one helluva time getting back into attainment no matter what happens let alone whether ConAgra is built or not, you know. So one part per billion could well translate into a million dollars that we have to spend here in Vanderburgh County, you know. So if we have to get down 10 parts per billion which we do to get in compliance, you know, that could well cause us as individuals or taxpayers or however the bill is paid to go up into the literal millions and millions of dollars, perhaps each year millions of dollars to get back into attainment. So, for instance, just to make that clear IDEM was down and the Regional Steering Committee a couple of weeks ago and was pitching what is called enhanced inspection maintenance of automobiles and they estimated that it would cost Vanderburgh County \$1.9 million a year to have

enhanced inspection and maintenance and that would reduce our emission by 550 tons a year. Okay, which is about two-thirds of what ConAgra is going to be putting into our air. So that almost...the way I look at that, that almost amounts to a direct subsidy to ConAgra of \$1.9 million from Vanderburgh County taxpayers. That's kind of a dangerous situation for us to be in, but anyway that's kind of worming its way through the bureaucracy now and I'm not sure exactly what is going to go on. As you're aware, we made a demand on IDEM last week and what we got out of that was, yes, the model the will be redone and we intend, and I think Chem Query, I've been in contact with Howard Dunn, and Chem Query intends to, you know, help them determine what parameters should be used in order to do the model correctly. Now there is some question about whether or not this is an appropriate model or just what model is appropriate and this is how inexact all this science is. But in any case that brings me to another thing that I was here back some time ago and that is to discuss the situation with Koch Label.

Commissioner Mourdock: Before we go to that can I go back for a second?

John Blair: Sure, go ahead now.

Commissioner Mourdock: On the run of the model, the new model or models, have you heard from Hamilton or did they make any statement as to when those runs are expected to be complete?

John Blair: You know what I think has happened, I think that they have already run them. I think that they...you know, I think they probably ran them back in September when Chem Query asked them to do that and they agreed to do it and what they probably found was that how could we possibly permit this plant if we had used proper data, but they had already permitted it and they're committed to it and, you know, these big bureaucracies tend to compound their mistakes instead of admitting them and I think that is what has happened. That's my spin on it.

Commissioner Mourdock: Well, let me rephrase the question. Did he then state what date they would be reporting whatever this new model run would show?

John Blair: No, no that's kind of up in the air. Right now Valley Watch's appeal at the Federal Environmental Appeals Board has the thing stayed. It's just sort of sitting there in limbo. I'm waiting to find out whether I'm going to be allowed to respond to IDEM and ConAgra's response to my petition which was filed clear back last September and they filed their response in November and I haven't been allowed by the judges yet to write a response to their response, so as a result I have a motion to be able to do that in which case I'm going to lay out several things that are in the e-mails and also about the proper way to do this model and indicate to the Environmental Appeals Board the history of this model and what it has done. I filed another Freedom of Information Request which I am not sure that has been answered because what they sent me had nothing to do with the model, so I don't know if that was their response to my request or not. They haven't given me any indication that it is not, but they haven't given me any indication that it was. The person that sent it to me wasn't a Freedom of Information Officer and so forth, but he said it was in response to the request, so I don't know. I think that we're probably talking about, you know, having some wiggle room here as far as time, but I think that everybody wants to get on with it, so we're probably talking, you know, some time in the next month and a half or six weeks or so that this would happen.

Commissioner Mourdock: Well, at the risk of using that phrase from inside the beltway about we need to put this affair behind us I would move that the President

of this Board send a letter to IDEM requesting that they expedite the issuance of their report on the new modeling and have a report issued in no less...ah, let's say by April 15th.

John Blair: Could I ask you to put something else in there?

Commissioner Mourdock: You can ask.

John Blair: That would be to have some independent oversight from the local scientific community or something such as that because that is really fundamental because had it not been for Chem Query we would have never known about the flaws in the model to begin with, so running it again without some kind of oversight very well may just put us back in the same position we're in as far as determining that impact. As you recall, we didn't come here to you guys, but we did come to the County Council, the City Council and the Evansville EPA and ask specifically for this independent analysis to be done. We didn't do that with you guys until, unfortunately, two days before the permit was issued. I would...you know, that would really give them some impetus to accept local input about what should be done as far as the model from the expertise that is here in the community.

Commissioner Mourdock: The only problem I have in doing that, John, is we're going to quickly get into an argument of whose experts. Let's face it, we can get experts from either side to do the oversight, either side meaning those with some bias one way or the other. I certainly don't have any problem in saying that in the letter that I would like to see their documentation at the issuance of the new model as to how it was balanced from both sides, so something like that.

John Blair: Sounds fair enough at this point.

President Jerrel: Okay, that's a motion. Is there a second?

Commissioner Tuley: Yes, second.

President Jerrel: Okay, and I'll wait until I get the minutes and we'll work out...so we make sure we've got all this down. I tried to write my notes, but we'll make sure we've got it.

Commissioner Mourdock: E-mail me a draft and I'll be glad--

President Jerrel: Okay, I will.

John Blair: Secondly, and this--

President Jerrel: Let me finish.

John Blair: Oh, sure.

President Jerrel: Did you second?

Commissioner Tuley: I seconded.

President Jerrel: And I say so ordered. Okay.

John Blair: Koch Label has been closed now since...working on three months. It closed December 4th and, you know, I know people over on West Franklin Street

that have indicated to me that it's the first time they have been able to breath since they moved to Evansville. Clearly this was a big polluter and we're going to have benefits of cleaner air as a result of that closing. It unfortunate that's the way clean air sometimes is gotten through the closing of plants, but in any case we're going to have those benefits and as you know I have been here before I think we kind of all had a sense of how good it would be if we had control over those.

Commissioner Mourdock: Yeah, and why don't we have Joe give you a quick report because Joe did send a letter--

John Blair: I read Janet McCabe's. I think Tony sent that to me.

Commissioner Mourdock: Okay.

John Blair: I read Janet McCabe's response and I...it was vague and capricious--

Commissioner Mourdock: Constructively ambiguous.

John Blair: Yeah, so presently there is a bill that has legs in the Legislature. It's House Bill 1561, I believe, that is an emissions trading bill. It's a...talk about vague, there are no caps, there are no goals, there is no nothing in it except that you can trade emissions.

Joe Harrison, Jr.: Who can trade?

John Blair: Anybody that has...that is presently emitting, apparently. I mean, it's only a two page bill and it sets out an entire program, so, you know, it's going through the Legislature. IDEM has said that it's not a good bill, but it passed out of committee 14 to 1. Dennis Avery was the only person to vote against it. So whatever happens this has feet and I don't know where it is going to go, but it is going to create a bureaucratic morass, without question if it passes. There is that bill. There is also...I've done some research and there is also something called ERMS, I can't remember what the acronym stands for in Illinois, particularly in northeastern Illinois, Chicago area, where they are doing some kind of emissions trading and it was the first in the nation to finally get under state rule making and that sort of thing and I'm not sure exactly what the results have been, but one of the fundamental things with any trading program you have to have a cap. You have to say we're not going to go above this level ever and we're actually going to make an effort to reduce down to this level and that's the way the sulfur dioxide trading program worked and, you know, we were going to reduce sulfur dioxide by 50 percent and if people reduced more than their 50 percent share then they had credits to sale and that has been done somewhat. Under this 1561 it's all up in the air. But in any case, the word on the street indicates that somebody is very interested in Koch's emissions. I wonder who that could be? I'm still not convinced that pollution is a right once you're given a permit that is a right. It's a privilege, it's granted by the community in which you are polluting much as it is not a right to drive a car, but a privilege. You know, the same kind of scenario. That's the way I would look at this. This was a plant that was permitted by the Evansville EPA, albeit on the part of the state, on behalf of the state, but the Evansville EPA was the one that granted the permit. It seems a little illogical to me that a state governing body could just strip that out of the city's purview and put it into another county's domain. I think that may be what is in the offing. I think that what we were talking about back when we talking about seizing those...seizing, I don't know that is a proper word, but, you know, they are seizing automobiles from drunks now in New York, so taking those credits and using them for ourselves to assure our future economic development, now is the time to really

start getting into that seriously because in one, two, three months there may be no issue here as far as those 905 or 14 tons that Koch Label put out. So, you know, I'm asking that maybe you pick up your efforts a little more to check on this and let me just make my case as to why. Let's make the scenario that if ConAgra gets these credits, 900 and some odd tons, Vanderburgh County is still in non attainment or going to be. We are still going to be biting the bullet trying to reduce our emissions by 10 parts per million or 10 parts per billion over the next however many years it is going to take to do that. We're still going to have to be investing large sums of individual money as well as corporate money to make the reductions necessary to get back into compliance of the clean air laws. At the same time as long as these things keep getting permitted and they are allowed to buy credits from us where we could have taken this opportunity and instead they get that where the balance is going to be essentially a zero sum we don't get any benefit and we continue to have to bite the bullet from an economic development standpoint where we won't be able to have any kind of manufacturing industry that will raise the level at all except 25 tons a year or less type of industries. The industrial park that is out here on the northeastern edge of the county will be an office park, not a manufacturing park. There is any number of problems that this will create if we don't have control of those credits. So it seems to me that now is the time to act before this ozone season and that sort of thing. Frankly, I am at a loss as to ask you what to act on, but now is the time. I think I mentioned to you that Patty Yount was willing to sit down with us and I know Greg Kissel and maybe an official formation of a committee or something like that to look into this, how we can utilize these credits for ourselves. Now there is another thing that I would really like to throw out. I'm having an attorney in Indianapolis look into the use of Solid Waste Management money that might be able to be used to buy these credits if they are for sale on the market or a combination. I understand that one of the reasons Koch, if they have credits to sale and decide to put them on the market, one of the reasons that they would do that is to acquire cash necessary to clean up the site over here. Well, that is something that would be very much within the purview of the Solid Waste Management Board. So, you know, maybe a combination of these things. Maybe the next action would be to contact Koch Label at their offices in Michigan and see if we can't start some kind of dialogue where the community they moved out of could benefit from that move. I don't know, I'm really at a loss here because it is so unusual.

Commissioner Mourdock: I think this issue came up or this part of the issue came up before. The current permits that they have have a termination date. Do we know what the date of that is?

Joe Harrison, Jr.: I don't.

Commissioner Mourdock: Yeah, I think they have a fairly short life on them as presently permitted albeit if they were still in business here it would be a very reasonable thing to see those turned over and reissued. I mean, I don't know of anybody that has ever lost them on a renewal basis, but it would seem to me that's a key part of the discussion to see if that's a long-term asset or it's a short-term asset. Joe, I know the brief discussion you and I had after the letter came back from Janet McCabe was that whatever it was she said she didn't say we couldn't do it. I think that was kind of a summary of your thoughts and I would be curious to hear any other thoughts you have as far as how this whole thing could play out.

Joe Harrison, Jr.: Well, the only thing I can think of is that, you know, it's a permit that they have to emit the amount of emissions there. That's an asset of the company. I don't know the status of the company, but that is an asset of the company.

President Jerrel: In a bankruptcy?

Joe Harrison, Jr.: Again, I don't know what the status of all that is. It seems that what you're asking the state apparently would have some blessing of any transfer of that permit whether it would go to someone that wants to go to that same site or to someone else that wants to buy the permit for emission purposes here or another county. For all I know, maybe it has got to be used in this county. I don't know that answer.

Commissioner Mourdock: That permit would be site specific to that location.

Joe Harrison, Jr.: That's right, but I would think it was issued by the Evansville EPA, isn't that what you said?

John Blair: Yes.

Joe Harrison, Jr.: So they have no jurisdiction over Warrick County or some other county, so you know, I'm not too sure that can be transferred. Maybe it could, you never know about the state, but--

John Blair: In the absence of statutory authority I don't know what might happen.

Joe Harrison, Jr.: But, again, I'm just thinking if the permit was--

President Jerrel: Can you follow up just a little bit on that and let's see if we can get...we didn't get enough information before to know if we even had a leg to stand on.

Joe Harrison, Jr.: The other thing is that if this Board or the city is opposed to any transfer at some point, if there is a purchase request for that permit, I'm sure the city or this Board could make their feelings known to some other state body what they felt about that potential transfer in order to maybe set up a record for future impact of that transfer. Do you see what I am getting at?

John Blair: Absolutely, that sounds like a good idea.

Tape change

Commissioner Mourdock: Okay.

John Blair: By the way, you notice I am standing and not sitting. It was characterized as a sit in!

President Jerrel: Okay, so did we arrive...so we have an action plan. We're going to do the letter. You're going to see if you can get something more definitive from Janet McCabe and find out the status of Koch Label.

Joe Harrison, Jr.: And the issuance of that permit whether it can be sold to anyone outside of the jurisdiction of the authority that issued that permit. That would be nice to know.

John Blair: I think that also maybe one of the three of you should probably contact, on behalf of the Commissioners, Koch Label to let them know that you're interested in acquiring these in some way, shape or form if they're available.

Commissioner Mourdock: That would be, I think, step two from what Joe is proposing. Let's see what the applicability would be as far as the life of it, how it might be transferred, how it might be used beyond their facility if, in fact, we see that those things are possible then the next step would be to do what you're saying which is to see. You mentioned Patty Yount and I would be glad maybe, Joe, you and I can get with her. I don't know if she comes down this way very often or not, but--

John Blair: She is reasonably available by phone.

Commissioner Mourdock: Okay, maybe we can do something by conference call. Again, let's get those first two things solved and then that would be step three if, in fact, there is some interest there. You know, the question that I have in my mind through this whole thing though is as I have seen emissions traded and emissions assigned some value for credit purposes it...and you may know other examples, John, but it is always a business is out there, they have some permit to emit let's say 1,000 tons. They put something in place that reduces from 1,000 to 800 and they get credit for that 200 that they can then do something else with with some third party. In this case I hear what you're saying, John, to say let's get those emissions, but in a sense I think what you're saying is by having those credits we're setting a limit on what future emissions might be for the county so that we don't go over today's number. We would use those to dole it out perhaps, but not go over the current sum.

John Blair: I think what I suggested the first time I appeared before you was maybe a two to one ratio of reducing the emissions by two parts and banking the other part for...the other one two to one for future industrial growth that we could give out to people who we thought were going to be good corporate citizens but needed to be able to use them. The net benefit to that would be substantially cleaner air as well as being able to have some fostering of economic growth.

Commissioner Mourdock: And that raises the issue to me are the specific Koch emissions under that permit almost irrelevant in that if the county were to say this is our number henceforth we might still be able to make up our system as far as what would be allowed, what would be emitted?

John Blair: Well, you know my read on that, and I have to go back to what they did to us on lower Reid vapor pressure gasoline. I think that they want to have control at IDEM over that state implementation plan and that is really where that action takes place. If they...you know, they said their rhetoric has been that we want to make this a community based effort, but you know I'm not so sure that is a factual statement.

Commissioner Mourdock: And I don't disagree with you on that one because the lower Reid vapor pressure gasoline example is one that I personally would still like to see us...of course, it has changed now, but I would have like to have seen us gone ahead and implemented it at that point just so we can turn around and get sued by the EPA for taking steps to have cleaner air. I mean, that's what would have happened and I would have loved to of been on this side of that case. I mean, it's crazy.

John Blair: It might not be too late, Richard. You know, you can still insert that in the ordinance. I don't have anything further to say.

Commissioner Mourdock: Okay.

John Blair: But, you know, this thing is coming down. I can sense it and I think that,

you know, we ought to be accelerating our efforts to get that job done.

Commissioner Mourdock: Okay.

Commissioner Tuley: I've only got one point of clarification or question to get a point of clarification. John, were you suggesting or in your earlier conversation I think because you eluded to it just a second ago that let's just say that they were permitted to put out 900...whatever units you want to use per year, that when they sold, and if they had the right to sell those off that maybe they could sell two-thirds of it that could be actually bought by someone else and we could obtain one-third for us so that we are reducing?

John Blair: That would be a possibility too, I would assume. You could buy...you know, they're going to be sold in a market system, I assume, of some sort.

Commissioner Tuley: Or we could buy them all and just set a local standard, so to speak, that says we won't give out more than two-thirds and keep the other one-third for future development or needs or whatever. Is that what you're advocating? I mean as part of just the discussion.

John Blair: I don't...you know, I don't think--

Commissioner Tuley: Because at some point we want to reduce it somehow. I mean, if you get 900 over here we don't want to just grant 900 to somebody else.

John Blair: Right.

Commissioner Tuley: Why would we not want to reduce that down a little bit and say 700 or 600 or whatever and bank some of it. I mean, the whole goal is not to maintain.

John Blair: That's exactly right. I certainly wouldn't advocate...I would probably, my instincts tell me that I would advocate, you know, just using them all as a reduction, but I think that from a practical sense where Vanderburgh County has...you know, if you look at the data Vanderburgh County is not the problem, you know. The sources around us are the problem. Therefore we've had to pay all the price thus far. It looks to me like we're going to continue to have to pay the price more than everyone else. So, you know, that's why I'm here probably more than in the city because it is a Vanderburgh County issue more than anything. So, you know, just to protect our own interest and be able to increase our own tax base and do those things necessary that...I mean, our traffic just by itself is going to raise that ozone level significantly because of what we have with traffic now just from the growth that has taken place.

Commissioner Mourdock: Let me ask you this question, John. You've mentioned the industrial park on the northeast side of the county. For the sake of argument do you believe if we had a 937 ton emitter at that location that the Vanderburgh County monitors would show any higher effect on ozone?

John Blair: Probably not.

Commissioner Mourdock: Okay, I agree. I mean, it comes back to where it is being generated.

John Blair: But you know what is really interesting if you look at Joanne's analysis

of what we have to do next year, you know, it's real clear. She has Henderson on there and Henderson is so much lower than we are or than Posey County is and the largest figures are Boonville and Tecumseh. You know, those are the monitors that record the highest values consistently on each and every day, so I think that it's real clear that we create some of the problem, but there are sources that are southwest of us are really major contributors. And, of course, where is ConAgra going to locate?

Commissioner Mourdock: Okay.

John Blair: Okay, thanks very much.

Commissioner Mourdock: Thanks, John.

President Jerrel: Thank you.

John Stoll - County Engineer

President Jerrel: Okay, quickly now we'll do department heads that have waited. County Engineer.

John Stoll: That plan that you have in front of you is the signal plan for the St. Joe and Allen signal. Dave Savage called me today asking about the possibility of making some striping changes on the east leg of that intersection. Basically, what he proposed was narrowing down the left turn lane and the shared through and right turn lane to about 10 feet in order to make the westbound lane wider. I'll show you why. Right now as trucks especially come to make this turn their back wheels are dragging across this radius here. This radius isn't large enough so by narrowing these two lanes we'll be able to pick up more room here in conjunction with the signal project. This would be a maximum of \$1,500 to remove the existing stripes and relocate them. I'm just wanting verbal approval on whether or not to proceed with that. I think it would be a good idea to go ahead and do it.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I'll bring the actual dollar figures with the change order whenever we do get it taken care of. That's all I have.

Commissioner Mourdock: One quick point for you. When Pat and I were at the Westside Improvement Association the question came up regarding a large hole where Schutte Road crosses 62 and apparently there is a question whether or not it's keeping traffic from using kind of a...it's blocking traffic and the question was is it on the state's right-of-way or ours? Would you check and if it is ours let Erik know and if it's the states get them going. Apparently it is obstructing how people turn out there.

John Stoll: Did they say which direction it is causing the problems on the turn?

Commissioner Tuley: To keep you from going east, I believe, off Schutte.

Commissioner Mourdock: I think that's right.

Commissioner Tuley: Because you're going north up Schutte and then trying to go east. They said that the kids, the college kids there--

John Stoll: The right turn.

Commissioner Tuley: --will not go over there because there is a huge hole there.

Commissioner Mourdock: If you'll check that out.

Commissioner Tuley: John, I have...it's an update question because someone called me and I told them I honestly didn't know where we were or what the status was, Lynch Road from the intersection of Burkhardt where you can sit there and throw a rock over to 164, do you--

John Stoll: The right-of-way is being purchased now.

Commissioner Tuley: Okay.

John Stoll: So the next step would be once the right-of-way is secured then we could try and figure out a funding plan to get the thing built. Rose has done some preliminary checking and INDOT says that we potentially could borrow ahead on future year's allocations of federal aid money to build it, but we don't have a clear funding plan set in stone as of yet.

Commissioner Tuley: Okay, so if someone wanted to take these crystal balls that crack on us and cloud over and different things, is it realistic to think that, and I'm throwing this out, five years or ten years? Is there any way that you can predict when that may or may not happen?

John Stoll: If the funding could be worked out we'll have the right-of-way, so as soon as the right-of-way is purchased as soon as we get a funding plan it could go for bid anytime thereafter.

Commissioner Tuley: Basically right away, I presume?

John Stoll: By the end of the year even, right.

Commissioner Tuley: And putting the funding in place.

John Stoll: Right. I mean, if we had some funding set aside and ready to go from local as well as from the state we could get it as soon as at the end of this year and maybe substantially longer time frame than that. It just kind of--

Commissioner Tuley: Like everything else, it hinges on money.

John Stoll: Right.

Commissioner Tuley: Amazing, isn't it!

Commissioner Mourdock: Always comes back to that.

President Jerrel: Well, you know I gave you guys a little bit of a plan and John and I have talked about the money and I met with Curt Wortman today because I want to make sure we have Council onboard because I want to go either April 15th or May 15th and make a request for some funding to begin on these very projects.

Commissioner Mourdock: Okay.

President Jerrel: Okay.

Commissioner Tuley: Thanks.

Erik Bentle - County Garage

President Jerrel: County Garage.

Erik Bentle: I'm going to make this quick.

Commissioner Mourdock: A man after our own heart!

Erik Bentle: I think everybody got our weekly report.

President Jerrel: Right.

Erik Bentle: The first thing on the list is a request for a press release for the county crews. Our goal is to do 27 miles of county road ditching this year. Right now we're having trouble coming up with enough mileage there to get our goal, so we want to put a press release out for residents of Vanderburgh County to call in if they have any ditch work to be done. The second thing I have there is our wash station that we've been trying to get in place for several months now has finally been finished. The guys that have worked on it did a fabulous job. Here are a couple of pictures of it where they finished it yesterday...or Friday, I mean. The last thing I have is next week, I believe it is, we're having our disaster week.

President Jerrel: Right, we're not going to have a disaster, but we're going to do our in service.

Erik Bentle: But we've got our disaster/tornado plan together for the Garage and we're going to run a simulated drill out there so if you want to attend that will be fine.

President Jerrel: Monday 6:30 to 7:00 a.m. Thank you.

Commissioner Tuley: Hang on, hang on, Erik.

President Jerrel: Wait a minute.

Commissioner Tuley: Does he need any of the highway--

President Jerrel: Oh, Road School.

Commissioner Tuley: Any of you guys going to--

President Jerrel: Going to the Road School?

Commissioner Tuley: --the Road School?

Erik Bentle: I'm planning on it, yes.

Commissioner Tuley: Have you got this to make the--

Erik Bentle: Yes, I haven't had a chance to look at it yet, but I've got it, yeah. I'll let you know one way or the other.

President Jerrel: Yeah.

Gary Hohman - Burdette Park

President Jerrel: Okay, do you mind if I do Burdette Park? Okay, Gary. Thank you for sitting patiently.

Gary Hohman: Madam Chairman, we have...Gary Hohman from Burdette Park. We have nothing to add to the packet. I understand Mrs. Jerrel does have some information that she would like to--

President Jerrel: I have tried to breathe...I told you if I went to Indianapolis I was going to give CPR to our O'Day Discovery Lodge and I hope that we've...Tony and I have been in a whirlwind of letter writing today, so we're after the Senate in the hopes that we can get them to review and accept this. I even used the argument with them we may have riverboat money, but we also have a huge urban bridge that the state was going to pay for 80/20 and backed out on us and so we're asking in any way that we can, so we hope we can...and Tony has got letters ready to go to our representatives and also to the Finance Committee.

Gary Hohman: As I mentioned we have from our standpoint have inquired about and have determined that there is some possibility of some additional funding outside of the realm of what we have been talking of in the past. We will see further into this.

President Jerrel: Yeah, Gary has...they have found some other foundations that are interested in this kind of project.

Commissioner Mourdock: Good.

President Jerrel: So we're going to move onto that, too. In your packet there is a...I would like for you, so we can give them some answers tomorrow, take a look at the heating and air conditioning bids that they have and Gary is going to send down the bumper so we can get all that going for next week.

Gary Hohman: What information are you needing additional?

President Jerrel: We need to know, since...is this one company specific that we're going to order this from and if it is what are we going to order so it can be written up in the form of a purchase order and then my goal was to find a funding source and if we couldn't find it then we would have to go for an appropriation.

Commissioner Mourdock: Were all those comments that you just made specific to this? The heating and air conditioning?

President Jerrel: No, this is the bumper boats.

Commissioner Mourdock: Oh, okay. I'm confused. This heating and air

conditioning, is this something that is ready to be recommended with a low bidder?

President Jerrel: Well, he has asked us to look at these and select--

Gary Hohman: To review the bids and--

Commissioner Mourdock: Is Jerry involved with this, Jerry Bryan?

President Jerrel: No, he has not been. I don't believe Jerry Bryan in the Purchasing Department...this is something you all have independently done?

Gary Hohman: Yes.

Commissioner Mourdock: Shouldn't Jerry be involved with this?

Joe Harrison, Jr.: No, that's okay.

President Jerrel: It's a service.

Joe Harrison, Jr.: These were quotes and they've got a copy of the information that was sent out to the various contractors. It's under \$25,000.

Commissioner Mourdock: Is there any reason for us to do anything other than to accept the lowest bid on this then?

Joe Harrison, Jr.: The only thing I've got to make sure is that there is funding in place for these services for the year.

Gary Hohman: Right, yes.

Commissioner Mourdock: Okay, so that's really what you're going to check between this week and next week?

Joe Harrison, Jr.: Yes.

Gary Hohman: The reasoning behind this advertising at this particular point is our existing--

Joe Harrison, Jr.: Agreement was up.

Gary Hohman: --servicer changed his hourly rate and by virtue of that we have to advertise.

President Jerrel: Would you want to pass that down to Tony and Joe so they can keep track of that and we can get that done next week. Oh, okay.

Joe Harrison, Jr.: But as far as this is concerned they can act tonight. Assuming there is funding in place you can select a new vendor for this service.

Commissioner Mourdock: Okay, I would move then that we accept Moose Lewis' hourly and after hour rates for heating and air conditioning work at Burdette subject to the verification of proper funding.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I have one other Burdette Park item. I received a letter from the Lincoln Senior Citizens Center and it is very short, but:

“Our Lincoln seniors are requesting the free use of the Bishea house for our fall picnic. Membership for the Senior Center is \$3 yearly and we cannot work this \$315 for the shelter house into our budget. Last year we were not allowed the use of the Bishea house so we went to a nice shelter at Mesker Park, but it was too small. Please help if you can.”

They go on to say:

“The Bishea house is just what we need for our activities. Thank you for consideration.”

They sent a list of people from the Senior Center who had signed this and I know we’ve kind of gotten out the non complimentary business with the park and I think, correct me if I am wrong, but I think what we said was we were going to turn these to the--

President Jerrel: --Advisory Board.

Commissioner Mourdock: Advisory Board.

Gary Hohman: Yes, sir. I believe, Mr. Mourdock, that this has been directed by the Advisory Board and rejected their request just due to the confinement of the Commissioners as far as cutting back on any freebie type rentals.

Commissioner Tuley: If we start making exceptions we’re going to run into problems.

Commissioner Mourdock: Okay, well, I just--

Commissioner Tuley: No, I know you’re not asking for that.

Commissioner Mourdock: Right, yeah. I mean--

Gary Hohman: It has been address by the Advisory Board.

Commissioner Mourdock: Okay, how about if I give this to you then and if you would maybe you could have the Advisory Board put a letter together.

Gary Hohman: Okay, if I’m not mistaken there has been a rejection notice already sent to them.

Commissioner Mourdock: For this year or last year?

Gary Hohman: If I’m not mistaken we did this request about two months ago from a Lincoln--

President Jerrel: Could you check on it and maybe we can...maybe Tony can talk to you and you all can think of something. If it was just a rejection notice maybe we could do a letter to kind of say that this is a policy and we’ve been sticking with it. Okay, thank you very much. I’ll talk to you tomorrow.

Gary Hohman: Thank you.

Commissioner Mourdock: Oh, one other one that was in the file here, the note from Joyce on the computer program update and the fact that Lieberman was trying to find somebody with information on the Access software.

Gary Hohman: We're as of late this afternoon we are still having problems.

Commissioner Mourdock: Well, if you need someone other than Lieberman & Associates I know there is a company in town called Pinnacle that they have several people who are Access specialists because we've used them. I don't know.

President Jerrel: ARC used them, too. They were very good.

Commissioner Mourdock: Used...?

President Jerrel: Pinnacle.

Commissioner Tuley: The question that I have if we look into other people, have we paid them in full for these services?

Commissioner Mourdock: Good point.

President Jerrel: A pretty good chunk of money.

Commissioner Tuley: Because we have not...I'm not real happy about this at all.

President Jerrel: Uh-huh. We paid them a pretty good chunk of money.

Gary Hohman: The amount of headaches that this system has caused, it has canceled numerous reservations since I've been there. It has double booked--

Commissioner Mourdock: Sounds like a case where we need the County Attorney to send one of those mean and vicious letters.

Commissioner Tuley: I tried a couple months ago, maybe even before you got here, Gary, so it may have been several months ago because I met with Joyce about some of the problems she was having and I called over there and they assured me...and this has, my God, I think a letter from him might really be appropriate.

Joe Harrison, Jr.: Why don't I call you, Gary, and we can talk.

President Jerrel: But let's direct...after you call him let's get a letter out because I know this has been dragging on too long and that cost a lot of money.

Gary Hohman: I know one of their main individuals has just recently left and they are having a difficult time.

Commissioner Mourdock: Well, if it is simply Access software it's not like...that's right off the rack. I mean, there are people out there that know how to deal with Access.

Gary Hohman: Okay, thank you.

Weekly reports

President Jerrel: Let's have a motion to accept the reports that we have, the Garage, Burdette, Soil & Water and Ozone.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I don't have anything.

Consent items

President Jerrel: I have under...is there any...let's go to consent.

Commissioner Tuley: Consent, yeah.

Commissioner Mourdock: I'll move approval of consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have your scheduled meetings.

Old business

President Jerrel: Is there anything under old business?

Commissioner Mourdock: Under scheduled meetings just FYI, I will be here next week the 8th, but I will not be in town for the meeting on the 15th.

President Jerrel: Okay.

Commissioner Tuley: Is that road hearing, public hearing for roads, the 15th?

Commissioner Mourdock: I think that sounds right.

Commissioner Tuley: Okay. That's a good night not to be here!

President Jerrel: Okay, alright anything else?

Commissioner Mourdock: Old business...I don't know if I listed it under old business or new. Just two quick things, Pat and I attended the Westside Improvement meeting which, Bettye Lou, we talked about. I was hoping that was going to be about several items we have on our priority list and it turned out to be anything but. I don't know that we got much done. Under also old business I met with EUTS today, the County Engineer and APC on the Green River Road study and we're making some good progress on that, so within a couple weeks I expect they'll present a plan similar to what we've looked at in the past. That's it.

Commissioner Tuley: New business only.

New business

President Jerrel: Okay, new business.

Commissioner Tuley: Charlene, you guys received in your office and I don't know if you have...I think you've got the information on a request for a petition for a vacation. Do you have the information in front of you as to the name of the road or whatever?

Charlene Timmons: There are four of them.

Commissioner Tuley: There is four of them?

Charlene Timmons: Yeah.

Commissioner Tuley: While she is looking those up what I am going to ask the Commission to do is ask the Auditor's Office to have published on the 5th, which is Friday, the notice that needs to go into the newspaper with a recommended public hearing date on the 15th of March with the second and final hearing on the 22nd. It will be for the roads that she is about to pull out. Okay, there are four parts to this she explained. One would be the Jones Road, which I understand is just a 35 foot wide road in which I believe he is only asking for 15 foot on his side because I think there is a property owner to the north who uses that as access to their property. What's listed on this list as number four would be the vacation packet for University Drive, the original University Drive that was to go west...continue west from Red Bank back to what is now Fairfield Apartments...Fairfield Inn, where they have asked for a vacation of that. Okay, University Drive. Okay, this one would be vacation of public right-of-way University Drive located in Expressway Commercial Subdivision, Sections 1A and 1B and the final would be vacation of public right-of-way for a portion of the five foot public utility easement line adjacent to and north of the platted right-of-way University Drive located in Expressway Commercial Subdivision, Sections 1A and 1B. All I'm asking tonight is if we could just go ahead and have the Auditor's Office fax the legal notice to the newspaper so it could be published on the 5th meeting the 10 day notice requirement so by the hearing could be held on 15th, a public hearing would be on the 15th and the final hearing would be on the 22nd.

President Jerrel: Is there a second to that?

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Commissioner Tuley: Thank you.

President Jerrel: Is that all?

Commissioner Tuley: That's it.

President Jerrel: I've got a couple of things. One, I would like permission to sign a letter to Ogden granting them the right to act as our agent until such time as our contract is completed and it should be...the negotiations and the final contract should be ready some time before the month is over, so they would be acting as our agent only until such time as that contract, but no later than the 31st of March.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. You've got the legislative letters I've written. You know, we need to do some more so we'll get those written this week for you. Richard, take a look at that multi-county grant. Both of you take a look.

Commissioner Tuley: Richard, you're not going to be here the 15th, so obviously you won't be in town, I assume, on the 16th then?

Commissioner Mourdock: That's correct. I'll be--

Commissioner Tuley: Are you thinking about going up there for that Commissioners' agenda day?

President Jerrel: I hadn't thought.

Commissioner Tuley: Hadn't thought that far out?

President Jerrel: Yeah.

Commissioner Tuley: I'll get a request tomorrow.

President Jerrel: I looked at it and I put it up there and put a note because you know how I talked about it, but that is as far as I got.

Commissioner Tuley: Get our request for approval in.

President Jerrel: Right, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:35 p.m.

Those in attendance:

Betty Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
William Dukes
Jim Croce
Russ Vick
Jerry Bryan
Barb Miller
Dave Stefanich
Cheryl Musgrave
Carl Hofmann
Jane Hofmann
Roger Lehman
William Mattingly
Leroy Walther
John Stoll
Erik Bentle
Gary Hohman
John Blair
Martin Staab
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Betty Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners Meeting
March 8, 1999**

The Vanderburgh County Board of Commissioners met in session this 8th day of March at 5:50 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: We had a Solid Waste District Meeting and there was a new proposal presented and we had a lot of questions that we need to ask, so that was the part for the delay, so as soon as Pat gets here we'll go ahead and begin. The agenda, I think there are copies if you didn't get a copy, they are over here on the side. If there is anyone that wishes to speak...I notice there is a crowd and I am assuming that there will be speakers. We would like to have anyone that speaks to at least present a position and then keep from repeating it if it is something that needs to be. At this time, I'm going to go ahead and begin and call the meeting to order. I would like to introduce to you the people before you. On my far right, the gentleman with the easel is Tony Greubel, Superintendent of County Buildings; Joe Harrison, Jr., our County Attorney, is next to him; this is Pat Tuley's Commissioner seat; on the far left, Charlene Timmons is our Recording Secretary; next to her is Suzanne Crouch, the County Auditor; Richard Mourdock, County Commissioner, is to my left; my name is Bettye Lou Jerrel. I would like to invite you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the action agenda is the approval of the minutes of the previous meeting. Is there a motion?

Commissioner Mourdock: I'll move approval of the minutes of March 1, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan - City/County Purchasing Director

President Jerrel: Next, Jerry Bryan, the Purchasing Department Director.

Jerry Bryan: Okay, I'm here to give Joe Harrison the three packages that we received on VC99-15 which is the Jail Management Application.

President Jerrel: Is there a motion approving opening the bids?

Commissioner Mourdock: I'll move the opening of the bids for that.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun - SCT

President Jerrel: Moving on, Bill Cottun, from SCT.

Bill Cottun: Good evening. I have four items before you today, three of them are for maintenance...annual maintenance for network or applications. The first item is approval of the contract to Cabletron for two specific items. One is for LANCare Standard which is support and maintenance for the network Cabletron switches. That is a 50/50 split between the city and county. The county's portion...excuse me, the total is \$3,227.11. The county's portion is \$1,613.56. The second part of that is for Spectrum Platform which is to support the switch management software. That is also a 50/50 county split. The total on that is \$687.50 of which the county's portion is \$343.75. The total of the contract is \$3,914.61. The county's portion is \$1,957.31. If I may, the city, through the Board of Public Works, has already approved their portion of this.

President Jerrel: Are these one year contracts?

Bill Cottun: Yes, ma'am, these are one year through the end of this year.

President Jerrel: Okay. Are there any questions?

Commissioner Mourdock: Just formally the Data Board is recommending approval, correct?

Bill Cottun: Yes, sir, on all the things I've brought before you.

Commissioner Mourdock: I'll move approval as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun: The next item is from Tiburon and that is two parts also. The first is Computer Aided Dispatch, that's our 911 support. This is a reverse city/county split. The total amount is \$18,479 of which the county pays \$6,876.04. The second part is from the RMS, or records management package, that is for tracking and maintenance of police criminal records. The total \$20,654. The county's portion \$12,968.65. The total of the contract \$39,133. The county's portion is \$19,844.68.

President Jerrel: And this is a one year contract?

Bill Cottun: And this is a one year contract, yes ma'am.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll again move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun: The next item is to Digital. That is for support and maintenance of our

network hardware and software operating system. Total, \$45,206. This is a regular split, city/county split, the county paying \$28,384.85.

President Jerrel: Any questions? Motion?

Commissioner Mourdock: Motion to approve.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun: The fourth and final item that we have is for acceptance of the new pricing list and to be able to continue to use The Computer Center as our computer supplier. They are currently providing us with Compaq Computers. They have given us a new price list which will be good through 1999. I would like to point out that this price list is adjusted every two to four weeks, so we're not being locked into prices on an annual basis. We're getting very, very competitive pricing at a not to exceed price at all times. Since we started this contract with The Computer Center last year about this time we have had a 23.1% decrease in the cost of our computers that we're purchasing through this contract. When we started buying computers our base computer was a Pentium 166 with 16 meg of ram. Currently we're getting Pentium 350 with 64 meg of ram, 10 gig hard drive. It's just a substantially more powerful machine at a significantly reduced price over what we were paying last year.

President Jerrel: Mr. Cottun is to be complimented because Compaq gave us those prices because they found they had Dell...is that the agreement? Dell was going to underwrite them and they found they had a little clause there where they could meet or better Dell's prices, so that's the reason.

Commissioner Mourdock: But some of their computers come in such ugly colors, the one on your desk for example.

President Jerrel: Right. That's Apple.

Bill Cottun: So I do request that you accept the pricing and also extend the contract for one more year.

Commissioner Mourdock: I'll move approval as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun: Thank you very much.

President Jerrel: Thank you.

Kip Husk - Petition to vacate easement

President Jerrel: The next item on the agenda is the public hearing for the petition to vacate easement at 1114 Indy Court.

Kip Husk: My name is Kip Husk. I'm a primary partner for Husk/Ellis Partnership which owns the property. I have green cards to turn in for the record.

Charlene Timmons: That would be me.

Kip Husk: Okay.

President Jerrel: Is there anyone here that wishes to speak to this vacation of this easement?

Joe Harrison, Jr.: This is the public hearing, so this is the time.

President Jerrel: It is a public hearing, so if there is anyone that wishes to speak to the vacation of this easement. Any Commissioner questions? Hearing none, is there a motion?

Commissioner Mourdock: Is this on first?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: It is, right? I'll move on first reading the approval of the ordinance to vacate a platted public utility easement and without reading the full legal just the 10 foot wide public utility easement platted along the north line of Lot 7 in 41 North Business Park Subdivision, Vanderburgh County, Indiana and then the full description is attached off of Lot 7, so I would move approval of that vacation.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered on first reading. Do we have the second hearing date, final hearing?

Joe Harrison, Jr.: The second reading will be next Monday at 5:30.

President Jerrel: Next Monday, final.

Kip Husk: Okay, thank you.

President Jerrel: Thank you.

Harris Howerton - Community Corrections
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President Jerrel: The next item I'm going to have to move back up because I did not have a final agenda in front of me and we do have a final reading for the Community Corrections Fund ordinance.

Harris Howerton: Good afternoon. As you know each year Vanderburgh County opts to accept \$161,000 from the Department of Corrections for housing and/or otherwise working with the misdemeanor offenders in our community and I would ask that you on this second reading approve that ordinance today.

President Jerrel: Is there anyone here that wishes to speak to this ordinance? This is also the second reading and final reading. This is a yearly process that we go through to authorize this grant. Hearing none, is there a motion?

Commissioner Mourdock: I'll move approval of the Community Correction Fund ordinance on final reading.

Commissioner Tuley: Second.

President Jerrel: So ordered and I'll call for a roll call vote on the final reading. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Harris Howerton: Thank you.

Rose Zigenfus - EUTS

President Jerrel: The next item on our agenda is our EUTS Director, Rose Zigenfus. She has some information that she has prepared for us that is in your folder. Thank you, Rose, for coming.

Rose Zigenfus: You're welcome. Good evening. I have an update on some of the things that we talked about last month. The Green River Road corridor preservation initiative, we had a second meeting, or more than a second meeting, and Mr. Mourdock was there. We are looking at some things as development continues. North of Pigeon Creek the plan will address needed improvements of the local collector facilities and I think we talked about that, but they are not limited to Heckel, Millersburg or Kansas. There are other roads in the area. Traffic projections for Green River Road, floodplain and floodway areas are to be identified for our next meeting. We'll also be looking at safety issues with regard to accident frequencies between Morgan Avenue and Lynch and the number of access points. This is all part of your request to look at the Green River Road area. The other thing, the other big issue that we haven't really settled yet is the issue of median versus continuous turn lanes throughout that corridor from Morgan to Lynch. A lot of what we're going to be collecting will determine what we recommend for that area. I don't know if I have forgotten anything. State Road 62/Schutte Road. You received a letter, I believe, from INDOT on that so you're up-to-date. Today I had a meeting with the representatives from INDOT from the Lynch Road project. They were enlightened to look at the area and Morgan Avenue and they want to come to some decision in the next couple of weeks, so we should be hearing something more from them on that.

President Jerrel: Is there anything that we can do to communicate with Chris Klicka or anyone to help this process?

Rose Zigenfus: I'm waiting...I sent the letter to Chris, and I think you got a copy of that as well, so I am waiting on a response from her so at this time I don't think so, but there might be in the next week or so.

President Jerrel: So there is no...this isn't something that you try to help move along

in any way?

Rose Zigenfus: Well, they were going back today, Frank Nierzwicki and Clem Ligocki, to talk with Chris about the project and I think at that time they'll be looking to meet with the local officials.

President Jerrel: What was their attitude towards that project to you?

Rose Zigenfus: They think it's a good idea. They want to talk about relinquishment of some county...of some state roads to the county. I told them that would be something you all needed to discuss. I certainly couldn't commit to anything.

President Jerrel: But they were open?

Commissioner Tuley: This was on Lynch?

President Jerrel: Lynch. In other words we had talked about...previously talked about taking over some state roads if they would--

Commissioner Tuley: Take Lynch.

President Jerrel: And get on with the project. Okay, that's good.

Rose Zigenfus: The other project is the Millersburg/Green River Road is going to be reviewed again for perhaps including turn lanes at the approaches, so we'll be undertaking that.

President Jerrel: Okay, are there any questions of Rose?

Commissioner Mourdock: I would just make a comment, not a question, but during the meeting last week on the Green River Road review I would have to say it was kind of eye opening for me because I thought a lot of the land from Pigeon Creek north clear to 57...I thought more of it might have more development potential than I now believe it does simply because of some of the floodplain issues and it may yet prove to be another one of those areas where the impacted drainage situation could help us in better developing that area. The other question I would have from that or the question I would have would just be what the date would be for the final presentation of that plan to us, Rose?

Rose Zigenfus: Oh, it's probably going to take us a couple of weeks to collect the accident data and take a look at those things.

Commissioner Mourdock: Maybe just roughly 30 days, something like that?

Rose Zigenfus: I would say it is probably more like 60 before we bring it to the Commission, but we would want to have another meeting again before that to kind of get your input.

Commissioner Mourdock: Okay. Well, stay in touch and I'll be glad to be there.

Rose Zigenfus: Okay.

Commissioner Tuley: That's fine.

President Jerrel: Thank you very much.

Rose Zigenfus: Thank you.

Barbara Cunningham - APC

President Jerrel: Next, I had spoken with Barbara Cunningham, Area Plan Director, because we're in the process of the census and that is very, very critical to us and it is important that we find 17,000 people.

Barbara Cunningham: Whew! Whew! Thank you.

President Jerrel: Well, I think there are some people out there. We just--

Barbara Cunningham: Okay, everybody in here. We'll start with that. Mrs. Jerrel said that it was a nice quiet meeting, that we could give you some information on this and I am delighted to have a crowd that will hear that the census is so very important. Everybody here had better turn in their census application because it really means money to the community. The 2000 census is coming up next year. It's the largest peacetime effort ever taken in the United States both private or public. It's an actual count of the population every ten years. From 1970 to 1990 the Evansville-Vanderburgh County population declined. We have...it's important that we get these figures up because you've got \$100 billion in federal funds distributed based on census data throughout the country and we certainly want to get our fair share. We need a complete census county and we're here tonight because the elected officials have so graciously seen the need to promote the 2000 census and they want to talk about it and I'm sure we'll be talking about it again. We sent you all a pass out that you have that tells some of the things that need to be done and it's a partnership. It's not just elected officials, it's public that has to be involved and with the public you have to involve all community...all parts of the community, the churches, the clubs, the groups, to get out the message that the census is really important. We need a partnership and that is something that needs to be done soon. Now the 1998 population estimates and recent trends, that's your pass out number one that you have. That shows you the population and housing units of 1970, 1998, the City of Evansville and Vanderburgh County. It shows you the changes in population and the projected changes. The Comprehensive Plan that is before you shows where the growth has occurred. The Comprehensive Plan is the thing on the bottom, the drawing on the bottom, and that shows you where the growth has occurred. The county map shows you the Area Plan Commission's 1998 population estimate. The estimates indicate that we've gained over 12,000 in population, that's in the total county not the incorporated, the total county, since 1990 and this represents a 7.3% growth. This is based on housing permits. The estimates are based using census methodology and based on permits and demolitions for housing units and it assumes that new units indicate population increase. We know this is not always true, that household size is declining. For example, in 1970 it was counted three people per household was the figure used. In 1990 it was 2.4 and Ken and I were talking and I think in the year 2000 it's probably going to be 1.6 per household is the average household size now. That can play havoc. The numbers can work in a lot of different ways, and numbers are just numbers. The bottom line is the census and we have to be assured that we have a good census. In this information the migration is the unknown factor and that's what we don't know is how many people have move and what we've gained on the in and out, how many people have moved into Vanderburgh County. I'll tell

you from the activity in our office and the number of subdivisions we're giving we hope a lot of people have moved into Vanderburgh County. So I also wanted to keep you up-to-date on recent Area Plan Commission activities that we're doing in preparation for the year 2000 census. The Area Plan Commission office has done an update of the boundary and annexation survey maps. We've done a local update of census addresses, which is the LUCA program, and I think there are a lot of communities in the state that did not participate in this and it was a lot of work. John Ansbro and Blaine are here and some of the others in the office they worked very, very hard on getting all the addresses and we added more than 2,680 new addresses to the list that the Census Bureau had. We added 150 new streets and street names to their list. We corrected 1,300 inaccurate addresses because they do a mail out first and we want to make sure they have the right address to send this to. We deleted 500 addresses that no longer exist and we deleted over 35 street segments and railroads. So we're working hard to make sure that they have the information to do a good census and an accurate census. We also worked on the...we were participants in the Statistical Area Program. We reviewed all the census tract and block groups that no longer conform to the census population criteria and we held a meeting with some local agencies, the School Corporation, someone from Mr. Robinson's office, all the people...we invited people that we thought would be interested in using the census information and to review the boundaries and we sent those boundary recommendations to the Census Bureau. I think one of the main emphasis, unless you have some questions on the figures that I've given you, one of the main emphasis of the whole thing is we need to emphasize the need for the complete census count and we need to promote it. We really need to promote it because the Census Bureau is taking the census all over the country and, me, I am interested in Evansville, Indiana. I'm interested in Vanderburgh County, so we want to make sure that we really can raise our counts in Vanderburgh County from last time and from the time before. I think, looking at Mrs. Jerrel, I think one of the places that we can do this and I think you've got an in with them is with the School Corporation because I think if you go to the kids and you teach the kids that the census is really important and mom and dad had better send it in, you know, I think that's when it is going to happen, so we really need to work with the schools as well as with church groups to get the message out, clubs, all kinds of things like that. We'll keep you informed about what is going on with the census and we'll continue to monitor their maps and give them address changes and do everything we can to make sure that they get the technical assistance from Vanderburgh County that they should have. One thing I did want to ask is Mrs. Jerrel asked about the Evansville Metropolitan Statistical Area and so I have given you that on a chart. Gibson County, you'll note, is not on this chart right now, but that does not mean after the census that it could not be included in our Metropolitan Statistical Area. Estimates and figures...all these figures and estimates are really no good. They're just estimates and what we have to do is get...it's the census that counts and that's the message that we have to get across.

President Jerrel: Just a point of information, the Mayor and I are working on a plan to get this word out. We thought rather than do two plans we would do one. We're in the process very soon...we're interviewing and working with a potential chairman.

Barbara Cunningham: Wonderful.

President Jerrel: We have a number of things in the works. Just one little thing just to leave you with, we're eligible to count all of the students that live at the universities, but getting them to turn in the cards is a very complicated--

Barbara Cunningham: Because they don't think they live here.

President Jerrel: No, and they're busy, but they do live here. They are part of our census count, so we're trying to select someone who can help us get this word out because it is critical to us. If we can just find those people we'll be a Level 1 community and get another million dollars a year.

Barbara Cunningham: That's right.

Commissioner Mourdock: Do the numbers that you reflect here, do those have any input at all from USI or UE?

Barbara Cunningham: Well, they did and then we took it out and then we put it back in. It's questionable. The 12...where you have population change in the county we did have 12,485 and then we took out about...what did we take out, 500? We didn't take that out?

Unidentified: (Inaudible comments made from audience.)

Barbara Cunningham: We didn't take it out so it does reflect that. We took out the group population count, so USI is in there. Do you all have anything that we need to add? One thing was...that's why I have to say it's all numbers. The 1997 estimate versus the 1990 census that is on your list, too, it showed Knight Township of losing in population. Now we all know that Knight Township did not lose in population in that period of time. So that's why I say the most accurate count is when we get the census figures back and the most important thing we do is make sure every map they have, every list of addresses, every complete count committee, all that, that we're right there taking charge of it because we have more of a vested interest in it than they do.

President Jerrel: We're going to ask for your help.

Barbara Cunningham: My help, but, God, I'm glad you're not making me chairman. I just couldn't do that!

Commissioner Mourdock: Oh, you haven't heard?

Barbara Cunningham: No thank you, no more hats.

Commissioner Mourdock: I would respectfully disagree with something you said though. You said twice we want to get the numbers up. No, we want to get the numbers accurate.

Commissioner Tuley: Accurate.

Barbara Cunningham: That's right.

Commissioner Mourdock: I understand, that will probably mean up.

Barbara Cunningham: To get them accurate is up.

Commissioner Mourdock: Yeah.

Barbara Cunningham: Yeah, and that really is...and to get the kids involved, that's

important, too.

President Jerrel: Well, that's in our plan.

Barbara Cunningham: Okay, thank you. Any questions?

President Jerrel: Thank you for coming, Barbara.

Ken Robinson - Vision 2000

President Jerrel: Next on our agenda, Ken Robinson on multi-county development strategy that we talked about last week.

Ken Robinson: Good evening.

President Jerrel: Good evening.

Ken Robinson: It's a pleasure to be here. I would like to reinforce my testimony here with a handout that I would like to pass out. I'm here to talk about the regional strategic planning effort that the State of Indiana is promoting through the Indiana Economic Development Council which is an opportunity for areas of the state to make themselves even more competitive to attract jobs and investment. I want to say first and foremost that Vision 2000 and its Executive Director support this effort of regional strategic development planning. What I handed you is a excerpt of a report by the Deloitte & Touche Fantus Consulting group we brought in a couple of years ago. I just want to read for the record one of the recommendations under regionalization:

"In light of these changes and fierce and ever increasing competition, economic development organizations in the Evansville area can ill afford to function independently or at cross purposes. It is essential that the various economic development agencies in the region marshal their resources and work in tandem to attract desirable facility investment."

And the last paragraph of that also kind of emphasizes exactly what you're contemplating here of establishing a formal mechanism for leaders of the surrounding counties to remain informed about what is happening. I won't go on to read that, you can read that for yourself. What I want to emphasize is that this effort will help us compete for economic development prospects. That is the bottom line. Three reasons are it will show a commitment to a coordinated regional plan for growth. Prospects and consultants are looking for that. It sends a positive message that we're thinking about our future as a region and not just independently, as independent organizations. Again, I meet with consultants every week and they are looking for the regional...they're looking for the Comprehensive Plan. If you can show them a regional effort they just really think that you as a location in this country have got your act together in terms of trying to determine where you are going as a region. That rings true with the prospects as well. Thirdly, it helps to enhance the quality of life for all the current and future residents of the area. It really, you know, helps for us to have a plan about transportation, a plan about infrastructure. You know, we know where we are going as a region. Really, prospects don't really care about political jurisdictional boundaries as much as they care about the region pulling together as an economic entity and this can help us decide how we want to

plan for our future. I think lastly it brings positive attention to our area to all state agencies who look at us and try to determine how we're doing to help ourselves in terms of spending our precious resources and partnering with the state on infrastructure dollars or economic development dollars. The Department of Commerce looks at that. INDOT looks at that tremendously. In fact, they're thinking about creating regional districts. The Governor's Office and other critical...State Senators and State Representatives look at how well you are coordinating your efforts, so I just really applaud your effort to move forward in this arena and want to say that Vision would support that effort in any way we can.

President Jerrel: Thank you. Are there any questions?

Commissioner Mourdock: I don't have any questions for Ken, but I would refer you to the draft letter that is in your packet. The letter we received that Ken Robinson referred to...I guess, not the letter specifically, but the program, the Indiana Economic Development Council sent, I think, each of us a letter. I know I saw one with your name. Okay. Given that one of our goals on that board behind us is to try to find some ways to work more regionally with the County Commissioners of the surrounding counties. I drafted that letter for your review last Saturday and thought it might be a starting point for these discussions, so I would just refer you to it. I, for no particular reason other than it seemed to make sense, included Warrick, Posey, Vanderburgh and Gibson, the four counties into the area which I think coincides with what the letter had proposed from the state.

President Jerrel: When we get ready to move on this maybe, Tony, you can contact the agency to see, you know, what sorts of information they need in that grant if we choose to do that as a group.

Commissioner Mourdock: It would seem to me the next logical step, if we can come together on the text of what this letter should say, would be to try to schedule a meeting with those Commissioners perhaps on a week night. We all know it is difficult for us to get together, but if we can do that and also have on the agenda several potential issues to speak of, I listed there and I have no pride in authorship here, but as suggestions the issues of cross county line sewer or water development; joint policies for access road development from one county into another for industrial park development; air quality monitoring issues; and potential cross county development districts as issues. There could be others and those are deliberately broad, some might say ambiguously vague, but something to get the discussion started.

President Jerrel: I think it sounds fine.

Commissioner Tuley: Me too.

President Jerrel: If you would like to...what is your plan though on how are we going to...are we going to send out a little survey and say which night of the week is best?

Commissioner Mourdock: We could do that or my thought was to have Tony call them.

President Jerrel: Tony call them.

Commissioner Mourdock: With some calls and do that. I don't know that we need to necessarily present a date to them right now. Just say sometime in the next...not

sooner than 30 days and not later than 60 days try to find a date when we could all get together and do it that way. Certainly leave that to Tony for scheduling. Having said all that, I would move that we approve in final form the letter in your packet to the surrounding County Commissioners.

Commissioner Tuley: I'll second.

President Jerrel: So ordered. Thank you, Ken, we'll keep you posted.

Ken Robinson: Thank you.

President Jerrel: Appreciate your coming.

DMD - Koberstein Trucking contract

President Jerrel: The next item on the agenda is the approval of a flood mitigation contract for demolition. I don't believe there is anyone here. The information is in your packet. Joe Coleman presented it last week and is there a motion regarding that?

Commissioner Mourdock: I'll move approval of the DMD request...actually it is with Koberstein, but move a motion of approval for the Vanderburgh County Board of Commissioners' contract for services with Koberstein Trucking.

President Jerrel: In the amount...include the amount.

Commissioner Mourdock: In the amount of \$24,970.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission
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President Jerrel: The next item on the agenda is for any group or individual that wishes to address the Board and I know there are a number of you here. Yes.

Unidentified: May I speak?

President Jerrel: Certainly.

Steve Folz: I'm Steve Folz, I'm a representative for the Laborer's Union. I represent working families here in Vanderburgh County. We've got roughly 400 members that are laid off right now drawing unemployment and trust me, they don't want to be. They want jobs. I brought these people here really to show you what the faces of working families look like. They look just like everybody else. These people want jobs, they've got families to feed, they've got rent, house payments, utilities just like everybody else. Except these people here, they pay taxes here in Vanderburgh County. They vote. They're part of the community. You know, this is what we're all up here for is, you know, what are we going to do to make the community better? We would like to see jobs stay here for the community. We came to you back September, October, I don't exactly remember the month it was, before you let the

Daylight Sewer project. It was an important job to us. We've seen other jobs, you know I'm going to kind of veer off a little bit, branch out. You had a project out in Daylight, the Phoenix Commerce project. It got started. There has been several hundred thousand spent on it and all of a sudden it stops. It is just growing weeds now. We don't know why the job is not going. It went to a company that was based out of Florida. After working with them they finally agreed...they hired a contractor that was going to hire local people and all of a sudden the job stops. You know, nobody got a job off it except for the people out of Florida that did the excavating on it. Now the job sits. The job right here behind us, the Vanderburgh Auditorium. I had to fight that issue there. Somewhere, somehow somebody thought that you could take a \$15 million job and break it down into small enough portions and say these portions don't need prevailing wages on them or common wage, what it is called today. It took the Governor's Office to come back down here and educate somebody, I think in this department right here, that, yeah, every phase of \$15 million job does require the common wage. We lost three quarters of the work to an out of state contractor that came in and beat local contractors that traditionally pay the wages and that's what common wages are set for is what is traditionally paid in this area and they beat these contractors because they was told you don't have to put the prevailing wage on or the common wage on and they beat them out because they were paying...who knows, \$10 an hour versus a living wage with health care and pension. After the Governor's Office came down we did get a portion of the work, but it was a small portion. The contractor didn't want to come back. They let the local union contractor...the local contractor that traditionally works in this area and works the people in this area, let him finish the job. Now we've got the Daylight sewer project. We came here before you let the project. We brought a stack of evidence of safety violations, wage violations. There was a federal wage violation as recent as three months before this job was let to them that they was fined on. You ignored it. Now I've got people that's without work. I want to remind you, all of you didn't vote, some of you listened. Pat vote...did vote no if you remember right. He listened to what we was saying. He was thinking of the Vanderburgh County residents that are tradesmen. You know, these are their skills. You can sit and think, well, McDonald's is hiring. You know, there is other jobs out there, they can go get a job. These are tradespeople. Some people go off to college and they'll learn different careers and different stages and then there is an apprenticeship program for tradespeople. It's equivalent to college, it's just we do it with our hands. Really, that's the only difference. I really wanted to put faces on working families. That's the biggest issue. That's what these people here are all about. They want you to see that these are the working people. I can bring more if you really want me to. I've got 400 laid off right now. You know, this is 40, 50. I could, you know, we don't want to do that. I met with Peters Contracting several times basically to get them to hire local workforce. I've went out, I met with them several times. I've been to Owensboro, I've met with them and the whole time I've got working people that are laid off asking me, Steve, we've got jobs going on out there why are we not working? Really at wit's end I said, I've done everything I can do with Peters, he don't want to work with us. Go and put an application in. If he hires you that's great. Go put an application in with Peters Contracting. Anything. We went out for them to put applications in. The Superintendent on the job said well, I don't have any applications but I'll call the office. So he called the office. The men stood out in the cold for an hour and a half, two hours, finally John Sunderman comes up. We're not accepting applications out here. We don't want any laborers, and I am quoting, we don't want any laborers. We only take applications from Owensboro. Now this is Vanderburgh County. Did you know that these people that is drawing unemployment they take taxes out on that money. That money is paying for that job to be done. They are looking for work. These are all tax dollars and you're thinking a few

thousand dollars, let's go with the low bid at any cost. But you know safety costs. It is cheaper to run an unsafe job. You know, if we dig a trench here six foot let's don't put a box in it, I can get more lineal foot on a trench.

Commissioner Mourdock: May I interrupt you for a second, Mr. Folz, to ask a question?

Steve Folz: Sure.

Commissioner Mourdock: Joe, that quote that Mr. Folz just had regarding a representative of that company saying that they do not hire anybody...what did you say, outside Daviess County or outside Owensboro?

Steve Folz: He said we only take applications from Owensboro.

Commissioner Mourdock: Okay, thank you. Given that they are doing work for us is there any statute that applies to a geographic locale from which they can deliberately restrict themselves? In other words, can they do that is what I am asking?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Okay.

President Jerrel: Are there--

Steve Folz: Uh--

President Jerrel: Excuse me.

Steve Folz: Yeah.

President Jerrel: Are there no Vanderburgh County people working that job?

Steve Folz: Everybody there is from Owensboro.

President Jerrel: And how is this determined?

Steve Folz: Pardon?

President Jerrel: How is this--

Steve Folz: They brought the people in and put them to work. I mean--

Commissioner Mourdock: That wasn't her question.

President Jerrel: No.

Commissioner Mourdock: Her question was how do you know that everyone there is from Owensboro, I think that was the question.

Steve Folz: The Superintendent told me there is nobody here from Vanderburgh County.

President Jerrel: Okay, that is what I wanted to know and that was Mr...?

Steve Folz: I got that from Danny, I don't know his last name.

President Jerrel: Okay, I need to...you know, when you go back and talk to somebody you need something positive about them.

Steve Folz: There is no minorities on that job and I know in Vanderburgh County we have a law there has got to be...at least our contractors have to be enforced with the law for minorities. I asked him about minorities. He stuttered a little bit, he was trying to think of an answer...well, I'm not going to put words in his mouth, but he stuttered a little bit before he told me, no I'm sorry there is none out here.

President Jerrel: This was Danny again?

Steve Folz: No, this was John Sunderman this time.

President Jerrel: John Sunderman, okay.

Commissioner Tuley: That begs a legal question, too. Is there not a requirement when you are using tax dollars? I don't want to say a quota, but five percent or...?

Joe Harrison, Jr.: I believe there may have been a...there is always a requirement in our jobs that are bid out by this Board that they not discriminate practices as far as minorities are concerned, but I'm not too sure there was a quota. We don't have, to my understanding, I don't know if this Board has ever had a quota requirement.

Steve Folz: Vanderburgh County residents would be nice to be on that job.

Joe Harrison, Jr.: But as far as a legal requirement, I mean there is not statute in the state of Indiana that requires preferential or permits preferential treatment for the award of any bid, but I'm sorry, I've interrupted you.

Steve Folz: Traditionally in this area when a contractor comes into the area...and I mean this is the history of Vanderburgh County, when a contractor comes to the area they'll bring in some of their key people and then they hire the local workforce to continue. JD Construction just picked up a \$11 million portion of a tunnel project let by the city. He met with us before the meeting, before he went in there, to make sure we had the manpower to supply him. He is going to bring in his key people, the local workforce takes care of the job. Without any requirements in the spec books for these jobs and these requirements can be put in there to hire local residents, local Vanderburgh County workers. We've got a skilled workforce here. We need to use them. A few bucks on the low bid is not necessarily the best job.

President Jerrel: Do you know what Danny's last name is?

Steve Folz: No, I don't. He is the Superintendent on the job out there. It's cheap to work unsafe. I was saying this a minute ago. It's cheaper to work unsafe. If a contractor is digging a trench without the safety box in it he can get more lineal foot. If he puts the safety--

President Jerrel: Is this--

Steve Folz: --box in he is going to get less. By hiring contractors, and I brought the

evidence in to show you all that Peters Contracting is a unsafe contractor. I have showed that they broke wage laws, common wage laws and they broke federal wage laws and you ignored it. It's time to listen. It's time to listen to working families of Vanderburgh County. If we allow contractors to come into this area and do this job, do these types of jobs, what it is going to do is force the local workforce to weaken their safety standards so they can compete against those contractors therefore you are putting the local workforce in unsafe situations.

President Jerrel: The description of the unsafe...what you're identifying as an unsafe trenching procedure--

Steve Folz: I've not seen any unsafe practices on that job how...well, I won't go into that, a minor thing, but I had evidence of unsafe jobs where OSHA had fined them. I had also the same thing where the Kentucky...it's a Wage & Hour Division in Kentucky had fined them from wages and the Federal Wage & Hour had fined them also. That fine was a recent as three months before you gave this job to them. They have not stopped their practices or at least up that point they had not.

President Jerrel: Steve, are you telling us though that you're not charging unsafe practices right now?

Steve Folz: I've not seen nothing on it right now.

President Jerrel: Okay, what--

Steve Folz: What I've seen is they're not hiring local work people.

President Jerrel: Okay, I want to make sure that we--

Steve Folz: And they refuse to even accept an application from them.

Commissioner Tuley: John, was there not initially a problem, too, with payroll? It seems like the first payroll they submitted was not in compliance with the common wage and had to be kicked back to them.

John Stoll: I don't recall that. I can check, but I don't recall a problem with the payroll.

Commissioner Tuley: Okay, it may be my memory, but for some reason I thought there was initially a problem because I think we contact...who is overseeing that? Is anybody representing us overseeing that?

John Stoll: Three I has got the inspection.

Steve Folz: I could put a man on it with a camera if you like.

President Jerrel: I just reviewed that. I've got it right in there, the contract today.

Commissioner Tuley: It just seemed like maybe initially and I may be wrong, but I thought there was. I haven't heard anything since then. That's the reason if it was it was a one time shot on this job.

Joe Harrison, Jr.: For your information, what he is referring to is they are required to pay common wage and I will ask that--

Steve Folz: Is this certified payroll? Are you getting a copy of the certified payroll?

Joe Harrison, Jr.: It is my understanding that has been requested by the County Engineer, is that correct?

John Stoll: Right.

Joe Harrison, Jr.: So that will have to be submitted to the County Engineer before they get paid. It has to be certified. In fact, I think the state requires that.

Steve Folz: I think...but this is a county job here.

Joe Harrison, Jr.: Well, I know, but it doesn't matter--

Steve Folz: It's the county that requires the--

Joe Harrison, Jr.: Yeah, but we have to comply with state law.

Steve Folz: Yeah, okay. Where could we see a copy of the certified payrolls? That is public record isn't it?

Joe Harrison, Jr.: Whenever we get it.

Steve Folz: Okay.

Joe Harrison, Jr.: The County Engineer will be receiving it and then he'll submit it to the Auditor for appropriate payment.

Commissioner Tuley: But don't we get that on a regular basis? Or shouldn't we?

Joe Harrison, Jr.: I think they probably submit it when they want to get paid, okay?

Commissioner Tuley: Which is?

Joe Harrison, Jr.: Whenever they want to get paid.

Commissioner Tuley: Well, excuse my ignorance, but I like to get paid every two weeks. Do they get paid every two weeks or they get paid quarterly?

Joe Harrison, Jr.: I don't think that's the way--

Commissioner Mourdock: There are probably milestones in the contract and they probably get paid on the milestones.

Commissioner Tuley: As a percentage of the work is done or something?

Commissioner Mourdock: Right.

Commissioner Tuley: So the contractor pays it and we're more or less reimbursing him.

Commissioner Mourdock: And usually there is a lump sum at the beginning that part of it is held for retainage. It's not based on the hours worked or anything.

President Jerrel: Are there--

Steve Folz: This job...excuse me, go ahead.

President Jerrel: Go ahead.

Steve Folz: This job and like many others before and many coming Vanderburgh County workforce really want to do the work and it's not out of line for these workers to come in and ask for their jobs. It's plain and...it's that simple.

President Jerrel: Joe, would you...I want to get that contract from Three I. Perhaps we can have...since they're our representatives I would like to have him meet with John and some of us and let's review these allegations and some of the information that we've been given and I think since they are our representative in this I think we need to talk to them about that.

Joe Harrison, Jr.: That's fine.

Commissioner Mourdock: I would concur. I think that's a wise move.

Steve Folz: At any time you are welcome to give me a call.

President Jerrel: John, will you make those arrangements? Okay.

Steve Folz: That's all I've got.

President Jerrel: Okay, is there anyone else that wishes to speak?

Unidentified: Can I speak, please?

President Jerrel: Yes, sir.

David Yates: My name is David Yates, and I'm a member of the Local 181 Operating & Engineers. There are several jobs down there on this contract that fit our local, too, and our craft and which the Labor craft the Operator's craft work together simultaneously with these jobs here, you know. We have people here in our county...I'm a member of our county. I send my children to school here. I pay taxes in this county and this state and I could use one of those jobs out there to be working and I have 20 plus years of experience operating this equipment. Mr. Peters, when I was...or his representative for Peters Construction Thursday when we were out there, they never...they offered us applications that we never seen unless we go to his office in Owensboro. I don't know why the applications can't be brought forth here, but, you know, we have plenty of people in our craft that can work on these jobs and be as productive as his people are and we need these jobs too for us as members of this county and to my knowledge there is nobody down there working from this county, as Steve said. Also I asked his representative if he had a set of specifications to do the job, which that is the way they take these bids out and if they were an equal opportunity employer. Most jobs or construction jobs that have funded money have boards out by their office trailers. They don't even have an office trailer to my knowledge or boards out there that show what these wage classes are for different crafts. I seen nothing of the kind and I would just like to say one thing as representing all the craft people in this area is that sometimes dollars and cents don't always make dollars and cents.

President Jerrel: Okay, it's David...?

Commissioner Mourdock: Yates.

David Yates: Yes, ma'am, David Yates.

President Jerrel: Alright, I want to be sure and give these names so when we ask them to meet with them.

Barry Russell: I won't take much of your time. My name is Barry Russell. I'm with the Laborer's also. With your counsel here there are things that you could do for the future. Like there is an ordinance that you can pass on construction coming up in the next year or whatever that covers drug testing programs. Have your contractors that bid on this have an approved drug testing program. They can have apprenticeship training programs established. There is things that you can do to put in some of this for the work that is coming up that would help the people in this room and the people in Vanderburgh County, Warrick and all the counties surrounding also that would help us because we do have responsible workforce. That is they go through OSHA training so they know safety. They go through drug testing programs so they're a drug free workforce which is good, I believe, for the county. Just more responsible type workforce and that's what we would like for you to look at. I am a Vanderburgh County resident and I pay taxes here, too.

Commissioner Tuley: Do you know some of the counties where they've done this so we can get copies?

Barry Russell: Up in Vincennes, Mayor Hatcher. You could probably talk to him. He adopted an ordinance and I would be more than happy to get one to you and let you look it over. It's simple.

Commissioner Mourdock: Just happen to have!

Commissioner Tuley: Got one, good.

Barry Russell: It's not hard to do. If you want to be responsible and do your jobs...I'm not saying you're not, I'm just saying there is a way of doing it so you don't have problems like this. That's all I have.

President Jerrel: Alright, we'll get back with you, Steve. Alright, any other questions?

Commissioner Mourdock: No.

Jim Shank: Hi, my name is Jim Shank, I'm with the Carpenters. I don't want to go over anything. Everybody has pretty well covered everything, but the people here, the working families, they spend about 100% of their paycheck every week and that rolls over seven times. The merchants and businessmen in this community can use that money, too. You know, if it all goes over into Owensboro that helps their community, but it doesn't do Vanderburgh County work in this area.

President Jerrel: Thank you. Okay, we'll be back with you, Steve, as soon as John can make those arrangements. Okay, thank you very much.

Commissioner Mourdock: Okay, thank you.

Commissioner Tuley: Thanks all of you for coming out.

President Jerrel: Do you want to stay for the rest of our meeting? You're welcome to.

Unidentified: I want to thank you for backing us, Mr. Tuley. I've got 12 members in my family and you'll get our vote next time.

Commissioner Tuley: Thank you.

Unidentified: And financial support.

Commissioner Tuley: Thank you. There won't be a next time (inaudible).

John Stoll - County Engineer

President Jerrel: The next item on our agenda is the department head reports. County Engineer.

Commissioner Tuley: I need to tell Bettye, Steve Folz is the only one I knew was coming. He said I've got some problems I want to talk about and I said fine.

Commissioner Mourdock: (Inaudible.) I've got one here, is that the same?

President Jerrel: Yeah, he made some copies for us.

Commissioner Mourdock: Copies for us. Here, do you need one for the record? We got you covered, thank you.

President Jerrel: Oh, yeah, thank you.

John Stoll: First of all I've got a change order on the Petersburg Road culvert installation project. This was contract number VC98-07-01. It was with Southwest Engineering. The change order is for an increase of \$991.16, but in this change order we've got \$1,216.67 of overruns that are attributed to extra riprap and some gabions that we had to put in to avoid a water line relocation and the Water Department has agreed to reimburse us up to \$1,500 for those modifications so we will get that much money back so overall we really did underrun the project, but because of those two items that puts it over, so it is recommend that this change order be approved.

Commissioner Mourdock: I'll move approval of the change order as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got an acceptance form for Cross Pointe Boulevard. This is for 338 feet of Cross Pointe south of Morgan. This was the portion of Cross Pointe that we built in the Cross Pointe and Morgan intersection project.

Commissioner Mourdock: Okay, I'll move acceptance...or move approval of the acceptance of the street report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a stack of appraisals for the Burkhardt Road, Phase 3 project. I've got three copies of each of the appraisals for that project. Parcel 13 is for the Cook Organization and that appraisal amount was \$13,500. Parcel 14 is Burkhardt Two Incorporated and that appraisal amount is \$10,000. Parcel 15 is with Wedeking Investments and that is \$1,200. Parcel 16 is Deep Hole Investments and that parcel appraisal is \$39,500. I would like to recommend that these appraisals be approved. I've looked over them. Joe Harrison has looked over them and we need to approve the appraisals so we can proceed with the purchases...not purchase, but make the offers and hopefully get the purchases resolved on these four parcels.

Commissioner Tuley: This is Oak Grove north of Morgan?

John Stoll: Correct.

President Jerrel: It's \$64,200 and we have that funding available?

John Stoll: That funding is available in the bond. We'll have a surplus in that after the Phase 1 project is complete.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval of the appraisal forms as reported and requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Also I would like to request that you authorize me to sign off on all these so that way you all won't have to.

Commissioner Mourdock: So moved.

President Jerrel: That's a very good idea.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got pertains to the Daylight sewer. We've got an issue out there where the sewer was designed using data off the county's topographic maps and the actual...the difference...there was a difference in elevation between those topographic maps and the actual crowned elevations up to three feet, so now that there has been some additional survey work done out there this discrepancy was found and there is a part of the sewer that needs to be lowered by three feet in order to serve a greater area out there. The price that was submitted by the contractor was \$5,369. I've talked with the Sewer Department and they are willing to pay that additional cost since it really wasn't a design error or anything like that. It was just the difference between the topo map elevation and the actual ground elevation, so the Sewer Department has agreed to fund this change order and I

would like to request that the change order be approved to our contract for up to \$5,369 conditioned on the Utility Board approval of this reimbursement and they are planning on taking that to their Board tomorrow.

Commissioner Mourdock: I'll move as stated so that the condition is based on the Utility Board.

Commissioner Tuley: Okay, and to make sure I understand it, the money is going--

Commissioner Mourdock: We're agreeing to the change as long as the Utility Board pays for it.

John Stoll: Right, and the money would go to Peters Contracting.

Commissioner Tuley: But we're not paying?

President Jerrel: No.

John Stoll: Right, it would be passed through us. We would basically write the check.

Commissioner Tuley: But it's not our money?

John Stoll: But then the Sewer Department will in turn reimburse us.

Commissioner Tuley: Not our money, I'll second.

President Jerrel: Okay, so ordered.

John Stoll: Last week, Pat, you brought up a pothole out at Schutte and 62 and that was on state right-of-way and Dave Franklin contacted the state and that is getting taken care of.

Commissioner Tuley: That came out of that Westside Improvement meeting.

John Stoll: Oh, okay. That's all I have.

President Jerrel: Thank you.

Erik Bentle - County Garage

President Jerrel: County Garage.

Erik Bentle: Erik Bentle, County Garage. You have my weekly work schedule for this week coming up. You have a letter in there from our Safety Director, Jack Crawford, that I think as all of you know is pretty persistent when it comes to things. I don't think it ought to be approved, but I'll leave that final judgement up to you. It's about him. He has a degree or something in locksmithing and he would like to purchase new tools to get in locks where keys are lost and vehicles that are locked up out at the garage and things like that. I think it would be better just to go ahead and have a locksmith come out and do it.

President Jerrel: Can we talk about that tomorrow when I am out there.

Erik Bentle: Uh-huh.

Commissioner Mourdock: Yeah, let me be sure I understand. What he is asking for in this letter is that we purchase the tools?

Erik Bentle: No, he purchases them but he has to have approval to do that.

Commissioner Tuley: Why does he want to do this?

Erik Bentle: I have no idea.

President Jerrel: That's what I was going to find out tomorrow.

Commissioner Tuley: Why don't we defer this a week so that you can meet with them out there tomorrow.

President Jerrel: I'm going to do the--

Commissioner Mourdock: Yeah, that would be good.

President Jerrel: I'm going to the disaster training tomorrow.

Erik Bentle: I told him I would turn it in to you. You know how he is, he is really persistent.

Commissioner Tuley: Well, you did.

Commissioner Mourdock: You did your job.

Commissioner Tuley: You did your job.

Erik Bentle: That's all I have. Oh, we do have two new hirees coming in this week. Tomorrow our new Assistant Superintendent will be hired in, Mr. Mark Taylor, and Thursday we have a new laborer coming, Mr. John Hauschild. I think you've already got the employment changes on them.

Commissioner Tuley: It's in the packet.

Erik Bentle: That's all I have.

Commissioner Tuley: One quick question for you, and it is probably in the city. Where is the division line on Red Bank Road between city and county?

Commissioner Mourdock: Depends where you are on Red Bank.

Commissioner Tuley: Let me give you an area and maybe that will help you. North of the Expressway down in the hole there by--

John Stoll: That's county.

Erik Bentle: That's county, yeah.

Commissioner Tuley: You need to get a patch crew out there.

Erik Bentle: Okay.

Commissioner Tuley: It's beat up pretty bad. Right before you get to the apartments as you're coming--

Erik Bentle: Yeah, that is on our paving list for this year, too.

Commissioner Tuley: Is it?

Erik Bentle: Yeah, we'll have the reports next Monday night.

Commissioner Tuley: Yeah, we have our public hearing next Monday night, correct?

President Jerrel: Right.

Commissioner Tuley: Yeah, it's pretty bad.

Erik Bentle: Okay. Does it need a patch crew out there now or is it something--

Commissioner Tuley: I would say you need a patch crew before you get to paving it.

Erik Bentle: Yeah.

Commissioner Tuley: Because there is a stretch there that is probably eight or ten feet in length that is pretty beat up. It will be on the east side of the road.

Erik Bentle: Okay. The goals sheet that you wanted me to get--

Commissioner Mourdock: Uh-huh.

Erik Bentle: I've got it ready for you, too, and I'll have it Monday night.

Commissioner Mourdock: Okay, I will not be here this coming Monday.

Erik Bentle: It figures I would have it ready and you wouldn't be here.

Commissioner Mourdock: Good planning on your part.

Commissioner Tuley: You can tell he is getting comfortable in his job just a little bit.

Commissioner Mourdock: Yeah.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Okay, the County Attorney.

Joe Harrison, Jr.: The only thing I wanted to mention was last week there was a...you all asked me to check on the Koch Label situation and I did find out who their attorney is. They have an attorney in Indianapolis and I've got a call into him regarding the status of the permit from the state which allows them to emit 915 tons of VOCs annually and I've got a call into him. Hopefully I will know something by next Monday. It's also my understanding that the bankruptcy proceeding is closed

now. As a matter of fact the county received a check out of that proceeding for some taxes that were owed. So anyway, I'll find out the status of that permit. It may have been an asset of the bankruptcy court and may be gone, but we will...I will find that out.

Commissioner Mourdock: I would think the permit itself would be dependent upon solvency. That as soon as the bankruptcy occurred I would have thought the permit might of become void.

Joe Harrison, Jr.: Maybe.

President Jerrel: We talked about that, we don't know.

Joe Harrison, Jr.: Maybe, but that is what I have got to find out.

President Jerrel: So we didn't--

Joe Harrison, Jr.: Hopefully I'll get an answer.

President Jerrel: We didn't do anything until we can nail this down. Is there anything else?

Joe Harrison, Jr.: No, that's all I have. Thank you.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I submitted a list of the computers and keyboards that CAPE would like to take. All the stuff basically is literally worthless. There is only...there is actually only two computers on your list. The rest of it is keyboards and monitors and one old dot matrix printer. The two computers, one is an IBM 5150 and the other is a DTK and I doubt if they even have the equivalent of a 286 chip in it, a Pentium chip in it.

President Jerrel: Right.

Tony Greubel: Everything...their hard drives have been erased, so I don't really see any problem with declaring any of this stuff surplus or worthless, actually.

President Jerrel: There is a difference. It is already surplus. So we need a motion to say that this equipment is without value.

Commissioner Mourdock: I'll move that the equipment on the list supplied by Tony Greubel of March 8th be consider obsolete and without monetary value and thus be donated to CAPE.

Commissioner Tuley: Sounds a whole lot better than worthless, but I'll second.

President Jerrel: So ordered. Is there anything else?

Tony Greubel: No, that's it.

Steve Craig - Burdette Park

President Jerrel: Burdette Park.

Steve Craig: Good evening.

President Jerrel: Good evening.

Steve Craig: The first thing I wanted to go over was the insert into your packets from Morley and Associates. I was wanting permission to proceed with this since the money is now in place by the state. I was wondering if you had any questions on what it entailed or what the purpose of it was.

President Jerrel: Just to help you out, the money that was rolled over that we had in place for Burdette had to be reappropriated and that is what Steve is referring to. We went to Council and asked to have it reappropriated and that is what he would like to use \$4,500 of that to do this--

Commissioner Tuley: You're talking about the half million?

President Jerrel: Uh-huh.

Commissioner Tuley: Okay.

President Jerrel: I think we need to review it and give him the authority to go ahead if you approve.

Commissioner Mourdock: I'll move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Okay, the other one did you get your update on your computer program that Joyce had put in the...?

President Jerrel: No.

Tony Greubel: Was that in last weeks?

Steve Craig: She might of had that in last week.

Commissioner Mourdock: She had the comments last week about not being happy with the vendor.

Steve Craig: Okay, I wasn't here and she stuck it in my bag.

Commissioner Mourdock: Oh, that's right. Gary was here last week.

Joe Harrison, Jr.: She sent me some information for my review.

President Jerrel: Okay.

Commissioner Tuley: Right.

Joe Harrison, Jr.: I just have not had a chance to digest it yet.

Steve Craig: They're in like total chaos right now. We can't take reservations and they are double booking and stuff. We had that last summer where we had two family reunions--

Commissioner Tuley: Same day.

Steve Craig: --standing here wanting the same building and the computer had booked it over the top of each other. They told us it was impossible to do that and I'm sitting there looking at, you know, 400 people, you know, wanting to have their family reunion. They both had receipts and everything.

Commissioner Mourdock: Joe, would you put a rush on reviewing that?

Joe Harrison, Jr.: Yeah, I'll get with you this week and we'll send out a letter to them in the next day or two. I did get that information, I think, Friday from Joyce. She sent a nice narrative digest to me about the whole thing.

Steve Craig: Yeah, they are all getting pretty frustrated with it.

President Jerrel: Oh, yeah. A letter would be good, but I think a telephone call would be more expeditious and we might tell them that the Commissioners acted in our meeting and you're talking about Lieberman, right?

Steve Craig: Yes, ma'am.

President Jerrel: So we can just...I think if we can follow it up with a letter, but I think if they get a telephone call tomorrow morning that it was raised two weeks in a row in our Commissioners' meeting.

Commissioner Tuley: They had gotten a phone call last summer from me.

Steve Craig: Oh, yeah.

President Jerrel: Uh-huh.

Joe Harrison, Jr.: I'll be glad to follow up my letter with a phone call, but we've got to send a letter.

Commissioner Mourdock: Yeah, you've got to put them on notice if we are thinking of terminating the contract.

Joe Harrison, Jr.: Okay.

Commissioner Mourdock: Which would be a good thing to add to the letter, that discussion.

President Jerrel: Have they been paid in full?

Steve Craig: I can't answer that question.

President Jerrel: I was going to say, if they have been paid to do it then that's a little bit different--

Commissioner Tuley: Than just terminating their services.

President Jerrel: --then terminating their services because they have been paid to do it they're going to do it.

Commissioner Tuley: I don't know.

President Jerrel: If they want to continue doing any business with us.

Steve Craig: I have one more question for Joe, I guess. Did you meet with the people over the putt-putt?

Joe Harrison, Jr.: That is still ongoing. You're talking about the lawsuit?

Steve Craig: Uh-huh.

Joe Harrison, Jr.: That is still ongoing.

Steve Craig: Because if I am not mistaken--

Joe Harrison, Jr.: I'll talk to you about it. I don't want to...but I'll talk to you.

Steve Craig: Okay, that's all I have.

President Jerrel: Okay, thank you. I'm waiting for some purchase orders.

Steve Craig: On the boats and the filters?

President Jerrel: Yeah, uh-huh.

Steve Craig: We got the filters done and the boats we were trying to get three prices and find different sources and we literally went all over the United States trying to find an alternative to it because we weren't that pleased with it, but we talked to Holiday World, Disney World and everybody else and they use the same thing we do and they had basically the same complaints, but we've got all three bids in now and you'll have them within a day or so.

President Jerrel: Okay.

Steve Craig: We've got them there, we just don't have them wrote up but we've got all the prices.

President Jerrel: Okay.

Steve Craig: Any other questions?

President Jerrel: Thank you.

Steve Craig: Thank you.

Bid recap - VC99-15, Jail Management Application

President Jerrel: Go back to the County Attorney for the bids.

Joe Harrison, Jr.: Yeah, I'm sorry. I forgot to read these into the record. There were three bids that were submitted on the Jail Management Application system. It's VC99-15.

Company name	Amount bid
Spillman Technologies, Inc. Logan, Utah	No bid
EPIC Solutions, Inc. San Diego, California	\$356,392.35
Perceptics Corporation Knoxville, Tennessee	\$154,333.00

I would ask that you take these under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Weekly reports

President Jerrel: The next item on the agenda, you do have reports from Soil & Water District and Ozone Officer, and I would ask that you approve those.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under consent items there are a number of employment changes, travel requests, Substance Abuse Council, EMA tornado drill memo, the financial cash expenditure reports and the two VAX terminals are to be declared surplus by the Assessor.

Commissioner Mourdock: There was just one last addition there from the packets we got on Friday, so with that addition I would move approval of the consent items.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Scheduled meetings

President Jerrel: The next item on the agenda, the scheduled meeting list are attached. Now, you're not going to be here?

Commissioner Mourdock: I will not be here next week.

President Jerrel: Okay, alright. Well, then it's you and me.

Commissioner Tuley: And the public hearing.

President Jerrel: And the public hearing. I can just see some of those roads that are going to be requested.

Commissioner Mourdock: I'll think of you!

President Jerrel: Please do.

Old business

President Jerrel: Okay, under old business is there any old business to come before the Board?

Commissioner Mourdock: None here.

Commissioner Tuley: I don't have any.

New business

President Jerrel: Is there any new business?

Commissioner Tuley: Not from me.

President Jerrel: Okay, now let me think because I had...oh, I know what I wanted to tell you. When Erik was up here speaking and we talked I am looking at somebody, I don't know that they...they work in this building...they are a computer expert to give a few hours...well, we'll have to pay them.

Commissioner Tuley: Yeah.

President Jerrel: We've got some funding there to go out and actually train Erik and our new Assistant Superintendent. We need some backup capability with our computer systems. Not only Kronos, but the billings and that information and Erik is very willing to learn as is Mark and I think that would be money well spent. We can't get SCT. They don't...I mean, they are so strapped here in this building and they only have, I think, six people that are available and they are tied down with that court's package, so if we could get this person to go out there and help I think it would be well worth it.

Commissioner Mourdock: Is that a...I just want to be clear, are you saying we have a person who is a county employee that we would otherwise be hiring on a contract to go out and do this?

President Jerrel: No, he works part-time and sets up a lot of Assessor programs. Does the software and--

Commissioner Mourdock: But he would be working...I mean, does he have a business that he is doing?

President Jerrel: No.

Commissioner Mourdock: We would be hiring him as an independent contractor?

President Jerrel: No, he would just be a part-time employee.

Commissioner Mourdock: Okay, but he would still--

President Jerrel: He would be a part-time employee. He would be paid hourly for, you know, 27 hours.

Commissioner Mourdock: When you say he is an employee that's something different.

Commissioner Tuley: That's different, yeah.

Commissioner Mourdock: Are you saying we are hiring this person in which case we would run it through as a consent item to hire him to put him on the payroll or we would hire him for so many hours of work to go out and do this training?

Joe Harrison, Jr.: It could be an independent contractor arrangement.

President Jerrel: Either way. I haven't even talked to him.

Erik Bente: He is already hired doing some work already isn't he? In another office.

Joe Harrison, Jr.: Yeah, but that is being paid out of a different budget.

President Jerrel: Yeah, different budget.

Commissioner Tuley: And then we run into too many hours and then full-time.

President Jerrel: He is just...it's Brent Harris is who it is. He is really good. He has been...you know, he did the whole setup for the Township Assessors. I haven't even spoken to him.

Commissioner Mourdock: I don't have any problem doing it, I just--

Joe Harrison, Jr.: We've just got to make sure we comply with--

Commissioner Mourdock: It sounds to me like he is a contractor.

Joe Harrison, Jr.: --wage an hour deals.

Commissioner Mourdock: We're not going to have benefits on him and all those kinds of things.

President Jerrel: Oh, no, no.

Commissioner Mourdock: Okay, so he would be a contractor.

President Jerrel: Just for the training with those guys because I think it is something, you know, if--

Commissioner Mourdock: Is there a certain amount of money that we need to allocate out of the budget?

President Jerrel: No, we don't need to do anything now.

Commissioner Mourdock: This is just an advisory.

President Jerrel: It's just a--

Commissioner Tuley: It's a thought process in the early stage.

President Jerrel: Yeah, we've got to talk to somebody.

Commissioner Mourdock: I can support that. I certainly want everybody computer literate.

Erik Bentle: While we're on that subject can I put a bug in your ear about maybe an internet package out there? The one reason why is I can monitor the weather.

Commissioner Mourdock: That is a very good idea. Yeah, you need to have an internet connection.

Erik Bentle: I can only see the news every four or five hours on the t.v.

President Jerrel: Well, we're in the process of developing an Infonet and I don't think we want to set up something away from and out of the normal process that the county is doing, but that's a very good idea. It could just be included in what we do. I think it would be important to do it with Liv.

Commissioner Mourdock: Okay.

President Jerrel: Any other business?

Commissioner Mourdock: Motion to adjourn.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:07 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jerry Bryan
Bill Cottun
Kip Husk
Harris Howerton
Rose Zigenfus
Barbara Cunningham
Ken Robinson
Steve Folz
David Yates
Barry Russell
Jim Shank
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
March 15, 1999**

The Vanderburgh County Board of Commissioners met in session this 15th day of March at 5:28 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the meeting to order. If you have an agenda you'll see it looks like a lot of items, but they really go pretty quickly to the road hearing. At this time I would like to introduce to you the people in front. The empty chair on the far right is normally occupied by Tony Greubel, Superintendent of Buildings, and he fell on the ice this morning and broke his arm, so we miss him, but that just shows you...and he is young. You better be careful when you walk. Next to the empty chair is our Attorney, Joe Harrison, Jr.; Commissioner Pat Tuley to my right; far left, Charlene Timmons, our Recording Secretary; County Auditor, Suzanne Crouch; and my name is Betty Lou Jerrel and I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Tuley: I'll move approval of the minutes from the March 8th meeting.

President Jerrel: I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item is the certification of the Executive Session and we did have an Executive Session. We discussed litigation and personnel matters.

Commissioner Tuley: I'll move approval of the certification of the Executive Session as outlined.

President Jerrel: I'll second and say so ordered.

Open bids - VC99-03, Burdette Park food and beverage

President Jerrel: The first item on the agenda is Jerry Bryan, our Purchasing Director.

Jerry Bryan: Tonight I presented the bids to Joe Harrison, Jr. to open the bids for the Burdette Park food and beverage facility. I think I've got about seven bids there, Joe.

President Jerrel: Is there a motion to approve opening the bids?

Commissioner Tuley: I'll move approval of opening the bids for VC99-03, the food and beverage for Burdette Park.

President Jerrel: I'll second and say so ordered. We'll get back with you in a few minutes.

Jerry Bryan: Thank you.

**Resolution regarding Shoe Carnival, Inc
Qualified airport development project**

President Jerrel: Item D is the adoption of a resolution for Shoe Carnival, Inc. approving a qualified airport development project.

Michael Robling: Michael Robling, Department of Metropolitan Development. Shoe Carnival, Incorporated has submitted an application or proposal for an airport development zone designation. The Evansville-Vanderburgh Airport Authority District adopted a preliminary resolution in December designating the property at 8233 Baumgart Road to be part of the development zone. We recently published notice of that resolution and distributed tax impact analysis to the underlying taxing districts. Assuming that the Commissioners give their approval today the Airport Authority will conduct a public hearing on the designation next Monday at 4:00. The Shoe Carnival project meets the minimum thresholds for airport development zone designation which is an investment of at least \$2 million and the creation of jobs. Their application calls for a substantial addition to their building at a cost of approximately \$2.8 million plus an investment of \$3.9 million in furniture, fixtures and equipment.

President Jerrel: Are there any questions?

Commissioner Tuley: No.

President Jerrel: Is there anyone here besides yourself, Mike?

Kerry Jackson: Kerry Jackson is here from Shoe Carnival if you have any questions of him.

President Jerrel: Okay, you didn't have any comments, Kerry?

Kerry Jackson: No, he has pretty much stated (inaudible).

Commissioner Tuley: I'll move at this time for the approval of the resolution of the Board of Commissioners of Vanderburgh approving a qualified airport development project known as Shoe Carnival, Inc. project.

President Jerrel: And I'll second and say so ordered.

Michael Robling: Thank you.

Rogers Realty - Vacation of easements

President Jerrel: The next item on the agenda is the public hearing for the vacation of the easement that runs from north line of Fairfield Inn north, the extended right-of-way of University Drive. And we have some people here if someone would like to give us a brief overview.

Marco DeLucio: My name is Marco DeLucio. I'm here this evening on behalf of this petition. I think Jim Morley was going to make a presentation to this evening. I don't see that he has arrived yet and we ask that this be continued until later on down the agenda.

President Jerrel: See, we're fast!

Marco DeLucio: You are very fast.

President Jerrel: Okay, we'll just hold this in limbo and move on with the--

Commissioner Tuley: Did we skip one?

President Jerrel: Yeah, we did.

Commissioner Tuley: Okay.

Kip Husk - Vacation of easement at 1114 Indy Court

President Jerrel: The next is the petition to vacate the easement at 1114 Indy Court.

Commissioner Tuley: It's a final reading on that one.

President Jerrel: Is there someone here to speak to that? We did hear this...I mean, they did appear before us last week and this is just the second hearing.

Joe Harrison, Jr.: Yeah, there was a public hearing last week on this and this is the final reading.

President Jerrel: Is there anyone here that wishes to speak to the vacation of the easement at 1114 Indy Court? Hearing none, is there a motion from the floor?

Commissioner Tuley: I'll move approval on final reading for the petition to vacate the easement at the address known as 1114 Indy Court.

President Jerrel: I'll second and call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: And I vote yes.

Public hearing - Repair of various county roads
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President Jerrel: You're not the public hearing on the University Drive?

Commissioner Tuley: I think they're F, G, H, I and J, aren't you?

Marco DeLucio: Yes.

President Jerrel: Okay, well we're going to have our public road hearing now. We'll come back to you.

Commissioner Tuley: Through I anyway.

President Jerrel: The public road hearing has, I believe, and Pat can correct me, been happening for at least 10 years.

Commissioner Tuley: I'd say.

President Jerrel: It's a way to let the public know what our professionals have recommended that we do and given the parameters of the amount of money that we have to do it with and some roads are going to be contracted out and if John...he is here.

Commissioner Tuley: Yeah, he's here.

President Jerrel: Okay, John, do you want to come up and speak to this? I have a couple of copies if you need it.

John Stoll: I've got a copy of that list. On that list is just the compiled version of everything that Erik's crews plus people in my office have come up with as far as what we felt needed to be paved. Some of the roads we've listed on there included some of the things that we've since received letters on such as Bentwood and Wilmington. We received a letter on those two streets, so we have gotten input from the public in addition to just Erik's people and my people out driving the roads. Based on this we've got about 30 miles of paving to do.

President Jerrel: Would you want to read into the record...this is an alphabetized list and the recommendations that he is going to read are approximately 29.70 miles.

John Stoll: Okay, first is Alan Court. This is from 11th Avenue to the dead-end. Armstrong Road, the intersection of Armstrong and Baseline. Bentwood Drive. Buente Road between Boonville-New Harmony and Weiss Road. Cherry Lane from Maple to Whetstone. Chris Court from 11th to the dead-end. County Line East from Baseline to American Disposal up near Boonville-New Harmony. Earl Avenue from Green River to the dead-end. Emge Road from Buente Road to St. Wendel Road. Eric Court off 11th Avenue to its dead-end. Evergreen Road from Darmstadt to Old State. Fairfield Drive from Oak Grove to Maxwell. Folz from Mill to Mesker Park. Green River from Heckel to new pavement. That's the small segment of road between where widening north of Lynch stopped and the paving up around the bridge which was resurfaced recently...not recently, but the past few years. That's to pick up that little segment of road. Greendale between Petersburg and Bob Court. Happe between New Harmony Road and Mill Road. Hunter Green between Forest Green Drive and the dead-end. Lost Bend Lane from Olmstead to the dead-end. Mann Road from Owensville to Bixler. That's a road that is going to take a substantial amount of work before it can really be suitably paved because it has got very poor drainage. Maple Lane from Whetstone to the dead-end. Maxwell from Burkhardt to Fairfield. Mesker Park from 66 to Folz Road. Middle Mount Vernon, spot pave and that would be between Boehne Camp and Lloyd. Millersburg from Oak Hill to Green River. Mount Pleasant from 41 to Old State. Nuebling from St. Joe to Outer Darmstadt. Oak Grove from Morgan to Burkhardt and then Burkhardt to the county line. Old Boonville Highway from Burkhardt to the county line. Old Mount Vernon Road from Broadway to the county line. Old Petersburg from 57 north to Boonville-New Harmony. Old State from Campground to Mount Pleasant. Outer Darmstadt from Baseline to Adler. Speaker and Skyline. Springdale Drive from Little Schaefer to the dead-end. St. Joe Road from Slate Road to Diamond.

Whetstone Road from Cherry Lane to Old Petersburg and then Wilmington Drive.

President Jerrel: Okay. I just had a question, had you done any calculation as to about what the bituminous cost would be for that road by the garage?

John Stoll: I just had a chance to do that about half an hour ago and I didn't get the current tack oil costs based on this year's annual bid, but taking an average price for all the asphalt for the four different suppliers that came up to about \$1.1 million for all this work. That's just for asphalt cost. That doesn't include things like shoulder stone and striping, so we've got quite a bit to do here.

President Jerrel: Okay. We have some individuals in the audience that would like to speak to this. Do you have any comments first?

Commissioner Tuley: No, the only question I had last week I was asking about some potholes on Red Bank and there was an indication that maybe that section of Red Bank was going to be paved and I don't see it on the list.

John Stoll: We talked about that in the office and we noticed that was not on this list and forgot to mention it, but that was something that we had discussed, like you said, at last week's meeting.

Erik Bentle: It's something we're going to add to it.

John Stoll: Right. So it was intended to be on here.

Commissioner Tuley: Okay.

President Jerrel: Okay, at this time we'll hear from the audience. Jerald Jones at 3919 Lyle Road.

Jerald Jones: Good evening, Commissioners. I appreciate this opportunity again to ask that the county grant the funds to raise the elevation of Lyle Road about four or five feet in a length of about 300 yards as indicated on the sketch. If necessary my brother and I will donate the fill dirt for this project from the lower portion of our property. We just need the county's help in getting the dirt hauled and compacted. Furthermore, we realize how busy the County Engineer is therefore a former employee and good friend of the county, Mr. Gary Kercher, has agreed to do the plan of action at no cost if that is agreeable with you. Also, Mr. Staub, who owns the property just east of Lyle Road, last year verbally told my brother that he would grant any easements necessary east of Lyle Road if the road needs to be widened for this project. If the county would do this the people that live down the road right now and anyone else that would build in the future would have access to police, fire and medical assistance whereas we are presently denied that whenever the Ohio River reaches above 40 feet. Secondly, when Burdette Park hill becomes hazardous with ice or snow as it did yesterday other residents of the county could utilize Lyle Road for safety. Thirdly, very important, by elevating the road should greatly enhance the savings to the county from replenishing the lost gravel resulting from the high water each year. Finally, if you approve this I believe each one of you will feel good about this because it's the right thing to do and I would like to ask the county...the residents that are here today that would like to see this project approved would you please stand. Thank you.

President Jerrel: Do they live on--

Commissioner Tuley: In or near the area you are talking about, Mr. Jones?

Jerald Jones: Yes, near or part of the county that would like to see this.

President Jerrel: No, do they live in this area?

Jerald Jones: Yes.

President Jerrel: In the affected area?

Jerald Jones: Yes, some of the residents do. It's very important because two of our members that are here are retired and they...I get very concerned that they would be denied medical assistance if that, you know, it happens every year. For a little bit of money the county could put up with and it's a partnership with us. Like I said, we're providing the major expense with the fill dirt, we would be happy to donate that. We would do anything else possible, but we just need the county's help.

President Jerrel: Do you mind if I have John Stoll come up while you're at the mike?

Jerald Jones: No.

President Jerrel: Do you mind, John? We had previously heard a number of \$75,000 which was more than we could afford to spend. Have you talked to John and gotten a price for what, you know, what the total amount of dirt you're going to donate so we'll know what we're going to be doing with moving the dirt? You wanted us to move it?

Jerald Jones: I have no way of moving it.

President Jerrel: Okay, you're talking about moving the dirt and the design that Mr. Kercher came up with, what kind of...I mean, we need to know, you know--

Jerald Jones: Sure.

President Jerrel: To figure the bituminous...we don't have an accurate cost.

John Stoll: We could come up with a cost for what a contractor would charge to haul the dirt and compact for the new road elevation, to bring the road up to the new elevation, but I've never investigated that. I guess it depends on where this source of the dirt would be relative to how far they have to haul it and things like that.

Jerald Jones: It's about in city language three to four blocks away, the dirt is, and very easy, very accessible, so I don't think that there is going to be a great deal of expense here.

President Jerrel: So you're saying you would want the Highway Department to bring ...to actually dig up the soil from your property and move it over there?

Jerald Jones: It would have to be done. I don't have any way to do that or else I--

President Jerrel: Okay, so we need to figure--

John Stoll: Is it a hill or a barrow pit or you would have a lake dug?

Jerald Jones: It's a flat area. It would be very...I have a hill, too, but it's whatever you think would be best.

John Stoll: Definitely we couldn't take it off as far as stripping a large area because there would be topsoil involved and we would have to get rid of all that, so unless it was a hill...I don't know, I guess we would just have to look at it and see what kind of soil it was.

Jerald Jones: I think we have plenty of fill dirt for the project.

Commissioner Tuley: Two things. Number one, obviously, before we can entertain this we're going to have to know about what it is going to cost us so I think, John, you need to get with Mr. Jones in terms of determining the location of that dirt and whether you're going to be able to use the dirt that you're talking about since you're saying, if I heard you right, if it is top soil we can't just use that because it won't compact properly or something. Mr. Kercher's offer, John, does that help you in terms of--

John Stoll: What I was getting ready to tell Mr. Jones was Gary called me last week and when I returned his call he hasn't got back in touch with me as of yet so I have not seen the plan--

Commissioner Tuley: You're not sure exactly, okay.

John Stoll: --or what he has got in mind, but I guess we need verification of the right-of-way lines and then see how much additional property would be required in order to raise it and still provide suitable slope off the new road elevation.

President Jerrel: And we need an idea of the time because we've got this other paving that is going to have to be taking place and we've got to know something about the time to move that kind of dirt. That's a major...

John Stoll: Even if the county crews could haul it without Erik renting some equipment to compact it the county doesn't own any kind of roller to compact that fill. Not a substantial amount like that, so we may be looking at contractors still having to be brought into the picture even if Erik's crews could bring in the dirt.

President Jerrel: And that would probably likely be Staub, would it not?

John Stoll: It depends on the dollar figure whether or not we could get price quotes or whether it has to be bid.

Jerald Jones: Last year...my brother knows more about the figures than I do because he has spoken with John on occasions. Last year when we asked for this it was around, like for the fill dirt out of the estimate, it was around \$60,000. Now, if that is still true then you can see that there is not a whole lot left. I know it is going to cost for the fill dirt to be moved up there, but it shouldn't be a major, major expense.

President Jerrel: We need a contractor to tell us what they would do it for because I can't see our crews...we don't have the equipment. You know, they wouldn't be able to operate...I mean, we need to contract moving that dirt out. Even if the dirt is there--

Erik Bentle: I don't think it would be cost effective for us to do it. I don't think so.

Commissioner Tuley: Well, I think, basically what we need right now is just some final figures. We need some real figures to see what we can do here. The other thing, too, I would like to see and, John, I don't know how much trouble for you or Erik or whatever, but one of the things I had told Mr. Jones is getting such as you've got the folks here, but I would like to see a list of names and addresses of people who would like for this to happen who will benefit by this being done. You know, it's one thing to even entertain spending the kind of money we're talking about for three people, but if you've 10, or 12, or 15, or 20, or 30 families that will benefit from this I would like to know that, okay?

Jerald Jones: So should I talk with John later?

Commissioner Tuley: I would get with John fairly soon.

President Jerrel: Yeah, we need to get a firm number. Yeah, sometime between now and another week.

Jerald Jones: I would be happy to.

John Stoll: I'll get in touch with Gary Kercher and find out if he has run any calculations to determine how much dirt we're looking at moving and then I can talk to a contractor to find out what price they would charge to haul for...what are you talking about, 1,000 feet maybe it's being hauled? Something like that?

Jerald Jones: Probably, yeah. Yes, that would be the maximum.

John Stoll: Okay.

Jerry Bryan: Bettye, I've got the paving costs and I would be glad to price it. I negotiated that contract (inaudible).

President Jerrel: Okay, that's good.

Jerald Jones: I think that would be a win/win situation for everybody. Thank you.

President Jerrel: Jerry Jones.

Jerry Jones: I don't have a whole lot to add except my brother summed it up. The only thing I want to add Doris and Laura Webster are here. Several years ago when his mother was alive when the water was over the road, and correct me Doris if I am mistaken, they had to call a neighbor with a tractor to come across the field in a wagon. His mother was quite ill and she would have lost her life that night. So my brother spelled it out that it would save money for gravel, but we're also talking about lives. And, Patrick, I asked a farmer at a meeting I was at, he said we will call a meeting down here among the Union Township people if you would like and say we will support this. I can flood this place with people, but I don't want to do anything which is unnecessary. I can get a lot of signatures. I can do that and I will.

Commissioner Tuley: Here is the reason, Jerry, that I asked you to do that. If you look at this map it looks like if we do this, just looking at this map, it looks like Jerry and Jerald Jones and Bobby Staub are the ones that benefit from this. That's about \$25,000 per name I just mentioned with cost associated with it. That's why I am

saying...I'm not wanting you to just flood us with names just for the sake of flooding us with names, but people who live down there who can say, hey, it won't just benefit these folks, we get a benefit.

Jerry Jones: I understand.

Commissioner Tuley: That's the reason I am asking for the names.

President Jerrel: Does anybody else live between here and here?

Jerry Jones: Yes.

President Jerrel: Okay, who lives where? That's from Nurrenbern down to Bayou.

Jerry Jones: There is three residences out there. Doris and Laura's son...son-in-law.

President Jerrel: Where do they live?

Jerry Jones: They live at the first house past that L part.

President Jerrel: This?

Jerry Jones: Yeah, a little past it.

President Jerrel: Near where you're going to build?

Jerry Jones: Yes. And then next would be our residence, mom and dad, and the last place is Doris and Laura. There used to be two other homes there before the curve, but the high water, people got tired of fighting it and they sold their property and the farmers just bulldozed the houses down and farm it. So on the east side of Lyle Road is all very, very good ground, but people don't want to build because they can't get to work and they can't--

President Jerrel: Is this a floodplain, Pat?

Jerry Jones: We're in the flood fringe.

Commissioner Tuley: I don't know.

Jerry Jones: We got house permits. We can build, building permits. It has been cleared. We're barely inside of Union Township. Right across that creek for Burdette is a different township.

Commissioner Tuley: Perry.

Jerry Jones: So this is 100 percent you can build. In fact, her son-in-law and daughter just built a big pole barn. You know, they got permits.

President Jerrel: That would be a good idea...you've already talked to the Building Commissioner?

Jerry Jones: Yes.

President Jerrel: And you've already got...well, maybe...who did you talk to, Area

Plan and Building Commissioner about building?

Jerry Jones: Yes, we talked to both of them last year. Sam Nunning and...oh, his boss, I can't remember.

Commissioner Tuley: Is Roger his boss?

Jerry Jones: Who?

Commissioner Tuley: Is Roger Lehman--

Jerry Jones: Lehman. In fact, he went in and talked to him and he said, oh, there is no problem we were in the fringe.

Commissioner Tuley: Okay, let's go back on the list. The reason I am asking for the list, you understand you heard the list that was read in here?

Jerry Jones: Yes.

Commissioner Tuley: The number of places that our guys have advised us that need it and there is a couple of more people that are going to talk maybe about places that aren't on here.

Jerry Jones: I understand.

Commissioner Tuley: So if I want to try to push for something I want to be comfortable in my mind knowing that there is going to be a number of residents who will benefit from us spending that money.

Jerry Jones: I understand.

Commissioner Tuley: I'm not asking you just to do legwork for the sake of doing legwork and I sure don't want to see people just for the sake of having people up here, but I would like to see a list if you could provide me one of people who live in that area who will be benefitted by this.

Jerry Jones: I understand. One last thing, remember this is...we would provide the dirt if necessary. I know...Tony Staub was out at our place last year and gave an estimate on some private bulldozing we brought this low road...he said, oh, yes, we own the ground right over there, it would be no problem whatsoever. No right-of-way problem or anything. Like I said last year we have city gas already out there and we're going to put city water in after the road is raised, so there is no problem. We will donate the dirt if possible, you know, if needed to save cost. I know...we would just like to have it up for bids, you know.

President Jerrel: We'll have to get...because the 30 properties that we've got on the list, if you divide \$1.1 million by the 30 you come up with about thirty-six thousand six hundred and some odd dollars. That's kind of the going rate. This will be lots more than that because the labor to move the dirt is going to be extensive, so we just need to know what we're impacting on people because that dirt will not move by itself. I mean, it's going to be an expense.

Jerry Jones: Yes, I understand.

Commissioner Tuley: Nobody is telling you no. They're just saying we need some more figures.

President Jerrel: Yeah.

Jerry Jones: I understand. Okay, thank you very much.

President Jerrel: Steve Nichols.

Steve Nichols: Thank you, Madam Chairman. My name is Steve Nichols. I'm a resident and one of the trustees at Bentwood Estates which is a subdivision out on the north side in McCutchanville. We built a house and moved in in 1986. We were the third homeowner. There is now about two dozen. So the subdivision was probably developed in '84 or '85 and since that time there has been no complete resurfacing. There has been a peculiar happening to some of the roads where they have wrinkled in a longitudinal way and as Mr. Dominick, who wrote the letter sent to the Commission, stated there was some partial resurfacing but throughout the subdivision there are many potholes, the edges are fragmenting, cracks, etc. We petition the council to pay attention to these roads that were accepted soon after the subdivision was developed.

Commissioner Tuley: That was...I want to make sure that they were accepted roads.

Steve Nichols: Yes.

Commissioner Tuley: Okay.

Steve Nichols: The county accepted them after Koester, the man who developed the subdivision.

President Jerrel: Okay, is this the same Wilmington Drive that we accepted?

Steve Nichols: Yes, Wilmington Drive and Bentwood are the two roads in the subdivision.

Commissioner Tuley: They're both listed on the list.

President Jerrel: They're both listed on the list.

Steve Nichols: Yes.

Commissioner Tuley: Okay.

President Jerrel: Okay, well--

Commissioner Tuley: You're just speaking in support of them being on the list?

Steve Nichols: I guess so. I don't know what the proceedings are, but--

President Jerrel: Well, you want to just walk up here and look at this and then you'll know what we're--

Commissioner Tuley: These are the ones that are recommended by the Highway Superintendent and the County Engineer. What we're asking for is anybody else

here that either can support that or has other roads that maybe aren't on there.

Steve Nichols: I think I'm the only one from my subdivision.

Commissioner Tuley: That's fine. They've been recommended by our people.

President Jerrel: They have identified...we did this other list so it could be in alphabetical order, but let me just give you the...Bentwood is 2,000 feet and let's see what...okay, let me see.

Steve Nichols: If you walk or run, depending on your energy, that tract comes to total of about one mile.

President Jerrel: Yeah.

Commissioner Tuley: Wilmington is 1,200 maybe.

President Jerrel: Yeah, 1,200 on Wilmington, 2,000 on Bentwood.

Steve Nichols: Okay, thanks.

President Jerrel: Martha Runnion.

Martha Runnion: I just wanted to put in a request for Mann Road. I wasn't aware that it was on your list until I heard you read it.

President Jerrel: Does that get you between Owensville Road to Bixler Road?

Martha Runnion: Yes, it does.

President Jerrel: Okay.

Martha Runnion: So this is my third time down here to try to get some kind of an improvement.

President Jerrel: We'll you're going to get paved.

Martha Runnion: Or patching or whatever.

President Jerrel: Well, you're going to get paved.

Commissioner Tuley: It's on the list this year, weather permitting and we don't run out of money.

Martha Runnion: Well, when they paved they didn't pave all the way to Bixler.

President Jerrel: Well, it is scheduled this time.

Martha Runnion: They went in and they put a new bridge in. Well, they just paved over the bridge. They didn't pave any of the road, just over the new bridge and patching. The road was paved about eight years ago and there has only been minor patching in those last eight years and some patching that should have been done wasn't taken care of. It's really...it's getting bad and I hate to see it go back to what it was before they paved it.

President Jerrel: Well, they've set some pretty lofty goals. The superintendents turned in their goals and they're going to get...they have even advertised for ditches to be dug, so we're going to make a go at doing this.

Martha Runnion: Well, I heard that which I am glad to hear because we do have a bad drainage problem out there and it is hard to get the county to come out and even clean the ditch lines out. I've called.

President Jerrel: Well, the Superintendent is that man in that blue shirt right over there and he is ready to go.

Martha Runnion: Well, I am glad to meet him.

Commissioner Tuley: What was her address?

President Jerrel: Pardon?

Commissioner Tuley: What was your address please?

Martha Runnion: 5101.

Commissioner Tuley: 5101 Mann.

Martha Runnion: As a matter of fact I am the last house on the road before you get to Bixler. I just wanted to be sure it was on the list and if not I wanted to request that.

President Jerrel: Okay.

Martha Runnion: That they do take a look at it. Thank you.

President Jerrel: You're welcome.

John Stoll: One thing I would like to add in regard to Mann Road is there is a limited amount of right-of-way out there so the amount of right-of-way that is out there will dictate what we can and where we can do things like ditching and paving, but we'll have to verify that for the record.

President Jerrel: Do you understand what he is saying?

Martha Runnion: Yes, and the landowners that they're talking about, there are banks on each side--

President Jerrel: Right.

Martha Runnion: Those landowners I have talked to. They're all willing to give the county right-of-way and I've heard this about the right-of-way for 15 years. This one landowner, they were holding it up, the previous landowners, but it was sold and he would be more than willing to give the county right-of-way.

President Jerrel: Well that is something we can look into.

Martha Runnion: He is Francis Adler, he owns that property there now that has got that bank that they say is the reason they can't widen that road. That's a one lane road. When you meet a tractor you back up the road to a driveway and let the

tractor through because he has no place to go.

President Jerrel: I do that, too! Well, thank you very much.

Martha Runnion: Okay, thanks.

President Jerrel: Is there anyone else that is here to speak about the road hearing? If not, I would look for a motion to take this under advisement.

Commissioner Tuley: I would so move.

President Jerrel: I'll second and say so ordered. We will finalize the list. I think they have some more they want to add, but these we don't have any problems with, the ones that are on there now for those of you that are here and just heard your list and your street named.

Rogers Realty - Vacation of easements
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President Jerrel: Okay, moving on with the agenda.

Commissioner Tuley: I think we can go...Mr. Morley is here.

President Jerrel: Yes, Mr. Morley is here and we are ready to go back to F, G, H and I on the agenda.

Jim Morley: My name is Jim Morley. I have a diagram of the area here where these easements are proposed to be vacated which I've got superimposed the Lowe's Store and I marked F, G, H and I on it so that you could see how they all work. I only have the one.

Commissioner Tuley: We can share.

Jim Morley: F, G, H, I. The first one, F, is a drainage easement from down near Fairfield on what was the original concept of the plat. That drainage easement was never used like that. The storm water was routed down Westin Road and then north into the end of the basin. We will be coming back later to you when we get that storm sewer relocated. We have a plan and we'll be before you at the Drainage Board at the 22nd to shift that. We've got to shift that pipe over to make room for the store building, so we will come back on the Westin Road drainage, but this particular one, F, was never used. It was set up, but is not applicable. We never ran another street to the north, so we did not use that drainage easement. G is the extension. If you've been out there you know that University Drive was extended west to the west end of the service station, the Circle S Mart, and there the pavement just ends. G and along with it a utility easement for an additional 10 foot on the north side, again, was never used. That would become...there are no utilities. That would become a part of the Lowe's parking lot, so that would not be needed as a public thoroughfare, that part of University Drive. So G, and H and I on the old deed starting about 1920 or so there was a set aside of a Jones Road, real old 30 foot wide, 15 foot on each side of a property line, was never ever built. Down on the extreme Red Bank Road edge the Carlisles to the north of there, their driveway is on...for about 50 to 100 feet their driveway is on the north 15 feet of that drive, but not on the south. The only part of the south where their driveway swings across it is right on in the Red Bank Road right-of-way. You know, the taper out to the street,

the radius, but the Red Bank Road right-of-way is more than wide enough to accommodate that so the vacation of this would not affect any part of their driveway and, in fact, we met with Mr. Carlisle earlier because he had a question he was curious about that and I believe he has left now, but we don't affect that driveway in any way so these are the requests that we have at this time because there are no public facilities within these. In the future we will come to you with the request to move the storm sewer over, but we have to build it before we can dedicate the new and ask to vacate the old and then on the sanitary sewer we have a portion of the sanitary sewer that runs along what would be the very front end of the Lowe's store building and we've got to shift it about 12 feet to the south and we'll do that through the Utility Department, so these are the easements that we are asking to be vacated tonight that have nothing in it and you have been provided with essentially clearance letters from everyone. The Sewer Utility in their letter to you explained that they have a sewer line there, but we can't ask you...so you are not vacating as you don't...you're vacating your rights to the surface road, you're not vacating the sanitary sewer rights and we will not ask for that from the Utility Board until we've got the new pipe in place. And then with these and then clearing up the others, why it will make it possible for the Lowe's Store to go ahead.

President Jerrel: Okay, did you have any questions, Joe?

Joe Harrison, Jr.: No, not at this time. There may be some people in the audience that may want to speak to this.

President Jerrel: Is there anyone that wishes to speak to these vacated easements? Okay, hearing none, is there a motion on first reading to approve?

Commissioner Tuley: On first reading I move to approve at this time the vacation of easement running from north line of Fairfield Inn north to the extended right-of-way line of University Drive. You want them one at a time?

President Jerrel: No--

Joe Harrison, Jr.: Yes.

President Jerrel: Do them individually? Okay, and I'll second and say so ordered.

Commissioner Tuley: Okay, on first reading then I'll move for the approval of the vacation of easement of the public right-of-way of University Drive listed on the agenda as G.

President Jerrel: And I'll second and say so ordered.

Commissioner Tuley: Okay, on first reading then I'll move approval of the vacation of easement of the public utility easement lying along University Drive listed on the agenda as Item H.

President Jerrel: I will second and say so ordered.

Commissioner Tuley: On first reading I will move the approval of the vacation of easement the south 15 foot of Jones Road easement listed on our agenda as Item I.

President Jerrel: And I'll second that on first reading and say so ordered.

Joe Harrison, Jr.: The next week will be the final.

President Jerrel: The next--

Commissioner Tuley: Week will be the final hearing.

President Jerrel: --will be the final on the 22nd.

Bid recap - VC99-03, Burdette Park food and beverage

President Jerrel: Alright, at this time are you ready...do you want me to go ahead and take the other part?

Joe Harrison, Jr.: I can go ahead if you want.

President Jerrel: Okay, alright.

Joe Harrison, Jr.: At this time, so we can get Mr. Bryan on his way, there were...I can deal with the bids that came in on VC99-03, that's Burdette Park food and beverage bids. It appears there were a number of different types of items that were requested by the county and the responses may not deal with all the items requested, but certain ones.

Company name	Amount bid
Allied Funfood Supply Evansville, IN	\$861.54
Midwest Frozen Beverage Evansville, IN	\$3,262.85
Diamond Foods, Inc. Evansville, IN	No bid total listed
A & D Distributors, Inc. Evansville, IN	\$991.37
Fischer Candy Co., Inc. Evansville, IN	\$50.00
Schwans Sales Enterprises, Inc. Evansville, IN	\$50.00

That's the last item, so I would ask that the Commissioners take these items under advisement and Mr. Bryan from Purchasing will make a recommendation to the Commissioners within the next week or two concerning these items.

President Jerrel: Is there a motion?

Commissioner Tuley: I'll move that the bids be taken under advisement so that Mr. Bryan can get with the management people at Burdette and come back with a recommendation.

President Jerrel: I'll second and say so ordered.

Discussion regarding purchasing procedures

President Jerrel: Before you leave, Jerry, I was going to do this under new business and I'm going to do most of it under new business, but I'm just going to mention while you're here we have instituted a new inventory. I wrote out a plan and they have an inventory plan at the Garage, but I would like to talk to you and the Garage people and Pat and I have already spoken about this, that we initiate some purchasing procedures that have been maybe done a different way in the past, but we're going to initiate some new procedures so that consumable goods and small equipment items such as lubricants, barricades, cleaning fluids, chains and shovels and anything like that that is purchased in bulk we would like for it to go through the Purchasing Department. I have spoken to Erik and Pat and I have talked about it, so I wanted you to hear it because that is something we would like to begin. That's the way most of the county operates right now.

Jerry Bryan: And that's a natural extension of what you're going to do.

President Jerrel: Right.

Commissioner Tuley: Right. Do we need a formal motion to that effect?

President Jerrel: Yes, I would like to have a motion.

Commissioner Tuley: Okay, then I move at this time then that items such as you just described, those bulk purchase items, small items such as oils and lubricants, things that will be clearly defined at a later date be directed to be handled through the City/County Purchasing Department.

President Jerrel: I'll second and say so ordered. Thank you.

Any group or individual wishing to address the Commission

President Jerrel: Okay, any group...this last item, K, any group or individual wishing to address the Board at this time? Okay.

Unidentified: Do I have to come up?

President Jerrel: Yeah, you have to.

Unidentified: First of all this is very new to me. I hate to say this, but this is my first time.

President Jerrel: Okay, tell us your name and address.

Virginia Schmuck: I'm Virginia Schmuck from South Red Bank Road.

President Jerrel: Okay.

Virginia Schmuck: I have a question, and I may be too late because I see Mr. Morley already left. On the map he had sent us we live very close to University Heights and on this map it shows apparent 25 foot right-of-way and that is west of Red Bank Road. Has that been approved or is this going to be coming up later? It's already

on the map.

President Jerrel: You want to walk up here and look at our map? It's a little bigger than yours and point to where you are.

Virginia Schmuck: University Drive. Okay, this has to be Red Bank. Okay, now I don't see it on there. Now see how it is on here?

President Jerrel: You want to get Jim Morley? We'll get him for you. That would be the...okay.

Virginia Schmuck: See, it says apparent 25 foot right-of-way and then it says 24.84 and that would be east of Red Bank Road, but I was wondering has this been approved already? It's not in on any of this easement.

President Jerrel: We didn't approve anything like that today.

Virginia Schmuck: Because it is not on there? Okay--

President Jerrel: The only thing we did was vacate--

Virginia Schmuck: At Jones.

President Jerrel: --this road and this and that.

Commissioner Tuley: Right.

Virginia Schmuck: Okay, alright, but this just bothered me.

Commissioner Tuley: I think probably what this might be and I don't know if John is here or not, too, but it may be that the county already has 25 foot of right-of-way is my guess, I don't know, in the event down the road that Red Bank needs to be widened. Now, I don't know that to be fact, I am just trying to guess.

Virginia Schmuck: We've lived there for 50 years now and--

Commissioner Tuley: You live right through this section here?

Virginia Schmuck: Yes, I live at the second off of the map here.

Commissioner Tuley: The two story, correct, with the double--

Virginia Schmuck: No, the little frame house on the hill.

Commissioner Tuley: Oh, okay on the hill.

President Jerrel: Jim, come up here.

Commissioner Tuley: I know where you are talking about.

President Jerrel: You want to put that mike up so that Jim can respond to it?

Virginia Schmuck: I'm sorry. Okay, this is my question. On this map that we got from you it says apparent 25 foot right-of-way. Has that already been approved?

Jim Morley: The, no, we're not involved in that back there, but--

Virginia Schmuck: This is in front by Red Bank.

Jim Morley: Uh-huh, right. There are a few parcels that say subject to 25 foot and others don't say anything. This is on beyond the area where we are doing the improvements. Within the subdivision we've got an additional 20, we got it out to 45.

Commissioner Tuley: But further north from your development there is no 25 foot--

Jim Morley: We're not changing...we can't do anything, we don't know.

Virginia Schmuck: Like the second place over you're talking?

Commissioner Tuley: She is two doors down from that.

Virginia Schmuck: From Jones.

Jim Morley: Right, we would not be doing anything out in front of there, no.

Virginia Schmuck: So to your knowledge this would not have taken place? I mean, they have this right-of-way...I would have to look at my deed?

Commissioner Tuley: You would have to look at your deed.

Virginia Schmuck: Because according to the way we read our deed we have some ground on the east side, too. Not much, but it shows on our deed thing, so I was just wondering when this was--

Jim Morley: There are some real old parcels and they don't contain the information about what the right-of-way of Red Bank is and that's the reason we had put that not on there, apparent 25. They've got poles and stuff at the 25, but some of the deeds along there don't say 25 and so that's what we did.

President Jerrel: Do you have a card in case she has a question?

Jim Morley: Sure, sure.

Virginia Schmuck: Well, I've got this.

President Jerrel: Alright.

Virginia Schmuck: Okay, thank you.

Jim Morley: Okay.

President Jerrel: Thank you. Alright, is there anyone else that wishes to speak to the Commission?

John Stoll - County Engineer

President Jerrel: If not, we'll go to the department heads. County Engineer.

John Stoll: First I would like a verbal okay to pursue a change order on the Heckel Road Bridge project. This is to put in approximately 160 tons of riprap at \$22.50 a ton for a total of \$3,600. This is also for a concrete abutment cap replacement for each abutment of the bridge for a grand total of \$4,799 and there is one vertical steel hanger that also needs to be repaired that was not called for in our original plans and the estimate provided by the contract was \$1,320. The grand total of each of these changes is estimated to be \$9,719.

Commissioner Tuley: Move approval.

President Jerrel: And I'll second and say so ordered.

John Stoll: I don't have an actual change order form as of yet, but here is the letters from the contractor and once we do get the work in place then I can bring a change order.

President Jerrel: Okay, we'll put it in the--

Commissioner Tuley: Signature file.

President Jerrel: Yeah.

John Stoll: Next I've got a letter that we need to submit to INDOT regarding the Fulton Avenue Bridge construction inspection. This is to approve assigning Alan Jones of Bernardin Lochmueller & Associates as the project engineer on this project.

President Jerrel: That goes...they're going to do that next Tuesday?

John Stoll: Right.

President Jerrel: The bridge letting?

John Stoll: Correct.

Commissioner Tuley: Motion to have the President sign the letter and forward it as requested.

President Jerrel: And I'll second and say so ordered.

John Stoll: The third item is in regard to the Daylight sewer. I just wanted to let you know I've been checking into some of the things that were discussed at last week's meeting. I've called Three I Engineering. They are not aware of any safety violations. They wanted to talk to their inspectors, but Don Adler, the person I was talking to, was not aware of any safety problems out on the job. I was also going to verify that with Richard Meyer of INDOT. Richard has not called me back either. In regard to the employee issue according to the payroll reports the employees are all from Kentucky and we do have the payroll report so we are checking into those to make sure everything was complied with as far as the prevailing wage.

President Jerrel: Make sure they are paying prevailing wage.

John Stoll: I've also got a call into John Sunderman to ask him about their hiring practices in regard to the availability of applications and whether or not he is aware of any safety problems out on that project. So as soon as I find out all those

answers, as soon as Sunderman and Richard Meyer call me back, I'll give you another update.

President Jerrel: Okay.

John Stoll: Final item.

Commissioner Tuley: Yeah...I'm sorry, you've got another item.

John Stoll: I'm sorry.

Commissioner Tuley: No, that's okay, I thought you were done.

John Stoll: The last item I just want to let you know that we've got a project to replace some culverts on Hepler Road and we've got them out to contractors for price quotes and we'll bring in the price quotes next Monday.

Commissioner Tuley: Two things. Erik, you'll be involved in this and I don't know if you realize you'll be involved in this or not, but Ward Road what is the start and completion date on the contracted out part plus there was some work in the discussion about on the west side we were going to make some adjustments to some of the culverts that had previously been put in and what have you.

John Stoll: I haven't gotten with Erik on any time frames on that. The completion date for the contracted portion of the project, I believe, is April 30th. I'm not positive. I'll have to check that, but I think it is April 30th. We're expecting the contractor to start within the next couple of weeks. They haven't really set up a specific start date. They want to avoid weather like we had yesterday, so that's why really they haven't started yet.

Commissioner Tuley: Okay.

John Stoll: But we expect that they'll start here shortly.

President Jerrel: It would be a good idea, too, if Valerie or someone could go with them and look at those drains to see what ought to be done so that--

Erik Bentle: We've been out there looking at it already.

President Jerrel: Yeah, are you ready?

Commissioner Tuley: Do you have any idea when you guys...are you going to coordinate it and do it at the same time?

Erik Bentle: We're going to try to do it at the same time because if you get two projects going out there at (inaudible comments made away from mike). We're going to try to do it all at one time.

Commissioner Tuley: Okay, John, the other thing that I've got I received a letter from, I'm going to assume a young man, asking basically about the Heckel Road Bridge completion dates and what have you. You want to look at this?

John Stoll: Yeah, I can respond to it.

Commissioner Tuley: He's asking for...you know, he is thanking the Commissioners for deciding to do the work, but he would like to know when we are going to do it and get it done and what have you.

John Stoll: Yeah, I can respond to it.

President Jerrel: I have one.

Commissioner Tuley: You have one, too? Same thing?

President Jerrel: No, this is on the railroad crossing at Burkhardt and Morgan. And I know we don't do railroad crossings, but I thought if you could send a letter to Mr. Wagner, that's the letter that I received, and perhaps send a letter to the railroad.

John Stoll: We've contacted the railroad in the past back when we started the Cross Pointe project asking them for repairs which they never happened. I don't know if it's because we will be replacing this entire crossing when we do phase three of the Burkhardt project that they don't want to sink any money into it right now or what, but I can contact them and let them know and I can send this person a response letting them know that as soon as we get the right-of-way acquired out here and get this project on a bid letting that the entire crossing will be replaced.

President Jerrel: I also wanted to tell you...you asked me to write a letter to Senator Garton about House Bill 1113.

John Stoll: Oh, on that right-of-way issue?

President Jerrel: Right-of-way, yes, and I did hear from him and he just said that prior to receiving your letter I signed House Bill 1113 to the Senate Finance Committee. I remember reading it and thinking the bill was good for owners of farmland although I doubted that it benefitted taxpayers. Unless the bill has changed significantly I will not support it and he is encouraging me to get a hold of Larry Borst, too, because of the...if it would amount to that much additional cost for us it is bound to affect the rest of the state.

John Stoll: Everybody.

President Jerrel: Everybody else, but I wanted you to know I had gotten a positive response.

John Stoll: Hopefully it won't pass because we don't need to pay 25 percent more for all of our right-of-way.

President Jerrel: Well, I mean, I don't think he realized, you know, that it was going to be that significant. Okay, any more?

Erik Bentle - Superintendent of County Garage
--

President Jerrel: Okay, County Garage.

Erik Bentle: Okay, I just got a couple of things. You've got my weekly work schedule. The goals that we set for '99.

President Jerrel: Yes.

Erik Bentle: I've got one travel request here for me and the Bridge Foreman to go to Purdue Road School next week.

President Jerrel: Is it in our file to be signed?

Erik Bentle: No, you've got the only copy of it. I didn't have a chance to make the other copies off for them.

President Jerrel: Okay.

Commissioner Tuley: Who is going with you?

Erik Bentle: Stan Lutz.

Commissioner Tuley: Stan is?

President Jerrel: Uh-huh.

Erik Bentle: The other thing I've got I would like to introduce my new Assistant Superintendent, Mark Taylor.

Commissioner Tuley: Mark.

President Jerrel: Welcome aboard.

Mark Taylor: Thank you.

Erik Bentle: Mark is doing a good job so far, so he is coming along real well.

President Jerrel: Also we do have in your report that...your packet that you received the paving list which is pretty ambitious. I know we put out an all call through the media, that's just a replacement, but there is a large ditch--

Commissioner Tuley: Oh, a ditch list as well.

Erik Bentle: Okay, now this ditching list, I also wanted to say, we will be adding some to this.

President Jerrel: Yeah.

Erik Bentle: We've got an overwhelming response to this.

President Jerrel: Yeah, I can see that, but that's good.

Erik Bentle: Oh, yeah, it's great.

President Jerrel: Because, John, we want to be sure that since this has increased significantly that we get a pie diagram that we can follow our progress.

Erik Bentle: Yeah.

President Jerrel: As we get started, so if you don't mind. Is there anything else?

Erik Bentle: No, that's it.

President Jerrel: Okay, thank you.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

Weekly reports

President Jerrel: The Superintendent is not here. Is there a motion to accept the reports that are in our file for Burdette, Soil & Water and the Ozone Officer?

Commissioner Tuley: I'll so move at this time.

President Jerrel: And I might add the Weights & Measures, I'm sorry. Will you add them?

Commissioner Tuley: I will include them in my motion.

President Jerrel: Okay, and I'll second and say so ordered.

Consent items

President Jerrel: Under the consent items is there a motion to approve the travel request and the employment changes?

Commissioner Tuley: I'll so move at this time.

President Jerrel: Okay, I'll second and say so ordered. That included the obsolete...we have the contract and another issue on an automobile. That contract that Marsha...did you get a chance to look at that? Under your left arm.

Joe Harrison, Jr.: No.

President Jerrel: Okay, well she would like to enter into a lease for a new copier because she can get a new one that will do considerably more copying than the two old ones she has and it will only cost a couple of hundred dollars more and she'll pay for it out of her commissary account, but she felt the contract ought to be entered into by the Commissioners.

Joe Harrison, Jr.: Is it with the same company?

President Jerrel: I think it is with Xerox. She got quotes on it through Jerry Bryan, that's what he prepared for her.

Joe Harrison, Jr.: Okay, I would prefer to wait until next Monday, is that okay?

President Jerrel: That's fine.

Joe Harrison, Jr.: Since I haven't had a chance to look at it.

President Jerrel: Okay, and then the other is Teri Lukeman has a request for a Sheriff's vehicle to declare and we can't tell exactly which...she thinks it is that title and she is going to...she asked if we could run that through the meeting tonight. It has been junked, I believe.

Joe Harrison, Jr.: I don't see any problem with that subject to verification that this is the proper title for the Sheriff's vehicle.

President Jerrel: Okay.

Commissioner Tuley: What do they want us to do with the title?

President Jerrel: Sign the back of it and she'll hold it until she gets verification. She is sure that is the correct one, but Officer Crider was not available and she didn't want us to...she just wanted that caveat in there so she can check it.

Commissioner Tuley: Okay...I'm sorry.

Joe Harrison, Jr.: What I would do is maybe you can go on and approve it--

Commissioner Tuley: Subject to.

Joe Harrison, Jr.: --and then maybe you can sign it next Monday.

President Jerrel: Well, I think they want it right away, so we can--

Commissioner Tuley: We can move approval of signature of it and basically you would be allowed to sign it after such time that you receive the verification.

President Jerrel: Right.

Commissioner Tuley: And I'll so move.

President Jerrel: Okay, second and so ordered.

Old business

President Jerrel: Is there any old business?

Commissioner Tuley: I have no old business.

New business

President Jerrel: Okay, under new business we have a grant from EUTS for the Greenway, for the enhancement money, and Rose Zigenfus brought it down and asked that we sign it. This is to INDOT--

Commissioner Tuley: A grant application?

President Jerrel: Yes, a grant application for funding to do the Greenway from where

it ends now by the museum, in that area, all the way out to Angel Mounds.

Commissioner Tuley: Okay, I would move approval of the request to sign the application to the Indiana Department of Transportation, Transportation Enhancement Application is what it is called.

President Jerrel: I'll second and say so ordered. The next item under new business is we have some kitchen material for The Centre.

Commissioner Tuley: Yeah, as we saw this week or last week as we toured we can see that the auditorium and convention center is moving along very nicely. We need to or I will move at this time then that an amount not to exceed \$697,000 be set aside out of Food and Beverage for the purchase of the equipment kitchen...or equipment for the kitchen.

President Jerrel: I'll second...what was the not to exceed?

Commissioner Tuley: Not to exceed \$697,000.

President Jerrel: Okay, and I'll second and say so ordered. I just wanted to read a couple of other items that I had included besides the purchasing practice. I would also recommend that the Commissioners...you might want to listen to this one, I would like to recommend that the Commissioners instruct department heads to send a copy of all valid drivers license of each employee who operates a county vehicle. We're going to...they have been requested by Hofmann & Dillow, our county insurance agent of record, so that would be Burdette, Garage, Health Department, Area Plan, your people, John. And then I would also recommend that the Commissioners initiate negotiations at this time for all union contracts that are due to expire 12/31/99 in the hopes that we can accomplish that. The last item on the agenda I had just recommended that we, the Commissioners, spend some time in a future meeting where we can develop a plan that will give us an opportunity to share some of the oversight of some of our departments. Sort of a liaison arrangement like the Council has.

Commissioner Tuley: I'm sorry, I was thinking of some things here I need to do.

President Jerrel: I just said I would recommend that we share oversight of some of our outside departments and perhaps we could develop a plan.

Commissioner Tuley: For the Commissioners to act--

President Jerrel: Yeah, right.

Commissioner Tuley: Oh, okay.

President Jerrel: The same type of arrangement.

Commissioner Tuley: I'll so move.

President Jerrel: Okay, on all those including the purchasing?

Commissioner Tuley: Yes.

President Jerrel: Alright, and I'll say second and so ordered.

Commissioner Tuley: Okay, I have a couple of more new items that I need to bring up.

President Jerrel: Okay.

Commissioner Tuley: Commissioner Mourdock had made the mention that due to the fact that we had been notified by the state of the possibility of some grant money to do some joint ventures with surrounding counties I would like to tentatively try to see if we could not schedule a joint meeting for April 7th at 5:00 p.m.

President Jerrel: Eighth.

Commissioner Tuley: April 8th, I'm sorry, wrong date, which is a Thursday night, correct?

President Jerrel: Right, is that okay?

Commissioner Tuley: That works for me. I understand some of the counties have been contacted so we want to say tentatively set for April 8th at 5:00 p.m. The designated place will be announced later as we confirm that. It will be advertised as a joint meeting of all four counties if all four would be willing to participate.

President Jerrel: That's fine. I'll second and say so ordered. Joe, if you could get something because the Warrick County folks would...they are the ones I met with and we need to see about the rest of them.

Commissioner Tuley: Okay, and then the final thing I think you had requested or mentioned a desire to start negotiations with the Teamsters for our contract.

President Jerrel: That was on that motion.

Commissioner Tuley: That was in that motion already?

President Jerrel: Yeah.

Commissioner Tuley: See, I was sitting here worrying about what I got to say. It's already covered. That's it. I'm in enough trouble.

President Jerrel: Alright, is there a motion to adjourn?

Commissioner Tuley: I'll so move.

President Jerrel: Second, so ordered.

The meeting was adjourned at 6:35 p.m.

Those in attendance:

Betty Lou Jerrel

Patrick Tuley

Joe Harrison, Jr.

Suzanne M. Crouch

Charlene Timmons

Jerry Bryan

Michael Robling

Kerry Jackson
Marco DeLucio
John Stoll
Jerald Jones
Jerry Jones
Steve Nichols
Martha Runnion
Jim Morley
Virginia Schmuck
Others unidentified
Members of the media

Vanderburgh County
Board of Commissioners

Bettye Lou Jerrel, President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
March 22, 1999**

The Vanderburgh County Board of Commissioners met in session this 22nd day of March at 5:40 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' Meeting to order. At this time I would like to introduce the people that you see before you. On my far right is our Superintendent of County Buildings, Tony Greubel, who met the ice last week.

Unidentified: Here?

President Jerrel: Well, no at home. Everybody that comes in says, oh, you're lucky it wasn't your right arm except he is left-handed. Next to him is Joe Harrison, Jr., our County Attorney; to my right is Pat Tuley, County Commissioner; far left, Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: At this time I would like to call for the approval of the minutes of the previous meeting.

Commissioner Tuley: I'll move approval of the minutes of the March 15th meeting.

President Jerrel: And I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item is the certification of the Executive Session. We did meet from 4:40 until 5:32 and discussed litigation and personnel matters.

Commissioner Mourdock: I'll move approval of those summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bids - VC9903, Hepler Road culvert replacement

President Jerrel: The first item on the agenda is the opening of bids for the Hepler Road culvert replacement. Is there a motion to ask the attorney to open those?

Commissioner Mourdock: I'll move the opening of bids for VC9903.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Rogers Realty - University Drive vacation of easements

President Jerrel: The next items on the agenda, D, E, F and G, are the final hearings for the vacation of easements. Mr. Morley.

Commissioner Tuley: Does he need to go through them again since he just went through them?

President Jerrel: Are you going to...you're not going to do them?

Jim Morley: On the...I'm sorry, I was talking to John.

President Jerrel: Okay, we're to you on the agenda.

Jim Morley: Okay. We have the vacation of the roadways, is that...?

President Jerrel: Yes.

Jim Morley: Okay.

President Jerrel: That's the final hearing of vacation of easements. This is a public hearing and it's the final hearing and we can do them one at a time.

Joe Harrison, Jr.: Yes.

Jim Morley: Okay.

President Jerrel: The first one is the five foot public utility easement.

Jim Morley: At the last meeting we talked about that five foot public utility easement which lies along the north side of University Drive extended. That portion has not been built. That would be relocated to allow room for the Lowe's Store.

President Jerrel: Again, is there anyone here that would like to speak to this issue? Anyone that has any questions concerning this? Hearing none, are there questions from the Board? Is there a motion?

Commissioner Mourdock: I'll move approval on final reading the vacation of an easement for a five foot public utility easement lying adjacent to and north of the platted right-of-way of University Drive located in Expressway Commercial Subdivision, Section 1A and 1B.

Commissioner Tuley: Second.

President Jerrel: And I'll call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. The next item is the final hearing on the Jones

Road right-of-way.

Jim Morley: Jones Road is an old roadway that was recorded on some very old deed records. It was never opened as a road and it was created by some old deeds some 30 foot wide, 15 feet on this property and 15 feet on the adjoining property to the north. We're requesting that 15 feet on the property proposed for the Lowe's Store be vacated. Portions of Jones Road have already previously been vacated. The vacation of Jones Road will not interfere with any existing driveways of adjacent property to the north.

President Jerrel: Again, is there anyone here that would like to speak to this final approval on the easement? Are there any questions from the Commissioners? Hearing none, is there a motion?

Commissioner Mourdock: I'll move on final hearing the vacation of an easement for a public right-of-way the south 15 feet of the Jones Road roadway easement located along the north line of Expressway Commercial Subdivision, Section 1A.

Commissioner Tuley: Second.

President Jerrel: I'll call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. The next is the public right-of-way at University Drive.

Jim Morley: University Drive had been platted for across some six lots to the west of where it was originally built to which was alongside the Circle S Mart. Those lots will not now be divided up. It will all be one large parcel and that portion of University Drive would run right into the proposed Lowe's Store. No pavement is there existing and the traffic of University Drive would be not only interconnected with the parking lot of the proposed Lowe's Store, but also interconnected with Weston Road to the south.

President Jerrel: Again, is there anyone here that would like to speak to this vacation of the easement on University Drive?

Commissioner Mourdock: I'll move approval on final hearing of the vacation of the easement for public right-of-way of University Drive located in Expressway Commercial Subdivision, Section 1A and 1B.

Commissioner Tuley: Second.

President Jerrel: I'll call for the roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. The last is the ten and a half foot public utility drainage easement.

Jim Morley: The ten and a half public utility drainage easement runs from the north side of the Fairfield Inn down into the location of the proposed Lowe's Store. There is no storm sewer or drainage swale in this easement at all. The sewer, the storm sewer serving the Fairfield Inn was routed through the center of the site and along the north side of Weston Road to service this area. This sewer easement is no longer needed and it is necessary to vacate it in order to make way for the proposed Lowe's Store.

President Jerrel: Is there anyone that wishes to speak to this easement vacation?

Commissioner Mourdock: I'll move on final hearing the vacation of an easement for public right-of-way, the ten and a half foot public utility and drainage easement that runs from the north line of the Fairfield Inn north to the extended north right-of-way line of University Drive.

Commissioner Tuley: Second.

President Jerrel: I'll call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. Thank you.

<p>Appointment - Michael Malone Vanderburgh County Economic Development Commission</p>
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President Jerrel: Moving on, Tony, what is this City Council? This is their appointment and we have to--

Tony Greubel: Well, their nomination and then we actually appoint them.

President Jerrel: Their nomination to us, okay.

Joe Harrison, Jr.: Yeah.

President Jerrel: Is there a motion to approve this?

Commissioner Mourdock: I'll move that we appoint Mr. Michael Malone to the Vanderburgh County Economic Development Commission as nominated by the City Council.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Permission to advertise for title search services

President Jerrel: The next item is the County Auditor, permission to advertise for title search services.

Commissioner Mourdock: Before we go to that, just for reference that prior appointment was for a four year term.

President Jerrel: Right.

Commissioner Mourdock: Just to put that on the record. I'll move permission to advertise for the title search services.

President Jerrel: Okay, and the ads will appear March 26th and April 2nd. Is there--

Commissioner Tuley: Yeah, I'm going to second. The only question I had is this for the Auditor and Treasurer tax sale or is this for this Commissioners' tax sale we're getting ready to do?

Joe Harrison, Jr.: It's not for the surplus sale.

Suzanne Crouch: No, it's for the Commissioners.

Commissioner Tuley: It is for the Commissioners?

Charlene Timmons: Well, no it's for title search services.

Tony Greubel: I think these are the properties that didn't...these aren't for sale in May, but they went...these were not sold at the tax sale in February and we'll go ahead...we'll probably sell them next year, but it takes a few months to get the title searches done.

Commissioner Tuley: So they can go back for the B sale or whatever they call it.

President Jerrel: We were advertising for services for better prices.

Joe Harrison, Jr.: Yeah, this is not for the May sale.

Commissioner Tuley: Okay, that's fine. I just didn't know what it was. Okay, I'll second.

President Jerrel: I'll say so ordered.

County Clerk - Xerox lease agreement

President Jerrel: The next item is a carryover from last week and in your packet there are some contracts that are for the Xerox copy machine contract.

Jerry Bryan: Bettye, Joe asked me to summarize this contract.

President Jerrel: Okay.

Jerry Bryan: Summarize this deal for Sandy. I have done that.

President Jerrel: Thank you. For your just overall information Marsha Abell has two that she is going to let go back because they don't...they just simply will not copy more than a couple at a time if that and she would like to lease a machine that was able to turn out, you know, a much larger quantity and she'll pay for it out of her (inaudible) money or whatever it is called.

Jerry Bryan: Sandy Rust asked me to summarize these three proposals between Xerox, Ikon and Data Business. You basically have a two for one deal here. We're going to propose to lease two copiers and I've talked to the Xerox people. Of course, they are excited about the possibility of using two of their copiers. They waived the maintenance agreements on the first Xerox 5820 and if you put the two together, Bettye, this is an excellent deal for the county. You're talking about \$1,300 a month, roughly \$15,000 a year. They are the low bidder. Joe, there is an escape clause in there. It's a month-to-month renewal and there is a 30 day clause should we decide to cancel. Standard.

President Jerrel: Okay, and she could not enter into the contract so they're asking us to.

Commissioner Tuley: Right.

President Jerrel: But she will pay for it. So your recommendation is the Xerox?

Jerry Bryan: Yes, ma'am.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: I'll move approval as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

Joe Harrison, Jr.: Will you submit...did you submit that into the record, your recommendation?

Jerry Bryan: Yes.

Joe Harrison, Jr.: Thank you.

Commissioner Mourdock: Did you get one, Charlene.

President Jerrel: Okay.

Any group or individual wishing to address the Commission
--

President Jerrel: Are you...you're not ready yet?

Joe Harrison, Jr.: Not yet.

President Jerrel: At this time is there anyone here that wishes to speak to the Board?

John Stoll - County Engineer

President Jerrel: Hearing none, I'm going to move on to the County Engineer.

John Stoll: First I would like to request approval to hire Dave Savage to do some signal design work for the intersection of Fulton Avenue and Diamond Avenue. The plans as they were drawn show a wood utility pole to be relocated by others. That wood utility pole is a signal pole and it wasn't addressed in the plans, so we need to get a signal modification drawn up and submitted to INDOT to get that taken care of. It's not critical time wise as of yet to get this done simply because even if we get good bids tomorrow the contractor probably won't get going for a month, so we can get this resolved, but Dave Savage has told me that he estimated the cost of that would be around \$2,000 so I would like to get an approval to get a purchase order with him to do those signal design changes.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: Just to clarify with a question and I understand this is a professional services type thing so we don't have to put it out to bid.

John Stoll: Right.

Commissioner Mourdock: But I have to ask the question are there other engineering groups around who might look at this or who have that expertise, I guess is a better way to say it?

John Stoll: They have that expertise. It's just that this is already set up in the agreement with the Traffic Department. He has rates established in his agreement with the City/County Traffic Department that gives us a pretty good rate on these types of projects.

Commissioner Mourdock: Okay.

John Stoll: I didn't shop prices around, but this is the same manner that we handled the St. Joe and Allens signal.

Commissioner Mourdock: Right. I'll move approval as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got some street plans for Baseline Park Subdivision. This is located at the southeast corner of Baseline and 41. Those plans call for the widening of Baseline Road east of 41. This will run past the subdivision street, Neeley Street. This will provide three lane cross section on Baseline as it approaches 41 and it also provides a three lane road on Neeley as it runs into the subdivision. The subdivision streets themselves will be curb and gutter streets and we've reviewed the plans and would recommend that they be approved. They pick up this left turn lane on 41 and then provide shared through and right turn lanes.

Commissioner Mourdock: I don't think there is any implication here, but since we did vote this as an impacted drainage area does that add anything? I mean, is there anything we need to look at differently there?

John Stoll: Not that I am aware of. I believe it has got its drainage improvements taken care of already.

Commissioner Mourdock: But the road doesn't enter into it? This is the one where Azteca is right here, right?

President Jerrel: Right. No, this looks like it's going to be a very productive change.

John Stoll: Yeah, this isn't a mirror image of what we built for Azteca, but it is real close.

President Jerrel: Right.

Commissioner Tuley: Did we do something with easements along there, too, on this fence or something?

John Stoll: Yeah, they've got an encroachment to allow that fence to be in the Boyle Lane right-of-way and then farther the Boyle Lane right-of-way has been vacated.

Commissioner Mourdock: Does this...well, you're only asking about this section.

President Jerrel: Uh-huh.

Commissioner Mourdock: This still fits with our overall plan we approved previously?

John Stoll: Yeah, we've got streets that will eventually extend and run straight south to the south property line to provide a future frontage road paralleling 41 and then this street is just to provide access to the abutting property there.

President Jerrel: Yeah, I think this is...I think this actually even sitting back probably is a good idea.

John Stoll: Yeah, it gives us a little more room to stack up some traffic.

President Jerrel: That's right.

Commissioner Mourdock: Yeah.

President Jerrel: Yeah, I think it looks like a good plan.

Commissioner Mourdock: I'll move approval then for the street plan for...what's it called?

Commissioner Tuley: Baseline Park.

Commissioner Mourdock: Baseline Park Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Is this the first one, John, that has been built according to the plan since we implemented that plan? I think it is. I should of made the motion with a bit of gleefulness in my voice.

President Jerrel: Yeah, I thought you should.

John Stoll: The next item I've got is also a street plan approval request. This is for Winstead Place Subdivision. This is located off of Hogue between Red Bank and Rosenberger on the north side of Hogue. This is the extension of a street that was already constructed in that subdivision. This is a cul-de-sac that runs east off of the main street in that sub and it has been modified. It used to be a longer street, but they've shortened it and they've cut down the number of lots that will be out there in that sub.

President Jerrel: Could you walk over and point to us the extension and where it is and where it is going.

John Stoll: Sorry I didn't bring an overall plan. The main entrance of the subdivision lies over in this area. This is one lot in depth all through here. You come in off Hogue in this area and this cul-de-sac just comes straight off of the main street within that subdivision.

President Jerrel: Is this the affected cul-de-sac?

John Stoll: Yeah, it used to come in and turn and run to the north.

President Jerrel: Oh, okay.

John Stoll: They had quite a few more lots in here, but they've shortened it and just provided three large lots and then a couple of smaller lots out front.

President Jerrel: Okay.

John Stoll: They are going to cut this embankment back again. On the first phase of this subdivision they pulled that embankment back along Hogue Road to improve the sight distance for people exiting out that main street.

Commissioner Tuley: Where that house is going right up there on the entrance?

John Stoll: Yeah. We're asking that they regrade that embankment in this area as well so that way it will help their line of sight because this goes down a hill and around the curve there on Hogue so it should help out.

President Jerrel: Uh-huh. Is there a motion?

Commissioner Mourdock: I'll move approval of the modification of the Winstead Subdivision as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I would like to request that we get an additional \$85,000 in the account for the Futrell site to do some additional cleanup on that site. It appears that

there is up to around 3,000 tons more of trash that's going to need to be hauled off out there. I think with an additional \$85,000 the cleanup should be able to be completed.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: Um, I'll move that we approve the change order and I don't know quite how to do this conditionally, but the money that is funding that cleanup now is coming from the Solid Waste District, or part of the money actually. I certainly think that the Solid Waste District Board ought to continue the funding. We went into this project realizing that this was always a possibility hoping it wouldn't be. We discussed that at several meetings, but I think it is in everybody's interest, certainly it is in the people that live around Carpenter Creek interest to make sure we do get that cleaned up out there. So we can't do the project halfway, so having said that with the intention of getting the money back from Solid Waste I'll move that we go ahead with that funding.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered and I'll follow up on...we have an infrastructure account we can use and then we can make the appropriate motion at the next Solid Waste District Board.

Commissioner Mourdock: Okay.

President Jerrel: That they return the funding to the county. This way it can get done right away.

Commissioner Mourdock: And I would note Bill Smith from Darmstadt is in the back row there so before he gets away maybe we can tie him up, wrestle him to the ground and just take a look at Tony's arm if you don't want to agree with it!

John Stoll: Next I've got a roadway right-of-way grant for Virginia Street. This is for all of Virginia Street right-of-way across the Cross Pointe property. This does not include the 400 foot stretch between Cross Pointe and Gershman's property, but this does provide the right-of-way to replace the right-of-way that was vacated a couple of weeks ago.

President Jerrel: You need a motion to accept?

John Stoll: Yes.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Are we making progress on the 400 feet?

John Stoll: That's the way I understand it.

President Jerrel: Okay, I'm getting a yes back there.

John Stoll: I was going to say, Jim Morley told me that was in the works.

President Jerrel: Good, good.

Jim Morley: From the attorney...from Haase, from that attorney we have had the word that they have approved but we have not yet received any documents and today I got an e-mail from Jim McKinney that he sent to the attorney telling him that he was still waiting for the documents.

President Jerrel: Okay.

Jim Morley: So it's very optimistic.

President Jerrel: Good.

John Stoll: Next I've got a copy of the signal warrant study that was done by Morley and Associates for University Drive and Red Bank Road. This study indicates that a traffic signal will be warranted when Lowe's goes in out there off the west end of University Drive. The question becomes if it is warranted should we go ahead and put the signal up. As it stands now Lowe's is willing to fund the signal and pay for some road improvements in conjunction with the signal installation. This is what I am talking about here.

Commissioner Mourdock: Let me ask you, John, with the warrant as you call it, or I guess actually the state calls it, is there any way that we can say no when the study warrants that this thing be there?

John Stoll: I guess for all practical purposes from the liability side of things probably not. You have to find a way to either eliminate the warrant or put the signal up.

Commissioner Mourdock: But to eliminate the warrant means that the traffic count wouldn't be what is projected. That's the only way you can eliminate the warrant.

John Stoll: Right, which if you ran a median through that intersection or something like that--

Commissioner Mourdock: Oh, sure.

John Stoll: --then you could eliminate the warrant, but that's not really practical. So there are ways to do it but some of them aren't that feasible.

Commissioner Tuley: Not that I am a big proponent of stop signs, but I pass through there and without that Lowe's I think you could probably justify the need for that warrant...I mean the need for that signal.

Commissioner Mourdock: Yeah.

President Jerrel: Even without Lowe's?

Commissioner Tuley: It would be close.

Commissioner Mourdock: I know people will doubt this, I kind of doubted it when I heard it said firsthand and you were there that night, Pat, with the Westside Improvement Association, the folks there saying, yeah, we need a stop light there.

Commissioner Tuley: Yeah.

Commissioner Mourdock: I mean, it's not often you hear that.

President Jerrel: Okay, is there a motion concerning the acceptance of this? Is that what we're being ask to do?

John Stoll: Right, I guess the developer and his engineer are asking whether or not the county would be willing to pursue this if the signal is warranted and I've got a couple of questions I want to get resolved with Morley's office regarding this traffic study, but I don't think it is going to affect the warrant one way or the other. I think this will still show it is warranted, so I guess the question is will the county be willing to allow the signal to go in if it is warranted with Lowe's paying for the signal and with Lowe's paying for the improvements on Red Bank Road and on University Drive.

Commissioner Mourdock: If this isn't appropriate stop me, John, but I'll move at this time that we direct the County Engineer to enter into discussions with the idea that the developer would be doing the cost of those improvements as just mentioned.

Joe Harrison, Jr.: And the signal.

Commissioner Mourdock: And the signal, well, yeah, that was part of the improvement.

Commissioner Tuley: And that's what you need?

John Stoll: Right.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

John Stoll: These plans will come back to you as approval for the design plans at a later date once we get all these issues resolved, so you will get the opportunity to see this and review it again.

Commissioner Tuley: Counsel's advice is we probably ought to go ahead and just put the motion on the floor that gives them approval to put the signal there subject to them working out John's questions and I'll so move at this time.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: Next on the Daylight sewer I said last week I was going to check with a few more people regarding the question of safety violations out there and I spoke with Richard Meyer who is the permit inspector for INDOT and he said there were no safety problems that he was aware of. He said that the only issue that even remotely involved safety that he had discussed with the workers out there was parking their vehicles off the state right-of-way. Beyond that he said he wasn't aware of any safety concerns of any kind on that project. Don Adler of Three I Engineering checked with his inspectors and he said that they have not seen any unsafe construction going on on that project and then I spoke with John Sunderman of Peters Contracting regarding any safety problems. He said that they're following all the OSHA trench regulations and they have used a trench box on the gravity sewer but not for the force main because the force main is not as deep. He said that they

have installed sheeting on all the lift station construction so that has not been a problem. He said they haven't had any OSHA inspections on this project, but on their last OSHA inspection in Gentryville about three months ago there were no violations that were cited for that project. In regard to job applications he said their standard practice has been to accept applications at their Owensboro site, at their Owensboro office and not on the job sites themselves. He said that although they don't have employees from Indiana working on this project he said they do have employees from Indiana working for Peters Contracting. So I'm getting all those things resolved. We got some certified payroll reports sent to us today and we're checking through those before we issue the next invoice for payment, so I think we pretty much got everything addressed.

President Jerrel: You're looking now for the prevailing wage?

John Stoll: Right.

President Jerrel: Making sure they are paying that, okay. Are there any other questions?

Commissioner Mourdock: Thanks for looking into that, John.

John Stoll: No problem. I've just got one other additional item. A couple of weeks ago you approved Dave Franklin to go to a hazardous bridge coating class in Greenfield, Indiana and that has been canceled, so I just wanted to let you know that he won't be attending that. That's all I have.

President Jerrel: One comment before you leave. If you could do a little bit of a projection more than just the conversation we've had, I would like to get permission from the Commissioners to let me go on Council Call for some potential road funding for Mount Pleasant Road.

John Stoll: Okay.

President Jerrel: Before I can do that I need to have some numbers from you.

John Stoll: Okay.

President Jerrel: I'd like to have permission.

Commissioner Tuley: Oh, permission to approach the Council for funding?

President Jerrel: Yeah, uh-huh.

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I thought you were asking to get the numbers from John first, so that's the only reason I hesitated.

President Jerrel: It may happen before a meeting takes place, so I need to be able to get the information in.

Commissioner Tuley: John, were you able to get with the Jones brothers?

John Stoll: We mailed them a copy of that.

Commissioner Tuley: Okay.

John Stoll: I thought they were going to come by and pick it up last Friday, but they asked us to mail it so they've got that, they've got the original cost estimate, they've got some of the right-of-way information that showed that we only could find 20 feet of right-of-way. They got a copy of the map showing the limits of what we thought it would need to be raised which was approximately 1,100 feet.

Commissioner Tuley: Okay, Ward Road, we're looking hopefully maybe this week?

John Stoll: Probably next week.

Commissioner Tuley: Next week. Can you contact...I don't remember who got that contract.

John Stoll: Biggerstaff, BMB.

Commissioner Tuley: Biggerstaff and have him be sure and let you know when they're going to start so you can coordinate that with Erik and his crews?

John Stoll: Sure.

President Jerrel: I have a question about this and maybe if I read it more carefully I'll be able to understand it. What is...you don't take into consideration on the third cost estimate using the dirt provided by the Jones? That's the dirt, but we provide labor.

John Stoll: Actually a contractor would provide the labor. If you look on there there is a \$4 per cubic yard charge for the borrow.

President Jerrel: Uh-huh.

John Stoll: And that's the price that a contractor gave me if they had to haul and compact the fill in place.

President Jerrel: Okay.

John Stoll: They basically would just go get it and compact it, but they wouldn't provide it as well. So that does include the cost to place that dirt.

President Jerrel: Okay, because you were concerned about them not being able...the Garage wouldn't have the capacity to--

John Stoll: Right.

President Jerrel: --compact that.

Commissioner Mourdock: I read the minutes from last week's meeting. Is that something that has been developed since then? I didn't see this in the packets.

President Jerrel: No, I hadn't looked at it either.

Commissioner Mourdock: Okay.

Commissioner Tuley: You guys don't have it?

Commissioner Mourdock: No, I don't have it. Is this something you just developed, John?

John Stoll: Yeah, I just faxed it over here last Friday. Thursday or Friday, I can't remember which.

Commissioner Mourdock: Okay, it didn't make it in my packet.

President Jerrel: I don't have it either.

Commissioner Mourdock: So the bottom line to all this looking at these numbers--

John Stoll: Free dirt is not so cheap!

Commissioner Mourdock: Well said, yeah. So even with the free dirt you're at \$60,000.

John Stoll: Right. Those numbers could still change because nobody has done a detailed survey. That was based on assumed cross sections, but they're going to be in the ballpark.

Commissioner Mourdock: Yeah, and the question based on at least the minutes I read, you're still waiting to hear back from them as far as how many people are going to be affected, is that right?

Commissioner Tuley: Yeah. I mean, the night they were here they had a few people and I guess the concern I had was they said some of these people lived down there.

Commissioner Mourdock: Yeah, I got the drift from the minutes that they live in the area, but I think I kind of read between the lines you were trying to ask them if, in fact, they really would be affected. Obviously it's hard to see a head count here, but reading between the lines was it your impression that not many were affected even though they live down there?

President Jerrel: Could be three.

Commissioner Tuley: Yeah, that's a pretty good read.

Commissioner Mourdock: Okay.

President Jerrel: Three people.

John Stoll: I have not contacted Gary Kercher who the Jones said they had spoken with regarding the design of this, but from talking to Jerald Jones it was my understanding he was going to take whatever data we had and discuss it with some of his former students who may work in this type of area and see if they see any areas where we can cut costs or see anything that we had wrong in our data. I'm comfortable that's going to be in the ballpark whether it turns out to be \$60,000 or

\$50,000 or what it is still going to be in the ballpark.

President Jerrel: Okay, is that all?

John Stoll: Yeah.

President Jerrel: Okay, thank you.

Erik Bentle - Superintendent of County Garage
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President Jerrel: County Garage.

Erik Bentle: You've got my work schedule for this week I turned in. We're in the process right now of running a complete inventory of the garage from top to bottom and I gave them a target date to have this finished by the third week of next month so we can have it in the minutes the last meeting of the month.

President Jerrel: Good.

Erik Bentle: So hopefully everything will go okay and we can get this done and get everything rolling again.

President Jerrel: You and who else...who will be going to the Road School?

Erik Bentle: Me and Stan Lutz.

President Jerrel: Okay.

Commissioner Mourdock: Erik, in last week's minutes I noticed that you had a thing in there again about ditching and trying to do some things to be more efficient with the ditching. Several months back, maybe as many as five months back, there was some comment or interest in checking out a piece of equipment that is basically a hydraulically driven--

Erik Bentle: Ditching machine.

Commissioner Mourdock: --ditching machine.

Erik Bentle: It was in the paper I gave to you for my goals.

Commissioner Mourdock: Right, exactly. Have you checked one of those out?

Erik Bentle: Yeah.

Commissioner Mourdock: Have you seen one operate?

Erik Bentle: I went up here to Gibson County, it has been a couple of months ago, and seen the one they use up there.

Commissioner Mourdock: Okay.

Erik Bentle: They use it year round.

Commissioner Mourdock: Okay.

Erik Bentle: They really do a good job.

Commissioner Mourdock: I was in the hinterlands of Wabash County, Illinois a couple of weeks ago and they were out using theirs as well, so my point is I don't think there is any substitute for talking to the people that have them and use them so if you would call the Wabash County, Illinois Highway Department and see what their maintenance has been.

Erik Bentle: Yeah, I've called several highway departments and all of them that I've talked to have at least two of them that they run just about year round. They've went from using gradalls like we do now where you can do probably on a good day a half mile of ditch line. With that ditch machine you can run anywhere from four to six miles a day.

Commissioner Mourdock: The only question that raises in my mind is if we're going to do that are we going to get rid of a gradall?

Erik Bentle: No, uh-huh.

Commissioner Mourdock: Okay, and I heard you say a couple of weeks ago that you were looking to try to find enough ditching to do.

Erik Bentle: We have found that! We had a very big turnout on that. The paper really did a number on us, so we've got it.

President Jerrel: One of our gradalls is probably in its declining years.

Erik Bentle: It's beyond its declining years.

President Jerrel: One of them is in good shape, but the other one is--

Erik Bentle: The older one that we have now has a problem with the spindle in the back that the whole thing pivots on and to repair that to get it back up to shape is going to run about \$45,000.

Commissioner Mourdock: Is it the ring gears that's bad? Is it the ring gear?

Erik Bentle: Yeah, it's where that all spins back there.

Commissioner Mourdock: Yeah.

Erik Bentle: The whole weld all the way around it is all broke.

Commissioner Mourdock: Okay.

Erik Bentle: So it is getting to a point where we are going to have to sideline it or think of another piece of equipment.

Commissioner Mourdock: Okay, well, again before we go that route with that other one I would like to talk to you just to make sure we know what we've got cost wise and know that the application is right.

Erik Bentle: I've got figures on them all for you, so I just want to make sure I've got everything together before I present it to you.

President Jerrel: Is there a chance that we might advertise and sell, you know, that patching...pothole patching machine that you don't use?

Erik Bentle: That's something that I was talking to one of the salesman for...can't even think now...gradall equipment and maybe purchasing an excavator. I've been getting prices on that with a trade-in on the gradall and the pothole patcher together towards that.

Commissioner Mourdock: Sometimes with that kind of equipment you can do better just trading it because what they're going to do is the same thing you would otherwise do which is take it to an auction just to try to get rid of it.

President Jerrel: Anyway we've got that just sitting there.

Erik Bentle: I've just been looking at different angles of trying to get our money out of it.

President Jerrel: Okay, well, learn a lot.

Erik Bentle: Okay.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Commissioner Mourdock: I'll move we accept the garage report.

Commissioner Tuley: Second.

President Jerrel: So ordered. Are you ready yet?

Joe Harrison, Jr.: Yes. I have the bids that came in on the Hepler Road culvert replacement project. It's VC9903-01. There were five bids submitted. They are as follows:

Company name	Amount bid
Deig Bros. Lumber & Construction Co. Evansville, IN	\$44,935.10
Southwest Engineering, Inc. Evansville, IN	\$37,485.50
BMB, Inc. Evansville, IN	\$45,762.00
Koberstein Trucking, Inc. Princeton, IN	\$45,931.10
Blankenberger Brothers, Inc. Cynthiana, IN	\$46,374.44

I would ask that the Commissioners take these under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Who was the second bidder, Joe?

Joe Harrison, Jr.: Southwest Engineering, Inc., \$37,485.50.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: That's all I have.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: I talked with Charlie Warren from the Indiana Economic Development Council this afternoon and I asked him if he might be available for a meeting, you know, with local County Commissioners possibly on Thursday, April 8th, maybe at the airport at 5:00 or 5:30. I know that's not a definite time or anything just somehow a time that got made up. I talked with Posey County, Warrick County and Gibson County and each county seems like they are enthusiastic about going forward with this project.

Commissioner Mourdock: Great.

President Jerrel: Good.

Commissioner Mourdock: What do we need to do by way of advertising then for that? Is there anything formal?

Tony Greubel: The County Attorney did a draft announcement for me and as soon as I get letters from the other County Attorneys...I've already got a letter from Posey County Attorney saying it's okay to advertise.

Commissioner Mourdock: Okay, next week would be the 29th. Can we wait to advertise?

Joe Harrison, Jr.: It would be nice if we could get it done this week.

President Jerrel: Well, we can give you permission and if you can get the rest of them.

Joe Harrison, Jr.: Okay, I think that's fine, but we've just got to make sure. I think we kind of got permission before, but I don't think we had a definite date. If you want to go ahead and do that.

Commissioner Mourdock: Let me formally move then that we grant permission to advertise to the County Attorney for the purpose of a meeting of the County

Commissioners of Vanderburgh, Posey, Warrick and Gibson counties on April 8th at 5:00 at the airport.

Tony Greubel: Yes.

Joe Harrison, Jr.: The board room out there. If we could have the Auditor's Office, if they would be so kind to publish that.

Charlene Timmons: I would love to do that.

President Jerrel: Is there a second?

Commissioner Tuley: Second.

President Jerrel: So ordered. Is that all?

Tony Greubel: That's all I have.

Steve Craig - Burdette Park

President Jerrel: Burdette Park.

Steve Craig: Good evening. All I needed to do was go over the recommendations that the Burdette Park Advisory Board had made at their last meeting. You had indicated earlier you wanted to take some time to look at the proposed rates for the year 2000, so we can address them next week at the meeting. The one that I wanted to...I needed the okay on was about the Easter egg hunt and the items they would like us to donate as our part of being the three people in it. They've already been running, but in exchange we get 60 tv ads and 60 radio ads.

President Jerrel: That was good advertising.

Steve Craig: Yeah, it is. All we've got to do is give them the field for the eggs and to donate the passes.

President Jerrel: Is that something that one of you could make a motion to approve?

Commissioner Tuley: I'm going to so move that the request be granted outlined in the board of recommendations' meeting from March 19th.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Steve Craig: Okay, then they recommend or voted on to accept the proposal that we...attached here for the county employee's picnic that we would give passes out instead of having a certain day that they would be able to come and use them at their convenience.

Commissioner Mourdock: Is that a cost neutral thing to the county as far as the park?

Steve Craig: Yeah.

President Jerrel: Uh-huh.

Commissioner Mourdock: So even if people would switch around, trade them, transfer them or whatever that still it's the same cost to us?

Steve Craig: Well, we even...well, we're not even going to have a building so probably we are coming out ahead because we went ahead and rented the building that day.

Commissioner Mourdock: Okay, I'll move approval of the issuance of passes to county employees as recommended in the Vanderburgh County Steering Committee letter of March 16th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: That's all I have.

President Jerrel: We'll take the recommended rates under advisement until next week. Is there a motion to do that?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Steve Craig: If you guys have any questions on those you can call me at Burdette and I'll explain the thought behind them. Joe, what would be a good time to get hold of you tomorrow?

Joe Harrison, Jr.: Probably isn't. I'm not going to be in, but I can talk to you in just a minute if you want to wait a second, is that okay?

Steve Craig: I can do that.

Commissioner Mourdock: I'll move we accept the Burdette Park maintenance report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Weekly reports

President Jerrel: Okay, in your reports you had Soil & Water District and Ozone Officer reports. Is there a motion to accept those?

Commissioner Mourdock: I'll move acceptance of both those reports and also add that there was a letter that Joanne Alexandrovich put together that I read on Saturday and I put it back in the routing packet.

President Jerrel: And I brought it to the meeting because I thought it was...I agree

with you, I read it and I was going to pass it on to Pat, but it is very well done.

Commissioner Mourdock: Yeah.

President Jerrel: And it was very interesting.

Commissioner Mourdock: As I told her she made it so simple even I could understand it. Pretty complex issues.

President Jerrel: Very complex. It was well done. You've heard that motion, is there a second?

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Consent items. There is a travel for me just one day to go up and back. I may go tomorrow or I may go Thursday. It depends on when they are going to do something up there.

Commissioner Mourdock: I'll move approval of the travel request.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Let me...I really should modify that. I'll move approval of the consent items as filed including that travel request.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Any old business? There is just one thing and I'm going to pass it down. I did get an acknowledgment from FEMA about our insurance rates being reduced because of compliance with the flood mitigation and I would like to have that in the record.

Commissioner Mourdock: Okay, I'll move the FEMA letter of March 15th be added to the record.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: One, I don't know if this is old or new business, but having been out of town two weeks how did the media day go at The Centre?

President Jerrel: Oh, it was good. We had a big crowd and it was very impressive.

Commissioner Mourdock: A lot of oohing and aahing?

President Jerrel: Oh, yeah, it was. By the way, we should have our Ogden contract maybe next Monday night.

Joe Harrison, Jr.: Hopefully.

President Jerrel: Okay.

Joe Harrison, Jr.: That's what we're shooting for.

President Jerrel: Good.

New business

President Jerrel: Any new business?

Commissioner Tuley: No.

President Jerrel: Hearing none, motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:28 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jim Morley
Jerry Bryan
John Stoll
Erik Bentle
Steve Craig
Others Unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
March 29, 1999**

The Vanderburgh County Board of Commissioners met in session this 29th day of March at 5:39 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce you to the people up front. Tony Greubel, with the sling on his arm, is our Superintendent of Buildings; next to him, Joe Harrison, Jr., County Attorney; Pat Tuley, to my right, County Commissioner; far left the young lady that is walking back is Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Betty Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of minutes.

President Mourdock: I'll move approval of the minutes of March 22nd.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: The next item is the certification of Executive Session and we did meet and discuss personnel matters and litigation.

Commissioner Mourdock: I'll move approval of the summary minutes regarding those two issues.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Voters Registration - 1999 Primary polling places

President Jerrel: The first item action item, Voters Registration, Jon Hill.

Jon Hill: Thank you. It's time again to certify the polling places. You have a list of polling places. Here is a map of the 4th Ward for your information in case you're not familiar with what we're going to be talking about. 4-11 has always been a problem for us down there and we had it at the Recreational Center of Sweetser for a while and parking was terrible. We moved it to Culver and we're still having a parking problem. It's a long distance to walk for people once they get to even park their car to get to the polling place. The majority of the people that live in that precinct are in the Sweetser area and if you'll look at the smaller map I have 4-11. It includes everything south of Southlane Drive and there is nothing there. Nobody lives there.

These people are basically immobile. They don't have the cars that the other people in the top part have so in trying to solve the problem of these people getting to the polls to vote we would like to move it over to 4-8 which is just outside the precinct but much closer than where it is now.

President Jerrel: Jon, where...it's on Governor? Is it across Southlane Drive? It's back...it's this way? It's back up in here?

Jon Hill: It's right on the corner of Sweetser and Governor and Elliott. Between Governor and Elliott and Sweetser. It's south of Sweetser.

President Jerrel: Okay. Have you checked the Education Building?

Jon Hill: The Education Building?

Commissioner Tuley: Size.

President Jerrel: The polling place, Zion Baptist Church, they have their polling place in the Education Building.

Jon Hill: Oh, yeah, they have plenty of room for another polling place.

President Jerrel: For two?

Jon Hill: A lot of parking. It's handicap accessible and it's easy to access to the parking area on and off. I think that would make a better, easier place to have a polling place. They already have one polling place there. As you probably know 4-8 is in there also. They have plenty for the two. I had no other requests or no one has contacted me about moving any of the other ones since the list you have which is the 1988 primary, but it also was the fall list.

Commissioner Mourdock: If we make this move, Jon, for the primary do we know that it won't be a problem to leave it there for the general?

Jon Hill: Oh, yeah, absolutely. They'll be glad to have it. If you do move it we need to find out, too, do you want us to notify them and should we notify them by letter or send a new card? Of course, that mailing comes from you so you have to decide.

President Jerrel: Right, well it would help if you would contact them. I know that we're supposed to use public buildings where there is no charge, but in this case there would be a charge?

Jon Hill: Yes. It's just that the public building is much farther away for the majority of the people that are in that precinct. It is close to the precinct.

Commissioner Tuley: Did we send out notices last year when we moved out of the fire house for a while?

Jon Hill: No, and we had a real bad problem.

Commissioner Tuley: Yeah, people not knowing.

Commissioner Mourdock: If we're going to do it I think we have to send out the notice.

Commissioner Tuley: Well, I know we did a couple of years ago on another one that we moved. We sent out letters.

Jon Hill: We did send out letters, but we didn't know about the move from the fire house until the last minute.

Commissioner Tuley: Last second, okay.

Jon Hill: Then it was too late to send anything out.

President Jerrel: So, speaking of that is that going to stay in the fire house? Is it going to stay at Dexter School?

Jon Hill: Yeah, they said they didn't have room to move us back in there because of the design of the fire house.

President Jerrel: Okay.

Jon Hill: It seemed to work out pretty good last year and the people are used to it and I hate to move them again.

Commissioner Tuley: Right.

Jon Hill: Especially since they really don't have a lot of room in that new fire house.

President Jerrel: So we're actually moving 4-11?

Jon Hill: 4-11.

Commissioner Tuley: To 4-8.

Jon Hill: To the precinct of 4-8.

Commissioner Tuley: Yeah.

President Jerrel: Okay.

Commissioner Tuley: I'll move that the polling place for the primary and general elections of 1999 for Precinct 4-11 be located at the same location as 4-8 which would be the Zion Baptist Church at 1800 S. Governor.

Commissioner Tuley: I'll second.

Commissioner Mourdock: I would also move then that this Board work with the Election Office to make sure a letter is sent out to the people in that precinct reminding them of that polling change.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered to both.

Joe Harrison, Jr.: Also you need to then approve the polling places as submitted with that change.

Commissioner Mourdock: The entire list?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: With that amendment then I would move the approval of the polling places as submitted so that for 1999 with that one exception they are the same as the 1998 primary election polling places.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And I would move permission to advertise the same.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jon Hill: Thank you very much.

Tony Greubel: Can I bring that issue up one more time? Just with the...at U of E they took over the National Guard Armory so we might want to officially change that from saying National Guard Armory to Old National Guard Armory in the legal advertising, too.

Jon Hill: That's true.

President Jerrel: Why don't you and Susie take a look at these and see if there are any others before Charlene--

Jon Hill: That's the only other one--

President Jerrel: --advertises.

Joe Harrison, Jr.: What is it, they're in 2 and then they're in 4 also, right? There is a polling place in 2 and there is one in 4.

Jon Hill: Yeah, 2-13 is there. You call it the Old National Guard Armory?

President Jerrel: Yeah, if you don't they'll be going to the new one.

Jon Hill: We'll change it on the sheet.

Tony Greubel: I did call up U of E last week to verify we could still use it and they said yes.

Joe Harrison, Jr.: You might want to make a note of that change.

Commissioner Mourdock: I'll also move--

Jon Hill: 4-18 also.

Commissioner Mourdock: I'm sorry?

Jon Hill: 4-18 and 2-13.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Both those are at the same location? Yeah, okay. I'll move then for the advertisement designation that 2-13 and 4-18 previously known as the National Guard Armory be listed in the advertisement as the Old National Guard Armory.

Commissioner Tuley: Second.

President Jerrel: So ordered. Okay, thank you.

Oak Hill Cemetery mowing contract
--

President Jerrel: Did you hear from Harris?

Tony Greubel: No, I was under the...from his agenda request I was under the impression he was going to be here, but I don't think he really has to be for this anyway.

President Jerrel: Okay, this is an item that they use their work release people to do the Oak Hill Cemetery mowing. Is there a motion to approve that contract?

Commissioner Mourdock: I think all we're formally doing is approving the addendum to the contract.

President Jerrel: Right.

Commissioner Mourdock: So I would move the approval of the addendum for the landscape maintenance agreement between the City of Evansville and the Vanderburgh County Corrections.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Health Department - Surplus hematology analyzer
--

President Jerrel: Item E we talked about last week and that's the hematology analyzer to declare it surplus.

Commissioner Mourdock: I would move we declare the hematology analyzer worthless, it says on the sheet, but I guess surplus would be--

Joe Harrison, Jr.: Wasn't it already declared surplus?

Tony Greubel: The Health Board declared it surplus. I don't think this Board...I'm not sure if this Board has. Doesn't it also have to be called...declared worthless, too?

Joe Harrison, Jr.: Yeah, it is worthless to the county, so it would be surplus and then worthless to the county and then they want to make the donation to Ivy Tech.

President Jerrel: Ivy Tech.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Press release - Flood insurance premium discounts

President Jerrel: There is a memo in your material about the information regarding the reduction...let me see if I can find it.

Commissioner Tuley: Here, I've got mine.

President Jerrel: Have you got yours? Yeah, there is a press release. We are part of the Federal Emergency Management Agency and we have been granted, due to our effort, a ten percent reduction discount on flood insurance policy premiums effective April 1, 1999. Has that news release been sent out, Tony? Has that been sent out?

Tony Greubel: No, it hasn't been sent out.

President Jerrel: Oh, okay. Well, perhaps we ought to make a couple of copies for the two people that are--

Tony Greubel: I already did.

President Jerrel: Okay. You all have them?

Commissioner Mourdock: I'll move approval of the issuance of the press release.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission

President Jerrel: The next one is any group or individual that wishes to speak.

Jerald Jones: Good evening. Two weeks ago I was here and talked about the Lyle Road elevation again this year and Mr. Tuley asked if I would get some signatures showing where other people would like to see the road elevated. My brother and I, we did that and this is what you have before you. We could get several other signatures, but we quit. We thought this was enough to show you that there is a lot of interest here. Also what you have in front of you, Mr. Stoll...I called John and he sent me a sketch of the project and also some former bids. If you'll notice from the 1997 estimate compared to the 1999 estimate using the fill dirt that my brother and I will be glad to donate to the county you'll see there is approximately a 40 percent reduction in the cost and we're happy to do that for the county. Also, you'll notice on the sketch, and I wasn't aware of this, that these figures also include a substantial widening of the Lyle Road. Right now it is about 16 feet and I think that John wants to widen it to 20 feet. That's fine, but if we're trying to save money for the county, you know, a lot of the paved roads are not 20 feet in width, so it's a 25 percent

increase in the width and if we just elevated it four feet higher and kept it at 16 feet then we could also get these figures further reduced. I guess if you kind folks would approve this elevation and put this out for competitive bids I believe the figures might even come down even further yet. I guess that's all I have to say. One other thing, I guess...well, two weeks ago when we were looking at the roads to be paved I did drive...and I am sure that all these roads would be greatly benefitted if we did pave them, but I did drive quite a few of the roads and I would just like to say that if we could just take a couple of these roads and just spot pave them, save that money and get Lyle Road elevated I think everybody would be happy and so that is what I would like for the county to consider. Do you have any questions?

Commissioner Tuley: Most of these, if I might, Mr. Jones, if you're making sure, but it looks like most of these are in or around that Lyle Road area, are they not?

Jerald Jones: They are.

Commissioner Tuley: Okay. I recognize most of the names. I was just trying to look for some of the other names to make sure. Although I see there is one East Mill Road. I'm not understanding that one, but most of them look to be down around the river bottoms there.

Jerald Jones: One of the comments that came up when we talked to the folks down there in the township and that and they said, you know, we do use that road quite a bit. When there is a railroad...you know, there is a railroad that goes down through there--

Commissioner Tuley: Sure.

Jerald Jones: --just right off Old Henderson Road and when that blocks sometimes you can't get to Old Henderson Road, so they cut through there on Lyle Road, so it is used a lot more than what you think. So if you'll just let me know what I have to do I'll be happy to do whatever I can. I did give this, the bid, to some former students of mine. They're in excavating and they're working out their own proposal. I don't know if we can save money there, but I am trying everything I can to get the project approved, so we're waiting on them to get the figure back to us. Can you give me any idea when the roads might be approved? Next week or two weeks?

Commissioner Tuley: I don't know. Does anybody else know?

President Jerrel: Well, first thing John has got to look at the money that they've got in their budget. I mean, they pick their roads on the basis of their funding, so he is going to have to take a look at the funding.

Commissioner Tuley: I mean...okay, so are we talking two weeks, three weeks?

President Jerrel: Well, he has already spent the money now there has got to be some more money if we're going to add something. See what I am saying?

Commissioner Mourdock: Yeah, the roads two weeks ago when that budget was...or when that road plan was presented it was based on the budget that John and Erik had already put together, correct?

President Jerrel: Yes.

Commissioner Mourdock: So now you're saying if we add to it--

President Jerrel: And they're having some contracted out. Is...\$1.6 million sticks in my mind, is that about what it was? I'm not sure there was enough to even cover that.

John Stoll: The spreadsheet that I had was \$1.1 million, but at that time it didn't include things like tack oil and I'll have a revised spreadsheet on that. We were revising some of the distances on those roads as well, so I'll have a revised spreadsheet available, but it won't go down from the \$1.1 million.

President Jerrel: Okay, we need to know the amount of money available and what your bottom line estimate is and then what about the roads that you want to bid out? Are there any that you are looking at to bid?

John Stoll: Right now the contract Tom is putting together is for Old State Road and for Petersburg Road.

President Jerrel: We've had a lot of calls on Old State.

John Stoll: We have got plenty on Petersburg.

President Jerrel: Okay, so does that answer your question?

Jerald Jones: I suppose. I would just like to know what do we like for the 65 or 66 names, what we can do to get the road approved.

President Jerrel: Well, we're going to have to go find the money. Is that the...go to Council and ask for the money or do...I mean, if we don't have the funding is that your...? Or take off three or four people from the road list?

Jerald Jones: Well, yeah. In particularly the Maple Lane, Cherry Lane. I know that area very well because I live on Cherry Lane and I look at it and I see that it would be very nice for it to be repaved. The neighbors would really like it and I would, too. But if it is to prevent people from having medical access when the water is high I think we could probably delay some of these projects just for a year to get this done. That is what I am saying. You know, I just think that we need to consider everybody's feelings, you know, as well as the people on the west side as well as the north side.

Commissioner Mourdock: Just to cut to the chase it's a two step process. Number one would be that this Board would have to vote to act to include the request that you're making onto the road list that was approved two weeks ago and if that happened then Council would have to go...or we would have to have a Council Call made or somehow otherwise come up with the money to do the additional road that they're suggesting.

Commissioner Tuley: I think, and I just told Joe and I'll rephrase from the way I worded it to Joe, but if we call that a public hearing for roads, then I think the only thing that in my mind what we do is take that listing if there is new roads then we go back, we analyze the new requests and see how they fit in. If there is justification maybe for putting someone else on there and taking someone else we do that. If we don't feel like that, then that is what we say. I think it sounds...it sends...I don't want it to appear that when the list is presented that's all cut and dry, that's the roads

otherwise we don't want to call it a public hearing. We'll just say we have a meeting on the roads that are going to be repaved.

Commissioner Mourdock: Right.

Commissioner Tuley: What I think we do is just take this under advisement. If there is justification based on what he said to try to eliminate some of those roads because they don't need to be paved that's fine. If there is not then we adopt the road list as it was presented and take another shot next year.

President Jerrel: Well, how do you get to that point?

Commissioner Tuley: Well, I tried to work with John on trying to get some numbers based on EUTS data or something like that that we could justify it by traffic count and things like that. Unfortunately what less than--

John Stoll: There was only like ten roads on that list that had traffic counts on them.

Commissioner Tuley: --ten roads on that whole list that had traffic counts on them. I don't know. I mean, I am not advocating that this be done. I'm just saying if, in fact, we call it a public hearing to get people's input into it then we go back and take whatever data and use whatever rationale we have to use and if it comes back that we don't have enough money, can't get money or don't feel like it is justified doing it that is fine.

President Jerrel: You know we're going to Council Call for Mount Pleasant Road.

Commissioner Tuley: Well, yeah. I'm not arguing with you. I'm not saying that, I am just saying I would like to maybe rephrase what we call that hearing in March that we do.

John Stoll: On the basis of the way the meeting was left it was my understanding that's what you did, you just took it under advisement. That wasn't a final action on the road list.

Commissioner Tuley: Oh, yeah, I think so and I think that's what we're saying now.

President Jerrel: Right.

Commissioner Tuley: When are we ready to come forward say here is our actual...you know, this is what we took under advisement. We either adopt it as it was presented or we make whatever changes we feel are justified.

President Jerrel: Do you have this information?

John Stoll: I've got the spreadsheet.

Commissioner Tuley: John presented this sheet.

John Stoll: But I don't have the petition.

President Jerrel: You ought to talk...you all need to talk about this because you're the ones that make the recommendation to us.

Commissioner Tuley: Yeah, whatever the--

John Stoll: From a traffic count perspective we can't get a traffic down there unfortunately because you can't put the traffic counters down on rock roads. Comparisons to other minimal roads like that, the traffic count would probably be less than 50 a day.

President Jerrel: Well, we've had another request. You know, Maasberg Road.

Commissioner Tuley: Yeah, I agree.

President Jerrel: Yeah, we've had another request.

Commissioner Tuley: At least two came in that night, two new ones.

President Jerrel: Yeah.

Commissioner Tuley: And we determine on what basis and you asked the question and I don't know what the answer is to be honest with you. I thought we could use it by road count, but there is not enough of them that have road counts so you can't use that. You can try to use cost versus the number of people served and benefitted by it. That might be one way, I don't know. All I am asking tonight is that we just say, okay, we've got new information here. We put that into the program and if it is two weeks from now we come back we have our final say and say these are the roads we're going to do this year. That's all. Or one week or whenever it is.

John Stoll: On that cost estimate that we did, too, the road section we proposed was even though it might be a little wider than what is out there now it is still somewhat inadequate because all it is is 16 foot road with two foot shoulders and it drops straight off on a 2:1 slope, so by no stretch is it a really great road that we're proposing. Ideally it should be even more than that, but to try to keep the costs under control--

Commissioner Tuley: What's the...pardon me for interrupting, but what's the width of Tekoppel that is raised, do you know?

John Stoll: The section--

Commissioner Tuley: The Tekoppel that is there on the levee.

John Stoll: Oh, yeah, I'm not sure. That road is maintained by the city there on top of the levee.

Commissioner Tuley: I know it would save a few bucks to construct it, but if we get sued because someone rolls off of it I'm not advocating that either.

John Stoll: That should be about a two to two and a half to one slope, so we would be looking at comparable slopes it's just not going to be nearly as high up in the air as that is.

Commissioner Tuley: I guess what I was trying to get at is 20 foot roughly how wide you think that might be?

John Stoll: Probably.

Commissioner Tuley: Which is probably as narrow as you as an engineer would feel comfortable.

John Stoll: Right.

Commissioner Tuley: That's what I am getting at.

President Jerrel: So the price is right at \$60,000 no matter.

John Stoll: Like I talked about last week, without having a full blown set of plans and knowing what the current ground elevations are it is hard to guess exactly how much dirt would be required, but using a 16 foot road, I believe it was, with two foot shoulders on either side and raising it four feet that is what we came up with. That is what gave us the \$60,000. It may come in slightly less, it may come in slightly more. I don't know. Short of going out and surveying it and drawing up a set of plans and getting exact quantities I wouldn't know exactly what it would come out to be, but I don't think without shaving the road width down you're going to get it a whole lot cheaper.

Commissioner Tuley: Do this then, John, if you would. You and Erik get back together and take into consideration the request for...what was that other road?

Commissioner Mourdock: Maasberg.

Commissioner Tuley: Maasberg and this and see if the roads that were presented truly are in need of being repaved. See if there is any explanation to justify changing that and if there is not and that is what you guys feel need to be done then come into this Board with that and say that is our recommendation and we're not backing up or feel any need to change it, if you don't mind doing that.

John Stoll: Okay.

Commissioner Mourdock: If I can modify that slightly I'll make it in a motion that we take final action on the presentation of March 15th, that was the road hearing wasn't it?

President Jerrel: Uh-huh.

Commissioner Mourdock: That we take final action on that presentation at the meeting of April 12th.

President Jerrel: How about April 19th? Is that too late?

Commissioner Mourdock: No.

President Jerrel: I'm not going to be here the 12th.

Commissioner Mourdock: Okay, April 19th.

President Jerrel: I mean, I don't care if you want to do it the 12th.

Commissioner Tuley: The 19th still gives us plenty of time to get done what we need to get done, isn't it?

John Stoll: Sure.

Commissioner Tuley: I'll second your motion. Final action April 19th.

Jerald Jones: John, if you need to come out and see where it's at and where our dirt is I'll be happy to show you. That might save some costs because it is pretty easy to get to.

John Stoll: One of the things that I told the contractor who gave the \$4 per cubic yard cost was that is was within a quarter of a mile, so if that is within ballpark range then I don't think his price would change substantially, but we'll wait and see.

President Jerrel: Thank you.

Commissioner Mourdock: A nickel every 100 feet.

John Stoll: Pardon me?

Commissioner Mourdock: A nickel every 100 feet when you move the dirt.

Jerry Jones: I'm Jerry Jones, Jerald's brother. We really appreciate the help that you can give us. Jerald and I have done about everything we can do. We've gone out and got some signatures and we're going to donate our dirt. If we had access we would put it on there if we could. It's not used like, you know, some other streets but it is used considerably more than a lot of people think. Some elderly people told me that they also use Lyle Road in case they have to get to a doctor or something and sometimes they get caught by a train down there by Reitz Hill so they just jump over the tracks and shoot down Lyle Road and they go, you know, Tekoppel way. And Richard wasn't here a couple of weeks ago when we had the presentation about Lyle Road, but Doris Webster's mother, like I said, almost died once and they had to have a tractor to pull a wagon across the field and take her out. You know, that road has always been a problem and Floyd Staub there is no problem whatsoever. John knows it, the right-of-way. In fact, they might even lower the bid knowing that we're going to give the dirt. They might use their dirt and charge the county less, I don't know. But anyway I want to thank you and I hope you can help us.

President Jerrel: Thank you.

John Stoll - County Engineer

President Jerrel: John, County Engineer.

John Stoll: I've got the Fulton Avenue construction inspection agreements for the new bridge. These are with Bernardin Lochmueller and they are for an amount to exceed \$456,115. This project...these agreements would be funded with all local money given the funding that we had to work with in regard to the STP funds that were approved, the \$2.3 million that would go to the bridge project. Given the limited amount of federal money this is all local money, but that is in the account especially given the fact that we got some real good bids last week.

President Jerrel: Good.

Commissioner Mourdock: When you say that we got some real good bids last week how are you quantifying that, John? Obviously it was below the estimate.

John Stoll: They were \$800,000 beneath the estimate.

Commissioner Tuley: That's a pretty good bid.

President Jerrel: That's good.

Commissioner Mourdock: This was the one that we changed the date on wasn't it?

John Stoll: Right. I was surprised. It was a good surprise though. The low bid was \$3.2 million and the engineer's estimate was \$4,028,000 so it came in substantially under the estimate and all the bids...the high bid was \$3.53 million so there wasn't a big spread in the bids. It worked out real good.

Commissioner Mourdock: Weddle got that?

John Stoll: Weddle Brothers, correct.

Commissioner Mourdock: They do good work.

President Jerrel: Good. That's been a long time coming. Longer than any of us have been on any Boards.

Commissioner Mourdock: Yeah, you know we were concerned about the date on that, changing it from a hard date to a number. From a number of work days to a hard date, so I'm glad it worked.

John Stoll: I got one complaint during the bidding process regarding those dates mainly because of the Corps of Engineers' permit, but out of the five bidders I only heard from that one so it came out real good for us.

Commissioner Tuley: Good.

President Jerrel: I did share the letter that I sent to Mike Robling concerning, you know, contacting the Department of Commerce and I did get a response so he is going to do that.

John Stoll: Okay, good.

President Jerrel: I have asked for it in writing, so I want you to know I followed through on that today.

Commissioner Mourdock: Before we go any further let me move approval of the inspection agreements with Lochmueller and Bernardin.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I would like to recommend that we award contract number VC99-03-01, the Hepler Road culvert replacements, to Southwest Engineering for the amount of \$37,485.50. They provided the low quote on the project.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a request for street plan approval for Section 1 of Stonecrest Subdivision. This is a new subdivision that is going in off Petersburg Road north of Boonville-New Harmony.

Commissioner Mourdock: Where, on Petersburg?

John Stoll: Yeah, here is Boonville-New Harmony and north is this way. The convenience store sits here and then it's...we replaced some box culverts out there on Petersburg Road about three or four years ago I think it was. As you can see it's a high density subdivision.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Yes it is.

John Stoll: Section 1 consists of a road, what is shown as road seven here over to their south property line and then down this swale here, so it's this area. We've reviewed the plans and would recommend that they be approved.

Commissioner Mourdock: I'll move approval of the Stonecrest Subdivision street approval as recommended.

Commissioner Tuley: Second.

Commissioner Mourdock: And that is for Section 1.

Commissioner Tuley: Section 1.

President Jerrel: So ordered.

John Stoll: That's all I have unless you have any questions. Thanks.

Weekly reports

President Jerrel: Okay, we spoke to Erik earlier and he left his report. We also have Burdette, Soil & Water and the Ozone Officer reports if you would like to do those in one motion.

Commissioner Mourdock: I'll move acceptance of those three reports...four reports.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Burdette Park rental rates

President Jerrel: I did talk to Steve today and we can...I talked to him about the fees.

Commissioner Tuley: Yeah.

President Jerrel: And he said...what did he say? I told him that if you were comfortable we could deal with them tonight or wait until next Monday.

Commissioner Tuley: After he gave me his explanation I don't really have a problem with what he submitted particularly...the only question I had was on the pavilion and I talked to him at pretty good length about that.

President Jerrel: That's what he told me today and said you were comfortable. I don't know, were you comfortable?

Commissioner Mourdock: Yes.

President Jerrel: Okay, I mean this was approved by the Advisory Board.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Right, and those were the ones that were submitted to us last week or two weeks...?

Commissioner Tuley: Last week.

Commissioner Mourdock: Yeah, it had to be last week. I'll move approval then of the 1999 rate schedule as suggested by the Burdette Park Advisory Board.

Commissioner Tuley: Second.

President Jerrel: So ordered, and if you have a copy of that if anybody wants to see. Really except for the pavilion there weren't any increases.

Commissioner Tuley: Right, nominal.

President Jerrel: Yeah, nominal increases. One for the Day Camp and one for the pavilion but all others stayed the same.

Joe Harrison, Jr. - County Attorney
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President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: The only thing I have is the contract for The Centre has still not been executed. Hopefully we'll receive it in the next day or two. I received a fax today from Ogden and it's from Joe Ramono, their Vice President. The letter:

"Dear Joe,

Please be advised that the management contract for The Centre has been delivered to Ogden's New York office for execution. You should receive an original signed copy shortly."

If you should have any questions give him a call is essentially what the letter says. We should be receiving the contract signed by them within the next day or two. It's just a little slower traveling from New York as opposed maybe on the other side of

Evansville if it were signed here, but it has got to be signed by their corporate people in New York. I would ask that the Commissioners extend until Monday, April 12, 1999 the agency agreement with Ogden allowing them to act on our behalf with respect to agreements and bookings, etc., for The Centre up until the time of the final execution not only by Ogden, but by the county. Hopefully the county will be able to sign the agreement at the meeting next Monday which would be the 5th and at the very latest on the 12th of April.

Commissioner Mourdock: If we sign that on the 5th we would not have to rescind the--

President Jerrel: No.

Joe Harrison, Jr.: No.

Commissioner Mourdock: --agreement because basically the contract is instead of it?

Joe Harrison, Jr.: Yes, and the agency would go until the 12th or earlier should the agreement be signed by the Commissioners before such date.

Commissioner Mourdock: Okay, well I'll move the extension of the agency agreement until April 12th with the understanding that hopefully we will have a contract signed by April 12th.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there anything else?

Joe Harrison, Jr.: That's it, thanks.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Superintendent of County Buildings.

Tony Greubel: I'm just going to submit a blue claim for signature by the Commissioners made out to the Private Industry Council for \$10,083 for work that they've done with the Welfare to Work Planning Council. The money comes from a state grant, so attached to the claim I have a copy of the check that I quietused into a cash card, so it is not really county money it's state money for the planning grant proposal.

Commissioner Mourdock: I'll move acceptance of the blue claim.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's it.

Consent items

President Jerrel: Under the consent items is this a late one?

Commissioner Mourdock: I saw that one.

President Jerrel: Okay.

Commissioner Mourdock: I would move then that we approve the consent items as filed with the one addition from the Vanderburgh County Council as submitted to us this evening.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have your meeting list.

Old business

President Jerrel: Under old business, is there any?

New business

President Jerrel: Okay, under new business.

Commissioner Tuley: I've only got one item. It has to do with the way we do the timekeeping under the Kronos system that all the offices with the exception of the Highway keep to the nearest one hundredth of the decimal place and I would recommend at this time that the Highway be kept the same way as everybody else is.

Commissioner Mourdock: To the nearest one hundredth?

Commissioner Tuley: One hundredth decimal place.

Commissioner Mourdock: I'll second.

President Jerrel: So ordered. Is there any other? It seems like I've forgotten some and I don't know what it is. Will you call Harris and make sure? Maybe he can call tomorrow. Is there any other business to come before this group?

Commissioner Mourdock: Move for adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:15 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Tony Greubel
Charlene Timmons
Jon Hill
Jerald Jones
Jerry Jones
John Stoll
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
April 5, 1999**

The Vanderburgh County Board of Commissioners met in session this 5th day of April at 5:32 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the meeting to order and the first item on the agenda, I'm going to wait until they all get in the room so I can introduce them to you. On my far right is Tony Greubel, the Superintendent of County Buildings; and next to him will be Joe Harrison, Jr.; Pat Tuley, County Commissioner, to my right.

Bill Fluty: Teri Lukeman.

President Jerrel: No, wait a minute here.

Bill Fluty: Oh, you're going this way.

President Jerrel: Joe Harrison, Jr. On my far left the Recording Secretary this evening, Teri Lukeman; and Bill Fluty, the Deputy Auditor. Commissioner Mourdock is ill. I would like to ask you now to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first order of business is the approval of the minutes of the previous meeting.

Commissioner Tuley: I'll move approval of the minutes from the March 29th meeting.

President Jerrel: And I'll second and say so ordered.

Certification of Executive Session

President Jerrel: We did not have an Executive Session, so that item should not be on the agenda.

Open bids - VC99-04-02, No. 3 School Road culvert replacement

President Jerrel: The next item on the agenda is the opening of bids and I would like to have a motion to permit the attorney to open the bids.

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered.

Jerry Bryan - City/County Purchasing

President Jerrel: Purchasing.

Jerry Bryan: Okay, the first item of business is the reawarding of APA013-99, tires

and tubes. I want to explain this, Mr. Tuley. When we originally put this bid package together for an award we made a mistake in tabulation of the original bid tab in that we included the performance bond in the bid and that was an error. Kevin Winternheimer corrected that error. He said that must be pulled out and refigured. I went to the Board of Public Works on April 1st and they canceled the award with Reis Tire and reawarded it to Raben Tire. This is about a 70/30 split, Bettye. Seventy percent to the BPW and 30 percent to yourself.

President Jerrel: Right.

Jerry Bryan: If you're in agreement with my figures and what the BPW has done, I recommend that this award be reawarded.

President Jerrel: Is there...do you have any questions, Pat?

Commissioner Tuley: No, you discussed it with Kevin Winternheimer and the BPW already approved it?

Jerry Bryan: Yes, sir.

Commissioner Tuley: I'll move approval.

President Jerrel: And I'll second and say so ordered.

Jerry Bryan: Okay.

Joe Harrison, Jr.: Again, the motion would be rescinding the previous award to Reis Tire Company and then awarding that bid which is--

Jerry Bryan: APA013-99.

Joe Harrison, Jr.: --APA013-99 to Raben Tire.

Commissioner Tuley: Okay, then I'll change my motion to include the words as suggested by the attorney.

President Jerrel: Second, so ordered.

Jerry Bryan: Okay, the second item is the award of APA014-99, traffic paint and glass spheres. I have a bid summary in front of you. Jerry Hayes, the Traffic Superintendent, has made his recommendation. I went through and rechecked his multiplication, etc., and we got the lowest most responsible bid and that includes Centerline Industries for \$26,859 and then the glass spheres with Flex-o-Lite for \$7,696 and this pretty well mirrors last year's award. These are qualified people in the paint business.

Commissioner Tuley: Okay. In reference to APA014-99 I would follow the recommendation that Centerline Industries be awarded the bid at \$26,859.40 and in the glass spheres bid tabulation Flex-o-Lite be awarded the bid at \$7,096.

President Jerrel: I'll second and say so ordered.

Jerry Bryan: Okay, the next item on the agenda is the award of traffic signs, APA015-99. Jerry Hayes again went through this award. He made his

recommendation based on who is qualified and who can meet specifications. You'll notice the first line in Vulcan, their Section I, is a very low bid however they forgot, Bettye, to bid 1,000 feet of the pipe which is a critical item which would have thrown them in that plus \$10,000 award.

President Jerrel: Range.

Jerry Bryan: Right. So we recommend that Rocal, Hall and Vulcan be given this award. We had to split it three ways to get the people that were most qualified and could meet specifications.

Commissioner Tuley: Okay, with regard to APA015-99 as recommended Rocal for \$20,052.02; Hall Signs at \$15,604.47 and Vulcan at \$2,917.60.

President Jerrel: And they will share?

Jerry Bryan: Yes, ma'am.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: And that went to Board of Public Works?

Jerry Bryan: Yes, sir.

Joe Harrison, Jr.: On what day was that?

Jerry Bryan: April 1.

Joe Harrison, Jr.: And that was approved in the same fashion?

Jerry Bryan: Yes, 14 and 15 were both approved on 4/1. Same fashion, right.

Joe Harrison, Jr.: That's fine, thank you.

Jerry Bryan: Okay, the last item on the agenda is the Park's concession, Vanderburgh County bid 99-03. Rather than go through eight pages, and I don't mean to be funny, of hotdogs and hamburgers this has already been approved by the Advisory Board for Burdette Park. We, in the Purchasing Department, have gone through and made sure that we have the lowest most responsible bid and also the people that meet specifications. Bettye, there were a couple of people that we had to go with because they have the franchise here like Schwans and a couple of those people, but this has been thoroughly checked out by the Controller's Office and myself and we recommend the award as listed on the colored sheets here.

Commissioner Tuley: Okay, I would follow the recommendation and just ask that the bid tabulation be included with the record.

Jerry Bryan: Yes, sir.

Commissioner Tuley: As opposed of going through it individually.

Jerry Bryan: That's fine.

Commissioner Tuley: So I'll move for approval.

President Jerrel: I'll second and say so ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

Evansville Industrial Foundation - Industrial park plan
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President Jerrel: The next item on the agenda is the Evansville Industrial Foundation. Here with us is Ron Keeping and if you don't mind coming up to the mike and we'll put it up here so we can...

Ron Keeping: I'm Ron Keeping appearing on behalf of the Evansville Industrial Foundation. I'm here to discuss briefly a proposal that the Foundation would like to make to Vanderburgh County to jointly develop the parcel of ground formally known as the Phoenix Commerce Center. The Industrial Foundation has been around in Evansville for over 40 years and has been responsible for much of the development that...for creation of the infrastructure underlying much of the development that has gone on in our city and county. This represents a quantum leap in the kind of development that the foundation has been involved in. We propose...the Foundation proposes to acquire approximately 60 percent of the land formally known as the Phoenix Commerce Center and to develop that property to meet a need in the market that we have perceived exists namely for rail served industrial sites approximately five to 20 acres in size. This is a market that does not appear to be served currently in the market and if you would allow me just to very quickly go through these boards and show you what we, the Foundation, propose to do. This is State Route 57. Off the map is Interstate 164. Old Petersburg Highway. Ruston Lane. Kingsman Club. The property that...the most identifiable landmark of the old Phoenix property is the temple that was located off the site right here. The Foundation has optioned the property to the east...I'm sorry, to the west of 57 so the boundary runs kind of like that. It's important to note that there are several parcels, out parcels, along here not owned by the Foundation. Here, here, here and here. Those represent residences. I bring that up simply because the map that was in the paper showed this entire area being developed and these pieces of land aren't controlled. We propose to divide it up into lots as shown. These are all approximately 10 acres. There are provisions made for division of these lots into smaller parcels of around seven acres. Just because it's 10 acres doesn't mean we can't combine these together and make larger parcels. The Foundation, after we optioned the property, examined the possibility of the Foundation developing this property by themselves and discovered that to sell the lots at what the kind of price we would be required to we, the Foundation, couldn't make a go of it at industrial prices. Commercial property commands a lot more money, but industries are used...can't afford to pay commercial type prices. Therefore, we seek support from the county for up to \$1.6 million to cover the cost of public infrastructure for the park. Funny, this is what happened last time. The infrastructure depicted here constitutes in green a lift station, a sewer lift station, which would...then a force main sewer down to this point. The county is already building a sewer up to this point off the map about 600 feet. There is a lift station about 1,000 feet south of this intersection. This has already been engineered in connection with the Phoenix development. Interior gravity sewers flowing to the lift station. Water is at this point. Water inside the park and then an interior road that runs like this. I'm sorry, one more item is storm water retention being concrete storm sewers and several storm water retention or detention basins located around the site. This investment of \$1.6 million could be

contrasted with the Foundation's investment of a little over \$2 million for the land plus a significant amount for engineering and an awful lot of money that we're reserving for dirt work. While this is not a hilly site it does have a low part and an high part and we kind of have to take from the one and fix the other with it. That's an engineering concept! This is just one man's idea about how it might develop, but the County Council is going to hear from their financial advisors on Wednesday which theorizes on how the park will develop. The information I provided to those advisors is reflected on this map. Very simply stated, we think...and these are years into the future, we think this will develop first and then this and we hope in the year 2001 we'll have a big slug of interest which is how industrial parks usually develop, and then in 2002 hopefully that will be developing, frontage will go in 2004 and then these last lots develop in 2005. The only thing I can assure you is it won't develop just like I've said, but this is one way it could develop and logically it would. This bears on the issue because the county's investment in this infrastructure would be funded by TIF and how quickly the taxes are increased in this TIF district to pay for this investment, how quickly that rises depends on how long...how quickly you will have enough money to pay for that TIF. The significance of the TIF is going to be considered by the Council on Wednesday and it concerns the fact that during the early couple of years it will require a COIT backup to the...County Option Income Tax backup to the TIF bonds. The faster this develops the less COIT will be required to back those bonds up. It's reasonable to assume that this thing can very well be making the county some monies in terms of difference between the property taxes received and the money spent for funding the TIF bond. That's an abbreviated version of my...of the Foundation's presentation. The Council, as I said, will be considering this a formal resolution on Wednesday. Every one I have spoken to feels very, very good about this. Feels the prospects are very positive for creating more jobs and assessed value for Vanderburgh County.

President Jerrel: Did you have any questions, Pat?

Commissioner Tuley: My assumption since we're going to do this with TIF is that the money that we've allocated for infrastructure improvements from the gaming is already earmarked for other roads like Burkhardt and what have you.

President Jerrel: Right. We wouldn't use...and Mt. Pleasant. You know I'm going to go ask for the additional funding for that.

Commissioner Tuley: Right.

President Jerrel: I think what we're looking at is an opportunity to have people that we know and work with every day do a development for us rather than...and not that people from somewhere else don't do a fine job, but I think we can count on the individuals in the Industrial Foundation to follow through on this and see that it is done correctly. From my perspective, I think Vanderburgh County needs an industrial park.

Commissioner Tuley: The only other question, Ron, at one time and I don't even remember if I read it in the paper or read it in a report that Vision 2000 had given us that one of the things that was hurting us here in terms of development was not having a spec building or something like that. Are you at liberty to say are you guys looking at the possibility of developing or building one in conjunction with someone else or can you even say at this point?

Ron Keeping: No, there is no secrets between us all. This will pretty much tap out

the Foundation's resources.

Commissioner Tuley: Okay.

Ron Keeping. Now, if we sell these faster than we think and if our expenses are not as high and we get any money in the bank we would probably jump on the opportunity. The Foundation has not...I mean, it's a not-for-profit. We hope to break even on this.

Commissioner Tuley: Okay.

Ron Keeping: We won't get all our money back until the last lot sells if it goes according to my projections.

Commissioner Tuley: But there were high hopes for that and everybody that we talked to earlier just thinks that definitely will work.

President Jerrel: Now from the standpoint of the spec building I'm just conservative enough to say...think in my own mind that you would be hard pressed to build a building that someone you don't know would find just what they wanted. They might come out there and be more inclined to locate, but I think they might look at that building and you might have that building sitting there a while. It may not.

Commissioner Tuley: You could be right, too. I mean, I know when we just moved two years ago we went through and completely repainted the house to make it nice and neat. What did the couple do that bought it? Came back and repainted it the way they wanted it.

President Jerrel: That's right. And that's a little bit...that's a good analogy. I did go to the Council meeting and they had a very good presentation, three or four people spoke. The Councilmen asked good questions, but they were very positive so I suspect the ground work is all done for the TIF so it's a matter now of it moving forward with the Council.

Commissioner Tuley: The financial consultants is who he is talking about will be there Wednesday?

President Jerrel: Yes, right.

Commissioner Tuley: And that is Umbaugh?

Joe Harrison, Jr.: Management Consultants out of Indianapolis and then Rick Hall.

Commissioner Tuley: Oh, Rick from Barnes & Thornburg?

Joe Harrison, Jr.: Is coming down from Barnes & Thornburg.

President Jerrel: And see he is the one that worked--

Commissioner Tuley: Oh, yeah.

President Jerrel: --getting it ready, so a lot of it had already been done.

Commissioner Tuley: Yeah, okay. What do you need from us?

President Jerrel: Well, I just...I've already made a little speech for them and if you feel the same way we'll just send you on your way.

Commissioner Tuley: What we need to do...whatever we need to do is fine with me because I think it's a good plan, it was a good idea.

President Jerrel: We've all had an opportunity to speak individually to members of the Foundation and we are supporting you and do you think I need to come again tomorrow or do you think they were...?

Ron Keeping: I don't have any sense.

President Jerrel: Okay, well I'll make a couple of calls and see.

Ron Keeping: Okay, alright.

President Jerrel: Thank you very much.

Ron Keeping: Thank you.

Pat Eltzroth - Insight Communications
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President Jerrel: Next on the agenda we have some guests. Bob, would you like to come up and introduce?

Bob Ossenberg: Thank you, Madam President and the County Commissioners. I'm Bob Ossenberg and I'm here today to introduce a couple of people. One I will introduce more importantly than the other. The other is Mr. Gary Jossa of Media Mix who will be representing in the advertising field for Insight Communications. Gary is quite well known. The other gentleman I'll introduce is the new manager. He is actually the district manager for Insight Communications and he can explain a little bit, Mr. Patrick Eltzroth. Pat is originally from Marion, Indiana. He came out of Marion and went to work for Cox and then most recently has been with Comcast Communications, both two very excellent cable companies. I would just like to welcome Pat. I hope that you all will welcome Pat to Evansville because he has a tremendous job in front of him. Thank you.

President Jerrel: Thank you. Pat, welcome.

Pat Eltzroth: Thank you. Again, my name is Pat Eltzroth from Insight Communications and thank you for just a few moments of your time. As Mr. Ossenberg said I am the manager of the Evansville system. I have a few other outlying areas, Henderson, Jasper and areas such as that, and really what I want to do today or this evening is just give you all an opportunity to put a face to the name and to the company of Insight. Really, what we're trying to do is try to accomplish... is open up some communications and see what we can do to move things along in a good direction and also to address any immediate concerns or questions that you guys may have. Honestly, I would like to turn it over and see if there are any questions or concerns or franchising questions. Anything that may be...as being new to the system and also new to Insight and as you may or may not be aware...obviously, you are aware as of November 1st is when it became Insight from TCI and so we're working to see what we need to do to get this moving in the right direction.

President Jerrel: I'm going to ask you a question that may be out of the realm of possibility. It may be required by law, but if you can do it you'll make this office very happy.

Pat Eltzroth: Okay.

President Jerrel: When your bills come out they have the franchise fee telephone number of the Commissioners' Office. Our phone rings all day long. One day Tony wasn't here, I was here and all I did was answer the phone and they were angry with me because I couldn't, you know, tell them any information about their bill or tell them how to get hold of service, so now we have those numbers up there, but we run through...well, I know I took over 20 calls.

Pat Eltzroth: Yeah, that is something that actually he has spoke to me about before and I've spoken to Rebecca Dixon about this. I believe, if I am not mistaken, I guess TCI--

President Jerrel: They have the city on there?

Pat Eltzroth: Right, TCI had theirs moved to the back but now when Insight came over they moved it back to the front for that also and I think it's just possibly a generic bill that was sent forward or whatever, the boiler plate that they had used. That's something that we have already brought up. We just went over, in fact, this past not this weekend but the weekend previous to Easter. We did a billing conversion where we changed all of the billing to the same and when we're doing that, standardizing it, we're also going to go through and look at that also to see if we can't get it moved because it is a major inconvenience.

President Jerrel: We have a lot of--

Pat Eltzroth: First of all, every time they call you they're not calling us.

President Jerrel: And that's the question that they ask most often. Where can we find this number in the phone book? It's very difficult to locate. You ought to put your phone number on your bill.

Pat Eltzroth: Yeah, there are a few things, but that is one of the things that we were aware of.

President Jerrel: Okay, that's my only...the only issue I have.

Commissioner Tuley: Apparently they are addressing it though because I noticed it on I think it was Cable 18 over the weekend little scrolls through there that if you're having a problem do not call the Civic Center. I think the number is on--

Pat Eltzroth: We're aware of it, it's just that unfortunately it does take a little time to get the addresses and phone numbers corrected.

President Jerrel: And so many people aren't looking at that.

Commissioner Tuley: No, I just happened--

Pat Eltzroth: Apparently it is also the first number they see.

Commissioner Tuley: Right.

President Jerrel: Sure.

Pat Eltzroth: They're looking at that number, they call it and they're in overdrive. They're calling up and they think, okay, and then they're frustrated when they get there and not only don't they get the cable company they, you know.

President Jerrel: Well, they got me and I wasn't--

Pat Eltzroth: I know. Believe me it is one of the first things, we're aware of that.

President Jerrel: Well, that's good. Are you settled into the community yet?

Pat Eltzroth: Not at all. My wife...I have two young children and my wife they're still in Ft. Wayne. We sold our house about a week and a half ago and we're actually going to be moving in three weeks I'm hoping, four weeks. You know, we're trying.

President Jerrel: I imagine she is hoping too!

Pat Eltzroth: Yeah, as much as I am she is.

President Jerrel: Well, we would like to welcome you to Evansville.

Commissioner Tuley: Yeah, that's right.

Pat Eltzroth: Thank you. Any other questions or anything?

Joe Harrison, Jr.: The only question I had is are you considering upgrades in the future to your system not only channels, but just your optics and if so what are you planning on doing and when?

Pat Eltzroth: Yes, we are. Exactly what we're going to do, we're going to actually have a little announcement probably later this week, but I can give you the...we are upgrading our system. We're going to have it upgraded to where it will be two way capable. Cable modems will be available. The digital boxes will be here. It's going to be...it started...really, the ground work has started as we speak, but actual where the rubber meets the road and everyone can see that, that's in the process in the next couple of weeks or so where you'll probably be noticing some crews and things, but as we speak we're still getting started on that, but yes we are. We're very much interested in making this obviously the choice of providing...you know, providing this choice for service in this area.

President Jerrel: These new services will have additional add-on costs?

Pat Eltzroth: Well, yeah, they will actually be different areas. I mean, you know, it will be...the modem business obviously doesn't appeal to everybody. Some people who would do the digital services and the upgrades, it will all be reflective of sort of a menu, ala carte menu, where you can choose or choose not to have such things depending on your tastes and desires.

President Jerrel: Okay.

Pat Eltzroth: Questions?

President Jerrel: Any others? We have all of our questions answered concerning our contract?

Joe Harrison, Jr.: If I have any further questions I'll give you a call.

Pat Eltzroth: What I would like to do is give everybody a business card.

Joe Harrison, Jr.: Sure.

Pat Eltzroth: That way it would also give us a chance to meet one-on-one or address anything specifically. Okay?

President Jerrel: Thank you.

Joe Harrison, Jr.: That would be good.

Pat Eltzroth: Thank you.

President Jerrel: Thank you, Bob, for bringing them. Good to see you, Gary.

Voters Registration - 1999 primary polling places
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President Jerrel: Okay, Voters Registration. We don't have anyone here, but we approved one change last week and we went through the polling places and there were a few errors and this is the corrected copy, so we need to have a motion.

Commissioner Tuley: What are the corrections?

President Jerrel: These were old, they had old places down. These are all that were used last year with the exception of the 4-8 and the 4-11, yeah.

Commissioner Tuley: Okay, and they still have this listed as the National Guard Armory. We're they going to change it to Old National Guard?

President Jerrel: Change it to Old National Guard, alright.

Joe Harrison, Jr.: Why don't you make that...why don't you write that on there.

President Jerrel: There are two different places.

Commissioner Tuley: 4-18. Where was the other one at?

Joe Harrison, Jr.: I think it was in 2.

President Jerrel: It's corrected in 2.

Commissioner Tuley: It's corrected in 2-13, yeah. They just keep forgetting this one in 4.

President Jerrel: It needs to be in 4-18, it needs to be changed to Old National Guard Armory.

Commissioner Tuley: With that change then I'll move approval of the 1999 primary

election polling places.

President Jerrel: I'll second and say so ordered.

Any group or individual wishing to address the Commission
--

President Jerrel: The next item is reserved for anyone that has any business to bring before this group.

John Stoll - County Engineer

President Jerrel: Seeing none or hearing none I'll move on to County Engineer. Is John Stoll not with us?

Commissioner Tuley: Yeah, he is here.

President Jerrel: Okay, County Garage. Oh, John is here! Where were you, behind him?

Commissioner Tuley: Speak up, John!

John Stoll: I was right behind the podium.

President Jerrel: I couldn't see you, I'm sorry.

John Stoll: I've got two items. First I've got a Notice to Bidders for contract number VC99-04-01, repair and repaving of various roads. This contract would be for resurfacing Petersburg Road between the airport and Boonville-New Harmony and Old State between Campground and Mt. Pleasant and I would like approval to go ahead and advertise this.

Commissioner Tuley: So moved.

President Jerrel: I'll second and say so ordered.

John Stoll: The second item I've got is a request from the YMCA to use some county roads as part of a 5K and 15K walk and run. They plan to use Nurrenbern, Graff, Bayou Creek, Seminary, Duesner, Happe and Cypress Dale roads for their race. This race would be on October 9th. They submitted a Certificate of Insurance already with this request and it's comparable to the request we receive every year on this, so it needs Commissioners' approval.

Commissioner Tuley: I'll move approval as requested.

President Jerrel: I'll second and say so ordered.

John Stoll: That's all I have.

President Jerrel: I have two items here. They're in writing, you can just take a look at them. I may have sent you the one, but the other one is that Ridgeway that had the paving last year. You might...that might be something you want to talk to Erik about. You know, where the asphalt covered the drain.

John Stoll: Okay, right.

President Jerrel: They went back in and dug it out.

Erik Bentle: (Inaudible.)

President Jerrel: You think, is it fixed? Did you do it at that address?

John Stoll: 7541.

Erik Bentle: I don't know if that is the address or not, but we just had the bridge crew out there last week. They cleaned out where the asphalt had fell down in there and plugged it up.

President Jerrel: Well, take that and see if that's where they went, okay?

John Stoll: On this other request typically the county highway crews would have installed the culvert, but in this case it would be better if the pipe was bored underneath the road as opposed to installed by Erik's crews, so we did some checking and it would cost about \$6,500 to have this pipe installed. I guess we just need the Commissioners' approval to proceed with that.

President Jerrel: Can you use Bridge Fund money for that?

John Stoll: Right.

President Jerrel: And you've got some?

John Stoll: Right, in our contractual account.

President Jerrel: Let Pat look at this.

Commissioner Tuley: Was that on Old Henderson Road?

John Stoll: Yeah.

Commissioner Tuley: Yeah, I am aware of what he has.

President Jerrel: I think we ought to do that.

John Stoll: Yeah, I don't see any problem with it at all. If it's an area that doesn't drain it needs a culvert in.

Commissioner Tuley: Then I'll move the Engineer's Office be allowed to proceed with putting the bid...or is it--

John Stoll: We'll just do it on a price quote basis.

Commissioner Tuley: Yeah, okay, on a price quote basis.

President Jerrel: And I'll second and say so ordered.

Commissioner Tuley: John keyed me in on that about a week or so ago.

Commissioner Tuley: There was a message on my answering machine today. I can't imagine you would know who it might be seeing how it rained all weekend.

John Stoll: Oh, Bob Bell.

Commissioner Tuley: What is the status? April 30th was the completion date.

John Stoll: Correct. They were holding off until Valerie got back in the office. She was on vacation last week and they're planning on getting started. The only issue that is really a problem is there is that 12 inch water main that runs that water pump station that the Water & Sewer Department installed a few years ago on the west side of Ward Road. We can either go over the top of it or underneath that and that will dictate how much flow goes to that pipe whether we lay it at a flatter grade or steeper grade. Valerie wanted to be available when that went on, so that's really the reason why they've held off until now.

President Jerrel: But they're ready to go?

John Stoll: Right.

President Jerrel: If the weather permits?

John Stoll: Correct.

Commissioner Tuley: Do we have a start date?

John Stoll: I don't have a specific date, but they don't seem to think it is going to take them too long and I don't think it will either once they get started. I mean, they still have three and a half weeks that they can get it done.

Commissioner Tuley: The only thing that concerns me is we have one good day and then we have two bad days and I'm just real concerned that this may take just because of weather delays longer than April 30th and I don't want to keep getting these phone calls.

John Stoll: I guess if they don't get started we can always assess penalties because there was a penalty provision in the contract. Did Bell have some problems?

Commissioner Tuley: He just left a message and I didn't get a chance to call him today. He just said call him and any time it rains and he calls I know what he wants to know is when are they coming out and when are they going to get started. I'll call him in the morning though. If there is something specific other than when are they going to get started I'll call you.

John Stoll: Okay. I was going to say I know we got quite a bit of rain, but I wouldn't have thought it would have been enough to cause him problems since the last time they really had problems was back in '96.

Commissioner Tuley: '96. Probably not. He's probably just getting a little nervous.

President Jerrel: Yeah, it was pretty steady there for a while. I imagine he is absolutely correct, he just got nervous. Okay, well thank you.

John Stoll: Thanks.

Commissioner Tuley: Okay, John, thanks.

Erik Bentle - Superintendent of County Garage

President Jerrel: Erik.

Erik Bentle: To add a little bit more to that Ward Road job out there, what we've got is just one drain down at the far end that we're going to have to lower down approximately two inches, maybe three. That should only take us two days at the most to get that back in and everything put back together and then it is going to take us probably about the rest of the week to pull them shoulders back.

Commissioner Tuley: Okay.

Erik Bentle: We're going to have to go I think we said approximately two to three foot back off the roads to get the gravel so the water will flow where it is standing in their front yards now, so we're talking about a week out there for us. I talked to John and he is going to let me know so we can get out there and get started prior to them and get out of their way so we won't hold them up.

Commissioner Tuley: John, then what you might want to do then you're going to have to give him some kind of advanced notice you're going to have to get a start date from them. I don't remember who was awarded the contract, but you're going to have to get a start date from them so you can project to Erik's crew.

John Stoll: As soon as I get a start date I'll let you know so you can pass that on to Bell.

Commissioner Tuley: Okay, thanks.

Erik Bentle: That's basically all I have. You've got my weekly worksheet this week.

President Jerrel: We've got your reports. And we'll accept yours when we do all the rest of them.

Commissioner Tuley: Yeah.

Erik Bentle: Okay.

President Jerrel: Alright.

Erik Bentle: Thanks.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only information I wanted to provide was that the Ogden contract will be before the Board for consideration next Monday. It is signed and it will be able to be considered by this Board the 12th, which is Monday. I also had...I'm sorry, I had one other item. All the bids on the No. 3 School Road. I think it is VC99-04-02. There were six bids that came in.

Company name	Amount bid
BMB, Inc. Evansville, IN	\$61,414.50
Blankenberger Bros. Cynthiana, IN	\$57,378.59
CCC of Evansville Evansville, IN	\$64,941.65
Southwest Engineering, Inc. Evansville, IN	\$52,936.00
Deig Bros. Lumber & Constr., Inc. Evansville, IN	\$48,987.20
Koberstein Trucking, Inc. Princeton, IN	\$55,582.70

I would ask that the Commissioners take these bids under advisement.

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: Last week we declared...we issued a destruction order for about eight different shotguns that the Sheriff's Department had and then they called, there was one they forgot to put on that list and I just said I would mention it verbally. It's a Ithaca 12 gauge shotgun serial number 371714322 and they would just like permission to destruct that weapon.

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered.

Tony Greubel: That's all...and then this morning Bennie's truck, we took that into Meineke Muffler and had a new muffler put on it and that was \$148. That's all I have.

Weekly reports

President Jerrel: We have the Burdette, Soil & Water, Ozone Officer and Garage reports. Is there a motion to accept?

Commissioner Tuley: So moved.

President Jerrel: I'll second and say so ordered.

Consent items

President Jerrel: The consent items, are there any questions about any of those?

Commissioner Tuley: I'll move approval of the consent items as submitted.

President Jerrel: And I'll second and say so ordered.

Old business

President Jerrel: Any old business to come before the Board?

Commissioner Tuley: Are we on for Thursday night?

President Jerrel: Yeah, I was just going to say we are meeting on Thursday evening and Tony do you want to give a little overview? We think we'll have a pretty good crowd.

Tony Greubel: Yeah, I have received a...the other Commissioners that I have talked to in the other three counties sound enthusiastic about this, about the meeting. The President...Graham Toft, the President of the Indiana Economic Development Council, is going to fly down to Evansville Regional Airport at about ten after 4:00, the meeting is at 5:00 and then he can fly back at 6:40 so it is perfect timing for him.

President Jerrel: That's good.

Tony Greubel: I made arrangements with Air Host to have some coffee and ice tea, soft drinks and some snacks so that we can munch on.

President Jerrel: I'll be coming...now Dave Rector and I will be coming from the EUTS meeting here so we'll--

Commissioner Tuley: Get there as soon as you can?

President Jerrel: Yeah, well if we don't get in a long presentation.

Tony Greubel: I'll probably head out there...get there about 4:30 and get prepared for it.

Commissioner Tuley: I'll leave school over here at 4:00 so I'll head straight out there.

President Jerrel: Do we have some name tags too?

Tony Greubel: Yeah, we have those. I'll bring those.

President Jerrel: Yeah, I would take some of those along, too, so that we can...is there anything else we ought to have on hand? I thought maybe you could bring those lists of everybody's names. Of all the...you know, I thought that would be helpful. Is there anything else we ought to take that would give us some discussion starters? I had someone call me today and I don't recall his name, but he was from...for some reason I thought it was Indianapolis. It wasn't Mike Chambers, but

it was somebody. I told him that while this was economic development it was in our best interest to try to develop some coalition because southwest Indiana often doesn't speak with one voice and I think that would help us a great deal and, you know, that would be a wonderful outcome of this effort. And then we also share the road issues that are important to all of us.

Commissioner Tuley: Yeah, and it's not just economic development, it's all things.

President Jerrel: Well, it's all types. Well, anyway that is Thursday and I don't have any other old business.

New business

President Jerrel: Is there any new business?

Commissioner Tuley: We'll have to postpone that.

President Jerrel: I was just going to remind you I will not be here Monday.

Commissioner Tuley: Right, I know that.

President Jerrel: Okay, so you've got that Solid Waste meeting.

Commissioner Tuley: Yeah.

President Jerrel: Alright, is there any other business?

Commissioner Tuley: I will move adjournment.

President Jerrel: I'll second and say so ordered.

The meeting was adjourned at 6:13 p.m.

Those in attendance:

Bettye Lou Jerrel
Patrick Tuley
Joe Harrison, Jr.
Bill Fluty
Teri Lukeman
Tony Greubel
Ron Keeping
Jerry Bryan
Erik Bentle
John Stoll
Bob Ossenbergl
Pat Eltzroth
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
April 12, 1999**

The Vanderburgh County Board of Commissioners met in session this 12th day of April at 5:35 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with Vice President Richard E. Mourdock presiding.

Introductions and Pledge of Allegiance

Commissioner Mourdock: Okay, we will call the meeting of April 12, 1999 of the Vanderburgh County Commissioners to order. And by way of introductions, although I think probably everyone here knows everyone, just for the record we have Tony Greubel, Joe Harrison, Jr., Commissioner Tuley, Charlene Timmons, Suzanne Crouch and myself. Bettye Lou Jerrel is Indianapolis this evening doing some county business. Doing some arm twisting at the Legislature I suspect. Please join us for the Pledge of Allegiance.

Approval of minutes

Commissioner Mourdock: The first thing on our agenda is the approval of the minutes from last week, but since I was ill last week Bettye Lou and Pat have to do those jointly, so we'll set those aside until next week.

Open bids - Title search services

Commissioner Mourdock: The first thing then is opening bids with title search services and repairing and repaving some various roads. Information on that, Tony, or Bill Cottun? I'm sorry, I misread my notes.

Joe Harrison, Jr.: It looks like we just have one bid. Is that correct, Tony, that came in on the title search services? So if there is a motion for me to open and read that aloud in the minutes I'll do that.

Commissioner Tuley: I'll so move.

Commissioner Mourdock: I will second and say so ordered. We can come back to that one then.

Joe Harrison, Jr.: What about the second one, repair and repaving of various county roads?

Tony Greubel: I never received anything.

Commissioner Mourdock: Did not receive--

Charlene Timmons: John would probably have those.

Commissioner Tuley: It will probably be under John's report when he gets here.

Joe Harrison, Jr.: Yeah, we can probably wait.

Charlene Timmons: I don't think he is here yet.

Commissioner Mourdock: Okay, well, we'll come back to that then as soon as John

gets here.

Ogden Entertainment - Contract for The Centre
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Commissioner Mourdock: Okay, Item 3 is the contract with Ogden Entertainment. Joe, you've given that to us for review in our packet.

Joe Harrison, Jr.: The contract that we've been working on for the last several months is in front of you. It has been signed by Ogden. Sandie Aaron of Ogden Entertainment is here tonight to answer any questions that the Commissioners may have with respect to what their plans may be. The term of the agreement is a term of 48 months running from...it's going back from February 1st of 1999 through midnight of January 31, 2003. Ogden has been acting as agent for booking purposes and contractual agreements that they may have entered into on behalf of the county with respect to any of the rooms over there for the last two months or so. The compensation part of the contract is listed on page 13 of the agreement, it would be Article 5, just for your review. It also includes an incentive fee as well. Again, we have worked out the terms. You all...it essentially was the same draft that we've been working on for the last several months, but there were some things that finally had to get worked out and I believe it is presentable for approval this evening. Ogden is...again, they have signed it and they are ready to get going.

Commissioner Mourdock: Any questions for Sandie?

Commissioner Tuley: Just page 8, beginning with about the county employees, the five previous county employees.

Joe Harrison, Jr.: Yes, yes. What questions do you have?

Commissioner Tuley: I just want to make sure I understand the wording. When it gets down there it says:

“...shall if specifically requested.”

Joe Harrison, Jr.: Oh, as far as--

Commissioner Tuley: Two of them have other jobs, let's say, and they don't want to go to work is that what we're dealing with here?

Joe Harrison, Jr.: It is my understanding the intent of the contract is to have five either employees, county employees that were working over there before continue to work. It's either employees that were working or they may be new employees. It's positions, so there is going to be five positions whether they are the same five people, that will remain to be seen whether they want to come back or not.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: But if they don't it will be five positions.

Sandie Aaron: I think more than anything that is just to clarify that should the county desire to bring more employees in we didn't want to be held accountable for the incentive calculate, for them to be included in the incentive calculate.

Commissioner Tuley: Other than the original five?

Joe Harrison, Jr.: Yes.

Sandie Aaron: Right.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: And Sandie and I are going to be meeting with the union business agent later this week, Chuck Whobrey, regarding that.

Sandie Aaron: I would tell you, too, that we really have hit the ground running and I literally have had a half dozen instances already where we literally did not have a room available to rent on specific days.

Commissioner Mourdock: Really?

Sandie Aaron: So it's really, really energizing. It really is.

Commissioner Mourdock: Good.

Sandie Aaron: Trade shows, we are just getting a huge response. We've begun to work on the grand opening. Now the next concern is where am I going to put it, so that's a nice problem.

Commissioner Mourdock: Yep, very good.

Commissioner Tuley: That's good news to start with.

Commissioner Mourdock: Yes, it is. Yes, it is. We're all looking forward to the ribbon cutting.

Sandie Aaron: We are, too.

Commissioner Mourdock: I haven't done one of those since I have been on this Board.

Commissioner Tuley: You're going to do that one!

Commissioner Mourdock: But I will do that one, yeah. Okay, is there a motion then for approval of the management agreement with Ogden?

Commissioner Tuley: I will so move at this time.

Commissioner Mourdock: And I will second and say so ordered and look forward to working with you, Sandie.

Commissioner Tuley: Yes, we do.

Sandie Aaron: Thank you very much.

Commissioner Mourdock: Okay. Fill that building.

Bill Cottun - PDS maintenance agreement
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Commissioner Mourdock: Okay, now Bill Cottun with a contract for us to review.

Bill Cottun: I bring a request before you today for approval of a maintenance agreement between the city and county and Personnel Data Systems or PDS. The agreement is for \$16,335. The city cost is \$8,167.50. The county cost is the same. The agreement provides for software support, maintenance and version upgrade if issued this year for the payroll manager, the personnel manager, information manager and security manager for the DEC/VAX version, which is our mainframe version. The contract expires December 31 and the agreement does represent a ten percent increase in cost over the 1998 agreement. I would like to bring one item up for the Commissions' consideration. PDS is currently issuing a new software product to replace their mainframe product. It's a client server product. It is my opinion that PDS is going to escalate their maintenance agreements on their DEC/VAX possibly considerably over the next year or two. They want people to migrate from mainframe to client server, so there is a good possibility that there will be even a larger increase next year. I know the dollar amount isn't significant. It's more an issue of procedure and policy. They do want people moved to client server. I do see the possibility of them discontinuing support for this product in the next two or three years which would almost force a move to client server. I just give that as a caution as we negotiate for the contract next year.

Commissioner Mourdock: That raises the question then would we be better served instead of having this be an agreement that expires 12/31 of this year have it be a more multi year agreement to make sure we have service?

Bill Cottun: We have tried to address that a couple of times, each time PDS has substantially raised the cost of the agreement. They're really not wanting to be tied into a long-term agreement right now to their client server. I know we tried that last year and this year. So I think the only thing we're going to get out of them is year to year until they decide that they don't want to support their mainframe product any more. They have not given anything in writing and have not specifically stated this. This is more a trend that is occurring in the market right now. As a company moves to a client server product they want to release resources that are supporting their mainframe product.

Commissioner Mourdock: Okay.

Commissioner Tuley: Well, given that information I don't see where we have a whole lot of choice, so at this time I'll move for approval of the maintenance agreement with PDS in the amount of \$8,167.50 on behalf of the county.

Commissioner Mourdock: And I will second and say so ordered.

Bill Cottun: Thank you very much.

Commissioner Mourdock: Okay, thanks, Bill. Okay, just to clarify something from our agenda and now that John Stoll has arrived, the line item that we had on our agenda which was for the title search services and repair and repaving of various county roads that road section of that is to be placed on the agenda April 26th. Is that correct, Charlene?

Charlene Timmons: Yes.

Commissioner Mourdock: So that did not belong on there this evening. It is April 26th.

Commissioner Tuley: This repair?

Commissioner Mourdock: Yes.

Commissioner Tuley: Title search only is what you're saying is what we're doing?

Commissioner Mourdock: Yeah. So the road section comes off until April 26th. Thank you for catching that, Charlene.

Any group or individual wishing to address the Commission
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Commissioner Mourdock: Okay, any group or individual wishing to address the Board then this evening? Mr. Jones. I may have just answered your issue there with the rescheduling of that, I don't know.

Jerry Jones: Yes, I didn't know if you wanted a copy of one of the bids, John, I got from...my brother got it.

Commissioner Mourdock: Sure, we'll take a copy of it.

Jerry Jones: Bettye wants these.

Commissioner Mourdock: Alright, thank you.

Jerry Jones: April...?

Commissioner Tuley: Twenty-six, yeah.

Commissioner Mourdock: It will be two weeks from tonight.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Okay, department head reports, John Stoll.

Commissioner Tuley: Richard--

Commissioner Mourdock: Oh, I'm sorry.

Commissioner Tuley: Joe said we might just want to not use the word bid, but just say that this was an estimate.

Commissioner Mourdock: Right. Mr. Jones provided us an estimate that he had solicited for some fill material along Lyle Road, so we'll enter that into the record and make sure Bettye Lou Jerrel gets a copy of that as well.

John Stoll - County Engineer

Commissioner Mourdock: Okay, now John.

John Stoll: First I would like to recommend that we award contract number VC99-04-02, the No. 3 School Road culvert replacement, to Deig Bros. in the amount of \$48,987.20. They were the low bidder on the project.

Commissioner Mourdock: Okay.

Commissioner Tuley: I'll move approval based on John's recommendation.

Commissioner Mourdock: And I will second and so order.

John Stoll: The second item is a change order for the Heckel Road Bridge project. This is for an increase of \$40,507.86. This is to cover additional repairs to three end posts that were found to be bad once there was some demolition work done on the bridge project. Those total \$28,348.86 and then we had three other additional extra work, new items, that were encountered. One, the concrete caps on the abutments both needed replaced. We had some additional steel repairs that were encountered, they were vertical hangers. There were three of those for \$1,320 each and then we had some I-beam hanger bars, and eight of those were bad for \$425 each. It's recommended that this be approved. There shouldn't be any more overruns of steel repairs because basically all the demolition work has been completed that has to be done and all the steel has been inspected. We had Beam Longest & Neff down to help us do some additional inspection work on the bridge and they felt that this should take care of all the repairs that are needed to help give this bridge a 20 year life span.

Commissioner Mourdock: Okay, is there a motion to approve the change order?

Commissioner Tuley: So moved as requested and recommended by the Engineer.

Commissioner Mourdock: I will second and say so ordered.

John Stoll: There will be some riprap we have to place out there which would come back as a change order, but no more steel repairs that we know of.

Commissioner Mourdock: Okay.

John Stoll: And that's all I have unless you've got any questions.

Commissioner Tuley: I think, so there is no misunderstanding, next Monday night is the night we're supposed to make the final approval on road repaving and what have you.

John Stoll: Right.

Commissioner Tuley: It's not the 26th, it's next week. Just so there is no misunderstanding on it. The actual contracts that will be let on some paving that we're going to contract, that will be the 26th, but next week will be the approval. Okay?

Commissioner Mourdock: Okay, let me make sure everybody is clear. Charlene, did you catch that also? The note that you gave me, April 26th is for the repair and repaving of various roads, but the actual road hearing is set for the 19th.

Joe Harrison, Jr.: That's the list.

Commissioner Tuley: The list, the approval of the list I think will actually be next week, the 19th.

Commissioner Mourdock: The 19th, okay.

John Stoll: Right.

Commissioner Mourdock: Okay, sorry for the confusion, Mr. Jones, the 19th. Okay, thank you, John.

County Garage

Commissioner Mourdock: We have in the packets the County Highway report, the Ozone Officer's report.

Steve Craig - Burdette Park

Commissioner Mourdock: We have Steve Craig with Burdette. Steve.

Steve Craig: Outside the report I guess the only thing I needed to talk to you about was the proposed rate hikes that we had turned in several weeks ago. I don't know if everybody has had a chance to review them and if they had any questions I had told, you know, to give me a call.

Commissioner Mourdock: I thought we acted on it. I think we acted on them last week.

Steve Craig: I wasn't here last week.

Commissioner Tuley: I think we did act on them.

Commissioner Mourdock: It was two weeks ago--

Commissioner Tuley: No, it was two weeks ago--

Commissioner Mourdock: --because I was here.

Commissioner Tuley: --because you were here.

Commissioner Mourdock: Yeah, we did act on them as they were submitted.

Commissioner Tuley: Accept them as they were submitted.

Steve Craig: Accepted as they were? Okay. That's all I had.

Commissioner Mourdock: Okay, you're off the hook for this evening.

Steve Craig: Thanks.

Commissioner Tuley: If you had realized that you wouldn't have had to come down here would you?

Steve Craig: No, I didn't. I guess I didn't get the...I didn't read the minutes from the week I wasn't here.

Commissioner Mourdock: Yeah, we did accept them.

Steve Craig: Okay, that's all.

Joe Harrison, Jr. - County Attorney

Commissioner Mourdock: Okay, County Attorney. Joe, do you have a bid to read?

Joe Harrison, Jr.: Yes. This would be the title search services relating to it looks like tax sale...upcoming tax sale. The only bid came in from:

Company name	Amount bid
Mills Land Title Corporation Evansville, Indiana	\$225 per parcel

It says for the entire amount of tax sale jobs available and it says 51, so it looks as if there are 51 title searches that they would be performing at the rate of \$225 per tax code. You might want to take this under advisement just to see how it...to see if this is the amount...see if you have sufficient funds available for this.

Suzanne Crouch: There are 44 properties and there are sufficient funds.

Joe Harrison, Jr.: Okay, well then you might want to go ahead and do it if you want to look at it for a second. We've got time probably. So that would be sufficient funds.

Commissioner Tuley: You've done...have they done work for you before?

Suzanne Crouch: (Inaudible.)

Commissioner Tuley: Yeah, it is usually Schroeder. Yeah, Jack.

Commissioner Mourdock: Evansville Title.

Suzanne Crouch: Maybe we ought to take it under advisement.

Commissioner Tuley: Yeah, why don't you take a look at it. I'll move that it be handed to the Auditor to take under advisement for a week.

Commissioner Mourdock: Okay, I will say second and so ordered. Anything else, Joe?

Joe Harrison, Jr.: That's all I have.

Tony Greubel - Superintendent of County Buildings

Commissioner Mourdock: Okay, Superintendent of County Buildings.

Tony Greubel: I don't have anything tonight.

Weekly reports

Commissioner Mourdock: Okay, I think I mentioned we have the Ozone Officer report and Solid Waste...or Soil & Water Conservation.

Commissioner Tuley: I'll move the reports be accepted into the record.

Commissioner Mourdock: I will second and say so ordered.

Consent items

Commissioner Mourdock: We have consent items that include employment changes, travel requests, the County Auditor's monthly financial, cash and expenditure reports. The Auditor's accounts payable vouchers. The Auditor's release of Old State Barrett Law liens and the Cooperative Extension Service declaring some equipment surplus. Is there a motion to approve the consent items as filed?

Commissioner Tuley: There is with one change. The County Auditor pointed out to me in their request that was listed as B.J. Farrell and Karen Joest to do the traveling there has been a change and the change was after this was submitted to us, so it should be Bill Fluty and Karen Joest.

Commissioner Mourdock: Okay.

Commissioner Tuley: With that change I'll move approval of the consent items.

Commissioner Mourdock: And with that change I will say second and so ordered.

Old business

Commissioner Mourdock: Old business before the Board this evening?

Commissioner Tuley: None for me.

New business

Commissioner Mourdock: Any new business?

Commissioner Tuley: That's what came out of that Solid Waste meeting.

Joe Harrison, Jr.: Oh. That's fine. I didn't know that they had something. I suggested that they get something prepared. This is good.

Commissioner Tuley: I think Marco had a chance to read it too, didn't he?

Commissioner Mourdock: Yeah, Marco did it.

Commissioner Tuley: Okay, then I will move for approval of the agreement between Vanderburgh County Solid Waste Management District and this Board in reference to a grant of \$85,000 for the cleanup of the Futrell property.

Commissioner Mourdock: Okay, and I will second and so order. Any other new business to come before us this evening?

Commissioner Tuley: That's all my business unless you've got something.

Joe Harrison, Jr.: Richard, did you want to do anything this evening or do you want to wait a week regarding the Economic Development Council?

Commissioner Mourdock: The meeting on Thursday?

Joe Harrison, Jr.: Whether we wanted to participate in that effort.

Commissioner Mourdock: Yeah. In fact, we said we would do it in two weeks, but we can go ahead and do that this evening.

Joe Harrison, Jr.: Oh, was it?

Commissioner Mourdock: Yeah. Just a summary because I know Pat was not there that evening, but we had a very good turnout of the Commissioners from the surrounding counties. Each county was asked to come back by a week from tonight and decide whether or not they wish to participate in the joint economic development plan. If a committee chooses...or if a county chooses to participate then the County Executive from each county will need to appoint as many as ten members to a Board. That Board will serve as a steering committee to try to determine what projects or what areas ought to be marketed, if you will. Currently through the state funding for this region there could be somewhere in the range of \$35,000 to \$40,000 that would be used. The group, IEDC, which is a not for profit group but it is also a non governmental group, has been contracted with by the Department of Commerce to basically act as facilitators for that group of people that make up the steering committee to try to see what joint assets there are and what joint things can be marketed. The Commissioners that evening were specifically asked to jump in, if you will, and each of them...each county wanted to go back and talk at their own meeting about it. I know Bettye Lou, I think, was very supportive. I certainly feel very good about their efforts. My only concern was how effective they can be with a steering committee with as many as 40 people.

Commissioner Tuley: Did we establish guidelines as to the makeup of that?

Commissioner Mourdock: The guidelines are pretty well already in the program.

Commissioner Tuley: Okay.

Commissioner Mourdock: As far as who should be chosen, what segments of the county need to come into that.

Commissioner Tuley: Okay.

Commissioner Mourdock: I think we need to be very selective with that though and

make sure we get people that are really dedicated to it. It is going to take some time on their part and the goal is that they'll have whatever the product of this thing will be will be done by the end of the year, so it will move fairly quickly.

Commissioner Tuley: So it would be your recommendation that we do join in force with the other counties?

Commissioner Mourdock: The only thing it costs us, if you will, is finding some people who are willing to serve and willing to represent us and I think it is certainly worth the effort because we're going to keep fighting among ourselves when these businesses come through and this may at least not prevent every one--

Commissioner Tuley: It's crazy.

Commissioner Mourdock: --of those skirmishes, but may prevent some of them.

Commissioner Tuley: So the motion you need would be for us to agree to and commit to joining?

Commissioner Mourdock: Right.

Commissioner Tuley: And I will so move.

Commissioner Mourdock: I will second and so order. Tony, if you would please, would you get back to Graham Toft and let him know that?

Tony Greubel: Sure.

Commissioner Mourdock: Okay, any other new business?

Commissioner Tuley: None for me.

Commissioner Mourdock: Motion for adjournment?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second and so ordered. We're adjourned.

The meeting was adjourned at 5:58 p.m.

Those in attendance:

Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Sandie Ogden
Bill Cottun
Jerry Jones
John Stoll
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
April 19, 1999**

The Vanderburgh County Board of Commissioners met in session this 19th day of April at 5:39 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners to order. The first item on the agenda I would like to introduce to you the people that you see up front. On my far right is Tony Greubel, our Superintendent of Buildings; Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley; far left, Charlene Timmons, our Recording Secretary; the empty chair is for Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of the 5th and the 12th.

Commissioner Tuley: Let's figure out--

Commissioner Mourdock: The two of you need to do the 5th.

President Jerrel: Yeah, okay.

Commissioner Tuley: I'll move approval of the minutes of the 5th.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: And I'll call on a motion for approval of the minutes of April 12th.

Commissioner Tuley: And I will so move.

President Jerrel: And I'll say so ordered.

Kelly Culiver - Cooperative Extension Service telephone agreement

President Jerrel: Item B, Kelly Culiver was unable to be here this evening and she did want to present this to us so we'll just postpone that until next week.

Joe Coleman - Department of Metropolitan Development

President Jerrel: Joe Coleman, award appraisal services for FEMA and SEMA flood mitigation.

Joe Coleman: Good evening. I know that you're familiar with the previous flood program we have been running under Vanderburgh County for the Indiana Housing Finance Authority. This program, to give a slight summary of this, is ran through the State Emergency Management Agency. There is some significant differences in the

program. First, there is no income limits for participants in the program and second, the administrative paperwork involved is a much lighter amount of work. What we intend to do over the next 90 days is to secure the appraisals using the services of the two lowest bidders and make offers to those voluntary participants. Of the 26 properties we submitted for approval 15 were approved for acquisition. Of those 15 ten of the property owners has expressed a willingness to participate.

President Jerrel: And may I ask a question, Joe?

Joe Coleman: Sure.

President Jerrel: Who did you consider the low bidders on the--

Joe Coleman: On that it would be David...excuse me, Larry Farmer Appraisal Services and followed by David Matthews and Associates would be the two bidders. We're using two because we offer two. We do two appraisals.

President Jerrel: How did he get to be...what about Crane?

Commissioner Tuley: What happened to Crane?

Joe Coleman: Oh, I'm sorry, I'm sorry.

Commissioner Tuley: Yeah, your letter says Crane.

Joe Coleman: I'm sorry, I'm looking at the bid sheets here. I got them out of order, I'm sorry.

President Jerrel: Because we are expected to approve?

Joe Coleman: Right.

President Jerrel: Okay.

Joe Coleman: Yeah, I had two low bidders listed in the first and second columns. I'm sorry about the confusion on the name there.

President Jerrel: Okay, Farmer and Crane?

Joe Coleman: Yes. Yeah, Larry Farmer and Crane Appraisal Corporation. We've used them both and the prices they've set are roughly in line with what they charge us for other services like this.

Commissioner Tuley: You need a motion then to approve the use of Larry Farmer and Crane Appraisal for the work as outlined per this proposal.

Commissioner Mourdock: I'll second.

President Jerrel: So ordered. I might say just for your information that we put in some limits in our contracts with certain attorneys and people that we work with so I don't know whether you all want to think about that or not.

Joe Coleman: Yeah, part of the thing that I was requested to do by Mr. Rader was to put a time limit for performance of the work and, of course, each of these

properties will be enumerated separately with a fee to be charged for each one in the contract.

President Jerrel: Okay.

Joe Coleman: Does that answer your question?

President Jerrel: Yeah, it does. Thank you.

Joe Coleman: Thank you.

Dave Rector - Warrick County Commission
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President Jerrel: Okay, the next item on the agenda we have some guests. Sorry you had to sit through part of it. You get enough of that on your own! Would you like to introduce yourselves for the record?

Dave Rector: We certainly will. My name is Dave Rector, Warrick County Commissioner.

Larry Barr: My name is Larry Barr, Warrick County Commissioner.

Steve Sherwood: Steve Sherwood, Warrick County Highway Engineer.

Dave Rector: Steve, if you want to give them...I think I have unofficially spoke to each of you about our request tonight.

President Jerrel: Right.

Dave Rector: This is an official request of that. Let me begin first though by thanking you for working with us and getting the signage on Old 57 as it turns into Blue Bell Road going into Warrick County. As you know Integrated Manufacturing Systems is constructing a new plant there. We intend this spring yet, by early summer at least, to probably put \$100,000 into that road for improvements to accommodate their semi traffic and their employee traffic. You all put some signage on that road for the truck traffic going in and out during construction. What we would like to ask of you tonight is on that first page you see we have two very sharp 90 degree turns on Old 57 as it comes into Warrick County. The trucks, and especially the semi rigs with the 50 foot turn radius, have a very difficult time negotiating those without running off the edge of the road, destroying the road that you're going to be repairing at some point. We're suggesting and requesting that if we could just wedge in, as you see highlighted in pink on that first page, several inches of asphalt that is going to make it easier for those rigs to negotiate those turns. I think it would be safer and more convenient for all of us and that is our request. Steve has talked with John Stoll about it and we're here to answer any questions that you may have around that. You'll also find in here something else just for your information that Warrick County is looking at. Bernardin Lochmueller did a study of trying to improve access off of 64...off of I-64...I-164, I guess it is, into that area so that the trucks don't have to long-term negotiate this turn on Old 57. That's a long-term project. Probably a tough putt here, but we're seeing if we can't get some help for INDOT to do that. In the meantime, we've got this request before you to try to help us in those turn radiuses.

Commissioner Mourdock: If we do this and if you find a way to speed INDOT will you share the secret?

Dave Rector: I would be happy to, Richard.

President Jerrel: You know...did John give you any cost estimates on this?

Dave Rector: Steve?

Steve Sherwood: No, he hasn't.

President Jerrel: Okay.

Steve Sherwood: (Inaudible) last summer they have not pinpointed any exact figures.

President Jerrel: Can you tell me what kind of--

Steve Sherwood: I'm looking at the highlighted area that you see for the curve I am probably estimating somewhere between on several of these things between \$7,000 and \$9,000 worth of asphalt work. I know John has made some minor repairs to that road because of potholes and it has come apart in some other areas there where the state built that extension of Old 57 North at the I-164 cutoff, where it used to lay.

President Jerrel: We can...as long as we're dealing with numbers in that range--

Commissioner Tuley: I think we can handle that.

President Jerrel: --we can handle that. If you were going to go up to the 50's and 60's--

Dave Rector: Oh, my. No, I certainly can't see where it would be much in excess of that.

President Jerrel: No, we've got that in our budget.

Dave Rector: And it is your determination to what level of assistance you give us there.

President Jerrel: Yeah.

Dave Rector: What we've suggested is just a filling in of the radius to help them negotiate the turn.

Steve Sherwood: We have the right-of-way there. John and I looked at that. You can see that, Richard, on the page you're looking at, the right-of-way on the inside of each curve accommodates the widening.

Commissioner Mourdock: And you had that in advance anyway, right? It wasn't something you had to add or had to acquire?

Steve Sherwood: That was given to you as part of the joint (inaudible) with Highway 57.

Commissioner Tuley: Sounds like the first step to that spirit of cooperation among the counties.

Commissioner Mourdock: Exactly.

Dave Rector: Along that route, officially you know we did agree that we are willing to join the four county group in the economic development effort. I have notified Graham Toft, I think it was, so he is aware of that.

President Jerrel: And you got your minutes okay?

Larry Barr: Yes, I got the minutes and received a letter.

Dave Rector: So at least there are two of us.

President Jerrel: Okay.

Commissioner Mourdock: Did we notify Graham Toft officially, too?

President Jerrel: I don't know.

Tony Greubel: Yeah, the letter was sent last week.

President Jerrel: Yeah, that is the letter he is talking about. Well, I'll entertain a motion.

Commissioner Mourdock: I will move that we approve the request for the widening of Old State Route 57 per the request of the Warrick County Commissioners.

Commissioner Tuley: I'll second.

President Jerrel: I'll say so ordered. A little bit of info, John isn't here, but one of the local engineers was in Kentucky last weekend and...last week, and Governor Patton has made some decisions that may have some impact on I-69 as it relates to Indiana. He has requested, and apparently he can do it as governor, that the Pennyriple become I-69 or I-169 and then there is another exit, it's a horseshoe, coming out of Henderson on the west side that would be 69. In other words, they're going to have loop with two 69's.

Dave Rector: Really?

President Jerrel: Uh-huh. One coming on the east...that would hit the east side of Evansville and one that would hit the west side of Evansville. Well, he faxed me a copy of the map and I tried to call INDOT today and I'm going to fax them that. Do you guys have a fax number?

Larry Barr: Yes, 897-6189.

President Jerrel: 897...?

Larry Barr: 6189.

President Jerrel: 6189, and the prefix on that is?

Larry Barr: 812.

President Jerrel: Just 812, okay. Well, I'll fax you all a copy.

Dave Rector: Okay, please.

Steve Sherwood: Does that mean a new bridge crossing?

President Jerrel: I don't know what it means, but their map shows...and he just did this.

Commissioner Mourdock: If there was going to be something on the west side of Henderson there has to be a new bridge out there somewhere.

President Jerrel: Yeah.

Commissioner Mourdock: Going back to some of the specifics of the federal law as far as even designating it I-69 the governor down there may say that it's all going to be part of a loop, but I think to be actually part of I-69 there is going to have to be new bridges, period. I mean, that's just the way the interstate--

Dave Rector: So we tentatively could have coming down two sides of Evansville...I mean, two sides of Henderson and back into--

President Jerrel: Right, that's the way the map looks and I wish I had it with me, but he faxed it to me at home. I'll get copies so you can--

Dave Rector: Thank you.

Steve Sherwood: There was some discussion of EUTS maybe two years ago about the potential of another bridge in that area so this maybe the same thing.

President Jerrel: Right, but I think he just arbitrarily made the decision over there.

Dave Rector: The way I understand it the federal government has turned it over to our governor to make the decision on I-69 also.

President Jerrel: That's also--

Dave Rector: So perhaps they can do that.

President Jerrel: Anyway, I'll get something to you all.

Dave Rector: Maybe they'll pass the decision down to us! Commissioners, thank you.

Commissioner Mourdock: Okay, thank you.

Larry Barr: I have one thing real quick. I wanted to let you all know that we have...on the Lynch Road we're meeting with the problem that we've got out there and working on that and, of course, we're hoping that you all...when you stop that you stop at the Old Boonville Highway instead of 164.

President Jerrel: Right, well keep us posted on what you...

Larry Barr: We really don't know how much ground we gained with them, but we did have a meeting so at least we're trying to do all we can to get that accomplished too.

President Jerrel: Good.

Commissioner Mourdock: The status on that from our side is that the acquisition has started as far as the right-of-way up from Burkhardt to I-164.

President Jerrel: Right, we're beginning the actual parcels. There are four and we are beginning our acquisition and we're still negotiating with the state, but we've got...one of our plans includes borrowing ahead, you know, and trying to come up with enough money to get started.

Larry Barr: That's the difficult part for all of us.

President Jerrel: Yes.

Commissioner Mourdock: Yeah, but in the spirit of doing this that we just did this evening we certainly look forward to working with you on the other because there is nothing magic about the line between Warrick and Vanderburgh County.

Larry Barr: It's fading fast.

Commissioner Mourdock: It is fading fast.

Larry Barr: Can't hardly see it any more!

Commissioner Tuley: That's about right.

Commissioner Mourdock: Next time we'll come to your place, how's that?

Dave Rector: We would be happy to have you.

President Jerrel: Thanks for coming.

Commissioner Mourdock: Thank you.

Commissioner Tuley: Thanks, gentleman.

Certification of Executive Session

Commissioner Tuley: Before we go on to the next item, Joe ever watchful, we did not certify our Executive Session.

Commissioner Mourdock: Oh.

President Jerrel: Oh, you're right. Is there a motion? We did have an Executive Session.

Commissioner Mourdock: I'll move approval of the summary minutes of tonight's Executive Session that dealt solely with personnel matters.

Commissioner Tuley: And I will second.

President Jerrel: So ordered.

1999 Final road paving list

President Jerrel: County Engineer, submit final road paving list.

Commissioner Tuley: If you didn't do but one thing tonight, I think you earned your pay.

President Jerrel: Yeah, you did.

Commissioner Mourdock: I just caught the tail end, but now I know. I figured it out.

John Stoll: What you have in front of you is the final list that we're recommending for this year. As you can see from the total cost it already exceeds to amount of money we have available. According to the printouts we have the County Highway has \$650,000 in their bituminous account and we've got half a million in our road and street contractual account, so we've got \$1.15 million available to do over \$1.4 million worth of work, so obviously we won't be able to get all this done, but this is what Erik's office and my office felt needed to be included this year.

President Jerrel: I have a question. At some point perhaps both of you could look at your line items and see if there is any funding that could be transferred or could be utilized. It couldn't be transferred into...this is from the road and street account.

John Stoll: Right.

President Jerrel: But you could use under...if you have a contractual line item of any kind, if you had money that you could transfer into that we could perhaps come up...I've just given it a loose look, but you might be able to find some additional funding that you will not use between now and the end of the year that could go toward meeting this cost.

Commissioner Mourdock: Have you got a couple in mind?

President Jerrel: Yes.

Commissioner Mourdock: A couple of line items?

President Jerrel: Uh-huh, right, but I want...they really ought to look at them and see what is there, but there are some line items with rather large sums of money that we might be able to pave a little bit more.

Commissioner Tuley: John, what will you use to determine...given what you just said, assuming if you find some additional money how are you going to make a determination of what does or doesn't get done that is on this list until the money runs out? How are you guys going to work that out?

John Stoll: Typically the County Highway goes out and starts paving in a certain area so they would try and knock out the roads that are grouped in a specific area.

Commissioner Tuley: Grouped in that area.

John Stoll: And I would say that if there are outlying roads that aren't grouped with other ones that might be the ones that might not get paved. Likewise, we have typically done the longer stretches of road through contracts, so if there is a long stretch of road that Erik's crews aren't equipped to handle and we don't have enough contractual money it would get left off until next year.

Commissioner Tuley: Okay, so it is safe to assume and report that just because your road is listed on this page it may not get done this year?

John Stoll: Correct.

Commissioner Mourdock: But even as you review those, let's say you move out into an area of the county and they get started, if you have a road that is in absolutely...well, let me rephrase that. If you've got a road out there that needs to be done, it's on the list, but it's not real bad and you've got one that's a little further out in the county that is pure potholes are you going to put a quality judgement on that as well?

Erik Bentle: (Inaudible.)

John Stoll: We should. Yeah, I was going to say we would go get the one--

President Jerrel: You're going to sort these out before you begin laying any asphalt?

Erik Bentle: We're grouping them together.

President Jerrel: Good.

Erik Bentle: We'll probably take certain townships and try to stay so we don't have to take the paver back and forth all the time.

Commissioner Tuley: Right.

Commissioner Mourdock: Group them geographically and rank them in hierarchy based on the need.

Commissioner Tuley: There you go.

Erik Bentle: On the need, yeah.

John Stoll: And like we've got Mann Road listed on here. There is a substantial amount of excavation that has to be done out there to get some of those hills cut back to make the road drain properly and things like that, so there is a lot of preparation work that has to be done on that which that may not be done this year, so that might be a good candidate that would roll over into next year. We would have to do some patching on the road as it stands now, but as far as resurfacing the whole thing you might have to wait.

Commissioner Tuley: Candidly that was the basis of my question.

John Stoll: Mt. Pleasant is another one, too. We're talking about doing more significant upgrades to Mt. Pleasant which would--

President Jerrel: Take it off.

John Stoll: --take that off the list. We would just do patching out there as well, so roads like that, like you say, we'll make a judgement call on that basis.

President Jerrel: And John and I will be going to Council in a week.

Commissioner Tuley: Okay.

Commissioner Mourdock: I'll move approval of the 1999 paving list as submitted by the County Engineer and Highway Superintendent.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: One thing I'll add, too, after just talking with Mr. Jones about Lyle Road he said if any extra money could be found keep his road in mind, so I'll pass that on to you.

President Jerrel: Okay, thank you.

Commissioner Tuley: Thank you, John.

Award bid for title search services
--

President Jerrel: County Auditor.

Suzanne Crouch: Yes, we reviewed the bids for the title search services and recommend approval at this time.

Commissioner Mourdock: I'll move approval of the award for title search services to Mills Land Title.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission
--

President Jerrel: Is there anyone here that wishes to address?

John Stoll - County Engineer

President Jerrel: If not, I'm going to move to County Engineer.

John Stoll: I've got an agreement that we've prepared. It's between the county and the Evansville Water Sewer Utility. This is for the water line that is out on the Fulton Avenue Bridge. This water line has to be taken off the existing Fifth Avenue Bridge and then reconstructed when the new bridge is installed. The total estimated cost of this water line based on the bid prices is \$48,774.41. We've written this agreement to basically have the Water Department reimburse us for the local share of that water line which would be 50 percent of the cost because 50 percent would be covered through federal aid. It has been reviewed by Joe. It has been reviewed

by the Water and Sewer Department, so it is recommended that the agreement be signed.

Commissioner Mourdock: I'll move approval as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: It still has to be approved by the Utility Board, but it's a first step and we're finally getting that taken care of. The second item that I've got also pertains to the Fulton Avenue Bridge. This is the state LPA agreement for the construction of the bridge. This is the agreement that basically assigns what the local share of the project would be and what the federal aid share would be. It was originally signed off on by the Commissioners as being \$2,564,000 in local funds being needed. Due to the way the bid prices came in it has now been revised to be a 50/50 split which means that we need to have \$1,924,799 available for the project and then the federal share would be the same. They just want this initialed so that way they have record that we've acknowledged the change and approved the change.

Commissioner Mourdock: Did we just find the money for the highway paving list?

John Stoll: Pardon?

Commissioner Mourdock: Our share was original \$2.5 million and now it's what?

President Jerrel: It's in Cum Bridge.

John Stoll: It's bridge money.

Commissioner Mourdock: Ah.

John Stoll: Otherwise we probably would have.

President Jerrel: Yeah, it's in the wrong fund.

Commissioner Mourdock: Okay.

John Stoll: I didn't know if you wanted me to initial these and send them back to the state or if you wanted to. Joe says you need to, okay.

Commissioner Mourdock: I'll move approval of the request as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered. May I ask this question? Can you get these from Charlene tomorrow so they get on their--

John Stoll: Yes.

President Jerrel: Have we heard anything else? We didn't want to bother you all, but we got into a quagmire last Monday.

John Stoll: To say the least!

President Jerrel: John called me in Indianapolis and what had happened, the state forgot that this was not an 80/20 split, you know, which most of your bridges are, so they sent us an invoice for 20 percent instead of the 50 percent and we cut a check. You guys approved it and they cut a check and then they would not issue the contract to the contractor to proceed because they wanted the rest of the money. It's like...so John called me up there and I did a dance over to INDOT and got Rick Whitney to fax the corrected invoice down here and then John did everything he had to do. We got it to the Auditor and she did what she had to do and then we found out that everything was okay except there is two more steps that no one really knew that had to be taken and that is that there has to be not only Mr. Weddle had to come in and sign that there is a contract phase and then after that happens it has to go to the Attorney General's office. We didn't really...were not aware that they looked at all contracts, so I am saying to you we're moving at the speed of a tortoise.

Commissioner Mourdock: By state standards that is pretty fast.

President Jerrel: But we are moving.

John Stoll: Yeah, when we checked on the status of the checks, the checks have been received by INDOT and when JP talked to the lady at the cashier's office she said she couldn't believe how fast we got the checks up there.

President Jerrel: I guarantee it we did. You talk about some cooperative work, we did it!

Commissioner Mourdock: I'm surprised they didn't accuse us of trying to pull something with the 20 percent instead of the 50.

Commissioner Tuley: Yeah.

John Stoll: We had hoped they would just issue the Notice to Proceed and resolve it later, but it didn't happen.

Commissioner Mourdock: Or forget about it!

President Jerrel: But we are monitoring them now. We didn't realize...John said he didn't realize that this was part of the process up there.

John Stoll: I didn't know it went back to the Attorney General's office. I thought the agreement that you have there, the state LPA agreement, is the only one that went back to the Attorney General, but the construction does too.

President Jerrel: Now we're looking for a name in the Attorney General's office. There is a name of an attorney that will look at all these and I want that name.

John Stoll: We'll find it.

President Jerrel: So we can keep it moving. Or else...the or else is the deadline date looms. Thank you.

John Stoll: That's all I have.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: County Garage. Erik, we didn't have a chance to discuss anything. We'll just do that next week.

Erik Bentle: Okay. The first thing I've got is I would like to request permission to rent a mower and bushhog to do our city lots this summer, to maintain them. In the past they have rented one from Stephen's to do those lots.

President Jerrel: Tony, have you given them the updated lots?

Erik Bentle: Yeah, I got a list of them.

President Jerrel: Good, because a lot of them we don't have any more.

Joe Harrison, Jr.: You mean county lots in the city?

Erik Bentle: Yes.

Joe Harrison, Jr.: Okay.

Erik Bentle: Yeah, that's what I meant.

Joe Harrison, Jr.: Surplus property lots in the city.

Commissioner Mourdock: Yeah.

Joe Harrison, Jr.: Okay.

Erik Bentle: Right now the price I got on it was the cheapest I could find right now was \$90 a week for the mower and \$50 for the bushhog. We figured approximately three month's usage which is \$1,470.

Commissioner Mourdock: What size mower is it?

Erik Bentle: Uh, you would ask that.

Commissioner Mourdock: Well, I presume we're not paying \$90 for a week for a push mower?

Erik Bentle: No, no. It's a large tractor. I can't think of the size.

Commissioner Mourdock: I don't recall that we've ever rented that in the past. Do you recall?

President Jerrel: No, I don't know.

Erik Bentle: We had it last year I know for sure.

Commissioner Tuley: Yeah, because--

Commissioner Mourdock: Did we? I didn't recall it.

Commissioner Tuley: --Big John that runs it.

Erik Bentle: Yeah. The ones we have to mow, most of them are too big to get in them city lots and do.

Commissioner Mourdock: Yeah, well we use them so periodically it makes sense.

Erik Bentle: Yeah.

Commissioner Mourdock: I'll move approval of the request.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: You have my weekly worksheet.

President Jerrel: Yes.

Commissioner Mourdock: Yeah.

Erik Bentle: The other item is what you were talking about?

President Jerrel: Yeah, and we didn't have a chance to talk about it so we'll get it done between now and next week. We'll talk to you.

Erik Bentle: Okay, that's all I have.

Commissioner Mourdock: Several weeks ago I mentioned to you about getting the infrastructure group together to make sure we're coordinating with the city departments and utilities and such. Have you done that?

Erik Bentle: Yeah, we've had one meeting so far. We're supposed to get another here shortly.

Commissioner Mourdock: Okay, very good.

Commissioner Tuley: I've got one question. Several...gosh it seems like it has been a couple of years ago when we discussed this, marking the vehicles. All of our vehicles should be clearly identified. I thought I saw your Blazer the other day and it didn't look like it had any kind of identification on it.

Erik Bentle: It's got the number one on it. It doesn't have the County Highway emblem on it.

President Jerrel: It's supposed to have the emblem on it.

Commissioner Tuley: Yeah, there should be some big emblems I think we use on the trucks or something. You have not been made aware of this, so don't take this in any way as a chastising, but I just noticed it the other day. We did adopt a policy a while back that all county vehicles have to be clearly identified as that, so if you can get somebody to put those stickers on there.

Erik Bentle: That would be no problem.

Commissioner Mourdock: That's right.

Commissioner Tuley: I think Milton was told that and I don't think...I guess he just never did do it.

Commissioner Mourdock: That's not surprising.

Erik Bentle: Sure, no problem.

Commissioner Tuley: Okay.

President Jerrel: Okay.

Commissioner Tuley: Thanks.

President Jerrel: Thank you.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: The tax surplus sale, the county surplus property sale, is May 11th at 10:00 a.m. here in this office. It's going to be an auction. Curran Miller will be conducting the auction. I believe I sent the legal to be advertised, I mean, it has already been approved by the Board, to Charlene so she will be putting that in the paper one of these days. Hopefully they won't have to mow as many properties if we sell most of those properties at the auction, so that number may be reduced substantially after May 11th. That's all I've got.

President Jerrel: Okay.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I don't have anything to report. On a personal level I get my cast off Friday.

Commissioner Tuley: You go there again and it will get broke again!

Commissioner Mourdock: I've noticed a lack of e-mail the last few weeks.

President Jerrel: The real challenge is to read my messages when a phone call comes in. I mean, because that is his writing hand.

Gary Hohman - Burdette Park

President Jerrel: Okay, Burdette Park.

Gary Hohman: Gary Hohman, Assistant Manager. We have nothing to add other than we are here to answer any questions that you might have of us.

President Jerrel: I hope everybody found their...we completed the Lilly grant this week and it got sent in time to get in, so we're hoping we can keep our options alive.

Commissioner Mourdock: Last year at about this time, Gary, we were sweating it with all the construction and painting work going on at the swimming pools to get open on time and obviously were not fully successful due to the weather. How does our opening schedule and everything look this year?

Gary Hohman: They started fiberglassing today, sir.

Commissioner Mourdock: Okay.

Gary Hohman: The products or material was delivered Friday in the pouring rain and they started fiberglassing this morning on the walls and so forth.

President Jerrel: How long will that take approximately?

Gary Hohman: Barring inclement weather I think you're looking at a possibly two week project under ideal conditions.

Commissioner Mourdock: We never find ideal conditions, so if you would either you or Steve please report the next two weeks and let us know how we are doing.

Gary Hohman: Yes.

Commissioner Tuley: Gary, do you know when your first, I don't want to say party, but whatever that is going to require the use of the pool because don't you have some things that are going to be coming up before actual Memorial Day weekend?

Gary Hohman: Yes, prior to opening we have the (inaudible) group incorrectly, but it's the unit that is sponsored by the Sheriff's Department/Police Department, boys--

President Jerrel: Patrol boys?

Gary Hohman: Patrol boys. They are scheduled in May the 20th for their picnic and swim activities. We have been assured by our contractor that is the deadline and we want to be available at least a week prior to in order to give our personnel time to make the adjustments that we'll need to make following their construction.

Commissioner Tuley: Okay.

President Jerrel: Thank you.

Commissioner Tuley: Thanks.

Weekly reports

President Jerrel: You have Soil & Water and Ozone. Is there a motion to approve the Garage, Burdette, Soil & Water and Ozone Officer reports?

Commissioner Mourdock: I'll move we accept those reports into the record.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under the consent items there wasn't anything unusual. Is there a request...I mean, is there a motion to approve the consent items?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have your meetings attached.

Old business

President Jerrel: How about old business? Is there any old business?

Commissioner Mourdock: Just by way...actually, it could be under scheduled meetings, but the Jail Committee is meeting again on Wednesday night, so if you would like to join us feel free.

President Jerrel: What time?

Commissioner Mourdock: At 5:30.

President Jerrel: 5:30.

New business

President Jerrel: Okay, under new business is there any new business to come before the Board? Entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:12 p.m.

Those in attendance:

- Bettye Lou Jerrel
- Richard E. Mourdock
- Patrick Tuley
- Joe Harrison, Jr.
- Suzanne M. Crouch
- Charlene Timmons
- Tony Greubel
- Joe Coleman
- Dave Rector
- Larry Barr
- Steve Sherwood
- John Stoll
- Erik Bentle
- Gary Hohman
- Others unidentified
- Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
April 26, 1999**

The Vanderburgh County Board of Commissioners met in session this 26th day of April at 5:50 p.m. in the Commissioners’ Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I’d like to call the Vanderburgh County Commissioners’ meeting to order. At this time I would like to introduce to you the people before you. The far right, when he returns, is Tony Greubel who is the Superintendent of County Buildings; Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley; on my far left, Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of April 5th and April 12th.

Tony Greubel: No, that’s a mistake.

Commissioner Tuley: No, it’s the 19th only.

President Jerrel: Why did I say that?

Commissioner Tuley: That’s because you had the draft copy which was incorrect.

President Jerrel: Approval of the minutes.

Commissioner Mourdock: I’ll move approval of the minutes of the meeting of April 19th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: And the certification of the Executive Session. We met at about 4:40 until 5:45 and discussed personnel and property leases.

Commissioner Mourdock: And I’ll move approval of those summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bids - VC99-04-01, Repair and repaving of various roads

President Jerrel: We’re now going to open bids. I need approval to open bids for the

repair and repaving of various county roads.

Commissioner Mourdock: I'll move approval of opening bid VC99-04-01 for repaving of various county roads.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Kelly Culiver - Cooperative Extension phone agreement
--

President Jerrel: Next on the agenda we have the renewal of the Cooperative Extension Service Centrex phone agreement.

Kelly Culiver: Thank you. I'm Kelly Culiver with VanAusdall & Farrar. The Centrex agreement with Ameritech for the Cooperative Extension office is up for renewal on May 5th. I had submitted to Tony what the options were with Ameritech and I believe he said that the Commissioners, I believe, had approved--

Tony Greubel: Yeah, a 60 month agreement.

President Jerrel: We just can't really go out any further.

Kelly Culiver: Oh, well that is fine. I mean, you've got several options there.

President Jerrel: Right.

Kelly Culiver: And at the end of that time, you know, we can look at it again and then see what you all feel comfortable to do.

President Jerrel: Well, that was the reason.

Kelly Culiver: Oh, that's fine.

Commissioner Mourdock: Joe, did you look over the agreement?

Joe Harrison, Jr.: I just glanced at it. It looks okay as long as that is what you all want to do.

President Jerrel: Uh-huh. Is there a motion to approve?

Commissioner Mourdock: I'll move approval of the Advanced Centrex Letter of Election and Letter of Agency for Vanderburgh County Cooperative Extension.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Kelly Culiver: Thank you.

President Jerrel: Okay, thank you.

Jerry Bryan - City/County Purchasing Department

President Jerrel: Jerry Bryan for awarding of VC99-15.

Jerry Bryan: Good evening. I'm Jerry Bryan, the Purchasing Director for the City/County of Evansville. The proposal in front of you is the jail management application which is a computer upgrade, Vanderburgh County #99-15. We bid three sources, Perceptics Corporation, Epic Solutions and Spillman Technologies. Spillman Technologies was a no bid. I understand that these two vendors that we were to choose from had a demonstration before a jail computer selection committee and the vendor that was selected was Perceptics Corporation. I have done the tabulation and it is checked by the Controller's Office, Glen Barnes is the finance officer, and from a standpoint we recommend Perceptics Corporation at \$154,333. I'm not familiar with the computer system and Eric Williams from the Sheriff's Department is here and would like to give you an overview for what you are actually getting for this amount of money. Eric.

Eric Williams: Good evening, Eric Williams, Chief Deputy, Sheriff's Office. I don't know that I need to give you an overview or not or answer any specific questions. I can do either. I think most of you are pretty familiar with what has been going on and the steps we've been taking.

President Jerrel: I know that the difference between the low bid and the high bid were some specifics that were new items that really hadn't been put in the mix that you thought...would you want to just describe those?

Eric Williams: Well, we sent the bid proposal to probably a dozen or so computer vendors, jail management software vendors. Two of them chose to respond. Spillman was one we kind of expected, but chose not to. The two that did respond and responded properly varied by almost double. Epic Solutions was in the \$360,000 ballpark and Perceptics was around \$150,000. In dealing with these they all sell modules and packages and this \$150,000 is not set in stone. The Council has given us \$360,000 for this project. We don't expect to go anywhere near that money once we get the statement of work done and tune it out and get everything done it will probably stay close to this number, but there were a lot of differences. I would say the majority of the differences between the two were bells and whistle type things. After the committee I established reviewed both of them, saw demonstrations, they felt very comfortable with Perceptics' product that it performed the functions we needed. It still looks nice, it's client server based. It's ODBC compliant which means that we should be able to integrate it with courts at some time, with the future record's management package which is in the works, with the CAD when it gets upgraded. We feel very comfortable with it. There were a couple other strong things about Perceptics. They are based out of Knoxville, Tennessee so they are close enough I can drive down there if I have to to talk to them whereas the other company, as in the past, is based out of California and that makes it a little difficult to do face-to-face meetings with them. They have quality maintenance agreements. They're a pretty sound company. They've been in business long enough and we've talked to plenty of other people that have dealt with them that liked their product and think it does what they need it to do. The other big difference between the two main vendors was Epic Solutions has incorporated into their package a mug shot imaging system which would have meant had we gone with them their equipment was all proprietary. We recently just purchased a mug shot imaging system. That would have required basically us discontinuing that and

installing a whole new system. The Perceptics system will integrate with what we already have so we thought that was a better use of the funds and the equipment we have in place.

President Jerrel: I would like to compliment Eric on this because we struggled with a lot of these issues with software and the very fact that this company and this software both has a track record. The other one had never been implemented completely for a period of time that you could have evaluated it and sometimes those whistles and bells don't work as well as you would like for them to. I compliment you all for going with a product you feel like will work.

Eric Williams: And I don't want to talk negatively about the other vendor.

President Jerrel: No.

Eric Williams: Epic Solutions has a fine product, but our committee put it pretty well in we were looking at a Rolls Royce and a Chevrolet. The Rolls Royce when it is running looks great, does a great job and runs super smooth, but when you need parts and labor and things like that it is very difficult to come by and hard to locate the people that are qualified to work on it. Whereas the Chevy you can get parts anywhere for them, they're pretty dependable and they've been around for a long time. So that is kind of how we looked at it.

President Jerrel: Well, anyway, I thought it was well done.

Commissioner Tuley: You know, I think it is complimentary to your department that you guys, even though you had a lot more money, chose to get what you needed and stay well under that budget, so I think that speaks well for your department.

Eric Williams: We like to think we're a frugal administration.

Commissioner Mourdock: That sounds like a campaign theme! Anytime you have eight people on a committee dealing with technical information and they agree unanimously, which is what is quoted in your note, I think you would be pretty foolish not to support that.

President Jerrel: Well, and someone would of had a heart attack over there if they had thrown that mug shot imaging we just got away.

Brad Ellsworth: I was afraid of that.

President Jerrel: Yeah.

Commissioner Mourdock: I'll move approval of the award of VC99-15, the jail management application, as recommended by Jerry Bryan and the Sheriff's Department.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

Any group or individual wishing to address the Commission

President Jerrel: The next item on the agenda...are you ready yet? Do you want me to keep going? Okay. Is there anyone here that wishes to speak to the Commissioners on an issue other than drainage, because that is the next meeting we go into, at this time?

John Stoll - County Engineer

President Jerrel: If not, I'll go on and begin with the County Engineer while the Attorney opens the bids.

John Stoll: I've got a change order on the State Road 62/Cross Pointe project. This is the final change order on the project. It is for an increase of \$12,200.15. The project is completed and this is just to cover the balance of the increases that were brought about in the project between the time that it was originally bid and the time that the project was awarded. Originally those were estimated to be about \$19,000 of increases according to Bernardin Lochmueller who designed the project. The end result it turned out to be about \$22,000 so they were in the ballpark and it is recommended that this change order be approved.

Commissioner Mourdock: I heard all that except which project.

John Stoll: Cross Pointe and Morgan. J.H. Rudolph is the contractor.

Commissioner Mourdock: I'll move approval of the change order as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is also a change order. This is on the Daylight sewer project. It's for an increase of \$711.28. The need for the change order arises from an error that was on the plans. Due to all the changes that were going on back when the Phoenix Commerce Center was being designed and then eventually it was dropped there were numerous changes made to the sewer plans and when those changes were made there was a wrong elevation established on a pump station. It was two and a half feet off. Don Adler with Three I Engineering verified that, yes, they did have the incorrect elevation on the pump station. In order to raise it the \$711.28 is what Peters Contracting says is required. It's recommended that this be approved.

Commissioner Mourdock: Just want to be sure. The engineering firm that did the work--

Commissioner Tuley: Made a mistake.

Commissioner Mourdock: --made a mistake?

John Stoll: Right. They had a wrong elevation and it was two and a half feet too low on the pump station, so in order to bring it up to the elevation that is required on that

pump station Peters Contracting is requiring another \$711.

Commissioner Mourdock: Did we over excavate a bunch to get to it or had we gotten along that far before we realized it was too low?

John Stoll: This came about just in the past couple of weeks, so this is just adding another section on the top of the pump station, so it is not...the excavation was already done and the pump station is in.

Commissioner Mourdock: There is nothing mechanical affected other than the elevation?

John Stoll: Correct.

Commissioner Mourdock: I got to ask, John. Logic tells me if the engineering firm made the mistake why are we paying for the mistake based on their work?

John Stoll: Do we have any provision to get that back? I mean, I wasn't involved in the design contract. That was something that was done through DMD. I can get with Joe and we can delay this until I check into it.

Commissioner Tuley: It's not a lot money, but it is more the point and I think it is worth checking out.

Commissioner Mourdock: Yeah, I do too.

John Stoll: Okay.

Commissioner Mourdock: I would ask that we defer this to have it reviewed with DMD.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a sidewalk waiver request for Shanes Pointe Subdivision. This is an eight lot subdivision on the southeast corner of Red Bank and Upper Mount Vernon. There are no other sidewalks anywhere around this area and it is recommended the sidewalk waiver be approved.

Commissioner Tuley: Where was it at, Red Bank and what?

John Stoll: And Upper Mount Vernon.

Commissioner Tuley: There are no sidewalks, that's right. That's the little eight lot--

John Stoll: Right.

Commissioner Tuley: Yeah.

Commissioner Mourdock: I'll move approval of the sidewalk waiver request as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered. John is going with me Wednesday and we're preparing a packet for Council of all the projects that we're working on at various places. JP is getting them together for us.

John Stoll: Right. Thanks.

President Jerrel: Thank you.

County Garage

President Jerrel: Erik's daughter is performing tonight. He was here and left his report and--

Commissioner Tuley: You just want to have it accepted into the record?

President Jerrel: Right, so if you want to accept those reports.

Commissioner Mourdock: I'll move we accept the County Garage report into the record.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Are you ready yet?

Joe Harrison, Jr.: Yes. The first item I have relates to the opening of the bids on VC99-04-01. It's the repair and repaving of various county roads.

Company name	Amount bid
Gohmann Asphalt & Construction, Inc. Clarksville, IN	\$313,344.28
E & B Paving, Inc. Evansville, IN	\$324,853.35
J.H. Rudolph & Co., Inc. Evansville, IN	\$366,131.55

I would ask that the Commissioners take these bids under advisement and review them for their responsiveness.

Commissioner Tuley: Joe, who was the first one? I missed the name.

Joe Harrison, Jr.: Gohmann Asphalt & Construction of Clarksville.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: The third one...or second one is E & B Paving and then J.H. Rudolph is the third one.

Commissioner Tuley: I move we take these under advisement as recommended by the Attorney.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The other item I wanted to bring up has to do with the purchase of the kitchen equipment over at The Centre. Originally the Commissioners approved close to \$700,000 worth of expenditures for kitchen equipment over in The Centre. According to the Building Authority there is a need for an additional \$38,000. The pricing for those items apparently went up at the beginning of the year and those prices are good apparently only until May 1st, so I would ask that the Commissioners approve another \$38,000 out of Food & Beverage funds for that purpose for the purchase of kitchen equipment by the Building Authority. It is possible that not all the items that are being considered for purchase will be purchased, but we just want to have sufficient enough funds that if that is in fact necessary that there will be sufficient funding for that purpose.

President Jerrel: Can you include that in a motion that the review of these will be done by Sandie Aaron with Steve Utley on the needs?

Commissioner Mourdock: Yeah, I'll be glad to put that in the motion. I just want to make sure that we do it in such a way...Ms. Aaron can't make the call on behalf of the county, so all we're really acting on is the funding of the specific items she will bring back to us at another time.

Joe Harrison, Jr.: That's correct.

Commissioner Mourdock: Okay, in that case I move the approval of the funding as requested pursuant to review between Sandie Aaron and Steve Utley.

Commissioner Tuley: Second.

President Jerrel: So ordered. If necessary I might want that part of the minutes. Okay.

Joe Harrison, Jr.: That's all I have.

President Jerrel: Okay.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Okay, let's see. Superintendent of County Buildings.

Tony Greubel: Yeah, late this afternoon three grant applications were dropped off. Two by the Prosecutor. Sandie was able to look over them late this afternoon and everything is correct on them with the line items and everything. At the last minute Chief Williams dropped off a grant application for the Domestic Violence Sexual Coordinator...Domestic Violence Case Coordinator, that Deputy Stefanich. And anyhow, Sandie wasn't able to verify that, but the local match is In-Kind by the Vanderburgh County Sheriff's Department and then looking over everything all the fringe benefits and the salary comes from the federal funds. If you would like maybe

if we could approve upon and then sign it if Sandie verifies the salary ordinance tomorrow. It only needs to be signed by the President of the Commission.

President Jerrel: So you have three Prosecutor grants and one Sheriff?

Tony Greubel: Two Prosecutor--

President Jerrel: Two Prosecutor and one Sheriff.

Commissioner Tuley: The Prosecutor has been reviewed by Sandie.

Tony Greubel: Sandie, that's right.

President Jerrel: I did go over both of them and there were a couple of differences from our personnel, so we had them--

Tony Greubel: Yeah, those are the correct ones, yeah. So if you would like--

President Jerrel: Put them in the signature file.

Commissioner Mourdock: Okay, I'll move we put the grant requests mentioned by the Superintendent of County Buildings in our consent item file for signature this evening.

Commissioner Tuley: Did you want the last one...go ahead and approve subject to verification by Sandie?

President Jerrel: Yeah, we can do them all.

Commissioner Mourdock: Okay, I'll amend the motion to include that last comment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Weekly reports

President Jerrel: Okay, we do have a Burdette Park, but they were not going to be able to be here. We have a Soil & Water and an Ozone Officer report, so if you could move on those items.

Commissioner Mourdock: I'll move acceptance of the three reports mentioned.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under the consent items are there any questions or is there a motion to approve those?

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have your meeting list included.

Old business

President Jerrel: Is there anything under old business?

Commissioner Mourdock: Just on the scheduled meetings, just as a point of question, the fifth Monday in May is May 31st which is the official holiday. Do we wish to act to cancel this meeting? The Civic Center will be closed that day.

President Jerrel: I think we could cancel that fifth meeting completely because there really...we won't have any drainage or zoning. Is that alright with you?

Commissioner Tuley: I wasn't going to be here anyway. I'm going to be in Florida so you guys do what you want to.

Commissioner Mourdock: Somehow it doesn't seem right, Pat. I'll move then that we publish notification that we will not be having our normal weekly meeting on May 31st.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. Is there any other old business?

Commissioner Mourdock: One just bit of old business as an update. In fact, a couple of things, I guess. First of all I will be meeting next week with some folks from SIGECO on the new access road south of Azteca going across the new Matrix building that we're getting the right-of-way finally squared away there. As I think you know, Bettye Lou, the state did give us the extension up there for another six months to get that done pursuant to the grant request from DMD and I met this week with DMD folks on that. Also, on our ongoing ozone I am going to be out of town the rest of this week and be in Washington, DC and Congressman David McIntosh has been down here a couple of times and with one of his committee assignments he has an interest in the ozone issue. He is interested in having a congressional oversight hearing here in town on the EPA ozone rulings. So I'll discuss that with him and we'll see where that goes.

New business

President Jerrel: Oh, I was going to bring this up under new business so, Charlene, wherever you want to put this. I received a call this afternoon late from a member of the IDEM staff about Thursday evening's meeting on ConAgra's permit at Plaza Park School. Janet McCabe will be here. Tim Method will be here. I think Tim Method is now acting director or maybe he has been appointed director.

Commissioner Mourdock: Maybe just over air. I'm not sure.

President Jerrel: Yeah, I'm not sure either, but anyway, they will be down here at I think it's 6:00 p.m. I'll get you the correct time, but they were encouraging any Commissioners that could to attend. Along those same lines Tony and I met this morning with Graham Toft about the...am I saying that right?

Tony Greubel: Uh-huh.

President Jerrel: And one Commissioner from Posey County to begin plans for our regional committee. He is going to send us a letter. We did a lot of talking about, you know, just how to divide it up and he gave us a lot of ideas. He's going to put them in a letter and send them to us, but he would like to have some recommendations by the 3rd. That would be week after next. Will you be back on May 3rd?

Commissioner Mourdock: The 3rd is next week.

Commissioner Tuley: Oh, I'm not leaving until the end of May.

President Jerrel: Okay, is that--

Commissioner Mourdock: Are you talking June 3rd or May 3rd?

President Jerrel: May 3rd.

Commissioner Mourdock: That's next week.

Commissioner Tuley: Yeah, I'm not going anywhere.

President Jerrel: Yeah, he gave us two weeks to get them done.

Tony Greubel: Yeah, May 10th he is wanting them.

President Jerrel: But we need to be getting some ideas and I'll send you a memo on some of the groups that were not really spelled out that he thought would be--

Commissioner Mourdock: I found an e-mail at my office this morning. Someone had read about it in the newspaper and asked to be on the committee. Someone with the technical background.

President Jerrel: Right, and he gave us about five names of Evansville people that had contacted him when he spoke to the Rotary.

Commissioner Mourdock: Really?

President Jerrel: So we've got a pool to begin working from and then we talked a little bit about how to have the meetings and they kind of decided the first four meetings would be going around the horn. We would go, you know, maybe to Posey and Warrick and Gibson and then the remainder of the meetings we would hold in Vanderburgh County.

Commissioner Tuley: When we were up there last week in Indianapolis Representative Weinzapfel said he would like to be considered for one of those

appointments if he can be.

President Jerrel: Well, sure. He would be coming from the Posey County--

Commissioner Tuley: He represents two of us.

Commissioner Mourdock: Does he live there now?

Commissioner Tuley: I didn't go there. I was up there with hat in hand trying to get something.

President Jerrel: Well, wait until we get the letter from Graham because he really gave me some insight today into the kind of people that you need to have because it is an intensive working situation for about nine meetings.

Tony Greubel: Seven.

President Jerrel: Seven, seven meetings, and intensive, you know, because you're going to come up with and you're going to have to have...he said, you know, you need a core that you can depend on to be there.

Commissioner Mourdock: Absolutely, yeah.

President Jerrel: Or it won't work.

Commissioner Mourdock: And it's a big group of people. It's going to be tough.

President Jerrel: Yeah. So anyway, as soon as we get something he'll send copies to you, but maybe then we can get busy and go through some names. Anything else? Is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:15 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Kelly Culiver
Jerry Bryan
Eric Williams
Brad Ellsworth
John Stoll
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
May 3, 1999**

The Vanderburgh County Board of Commissioners met in session this 3rd day of May at 5:31 p.m. in the Commissioners’ Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Call to order and Pledge of Allegiance

President Jerrel: I’d like to call the County Commissioners’ meeting to order. At this time I would like for you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: I’d like to have a motion for approval of the minutes of the previous meeting.

Commissioner Mourdock: I’ll move approval of the minutes of April 26th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: We did have an Executive Session that began about 4:55 and lasted until 5:30 and we talked about personnel matters and litigation and contracts.

Commissioner Mourdock: And also leases for real estates.

President Jerrel: Oh, I was calling contracts that.

Commissioner Mourdock: Okay, I’ll move approval of those summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

WCS programming services contract

President Jerrel: In your packet there is a contract that the County Assessor wishes to enter into. You had a copy of this. It deals with her internet site and this, if you’ll look at it, it relates to the upgrades on ProVal which is a reassessment.

Commissioner Mourdock: I’ll move approval of the contract as requested by the Vanderburgh County Assessor.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Burdette Park
Food & Beverage Manager and Asst. Manager contracts

President Jerrel: The next item on the agenda is Burdette Park, approval of the contracts with Food & Beverage.

Commissioner Mourdock: And the first one is for the...with Ms. Mona Berry as the contractor for the...as Manager of Food & Beverage Concession at Burdette and I'll move approval of that contract.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And the second one is for the Assistant Manager for Food & Beverage and that is with, I think she pronounces it, Jolie Rene' Spegal, and I'll move approval of that contract.

Commissioner Tuley: Second.

President Jerrel: So ordered.

1301 Mortensen Lane
Permission to advertise vacation of easement

President Jerrel: The next item on the agenda is the County Auditor for permission to advertise public hearing on vacation of easement at 1301 Mortensen Lane.

Commissioner Mourdock: And I'll move approval of that request for the vacation of easement.

Commissioner Tuley: It says here it has a suggested hearing date of May 17th. Do you want to include that in your motion?

Commissioner Mourdock: Yes, that is included in the motion, May 17, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual that wishes to address the Commission

President Jerrel: I don't see any groups that wish to speak to us.

Erik Bentle - County Garage

President Jerrel: The County Engineer isn't here, so the County Garage. These are your latest...this completes the inventory.

Erik Bentle: This completes our inventory of the infrastructure of the garage. Now, we haven't done the lot yet and got all that stuff, but this completes all the cribs and

everything inside the garage itself. Now last week you got the other cribs that I gave you.

President Jerrel: Right.

Erik Bentle: So any questions on that?

Commissioner Mourdock: The only question I would have, Erik, is looking at this, yeah, there is a lot of inventory on here and I look at page after page of fuel filters and hydraulic filters. Do we even have to have those in inventory?

Erik Bentle: Yes, we use them every day.

Commissioner Mourdock: Even the fuel filters? We change them out that often?

Erik Bentle: They change them out every time that they do a service on a vehicle because they get so much dust and stuff in them.

Commissioner Mourdock: Okay.

President Jerrel: Is there anything else?

Erik Bentle: You've got my worksheet for this week.

President Jerrel: Uh-huh.

Erik Bentle: The other thing I've got is for our paving so far we've got two percent of the paving done. The weather is holding us up some on that, but as far as our ditching goes we've got 43 percent of it done already.

Commissioner Mourdock: No kidding?

Erik Bentle: We're moving right along on the ditching.

President Jerrel: Good.

Erik Bentle: That's all I have.

President Jerrel: Have you shared that with John? You know, he was making those colored...you may not have been aware of that, the colored--

Commissioner Mourdock: Graphs.

President Jerrel: --graphs to show how you're doing. Is he going to do those for us? Yeah.

Erik Bentle: We've done one already.

Commissioner Mourdock: Yeah, I've seen them.

President Jerrel: Ask him if he would do one, you know, a larger one so we can start posting them on the board.

Erik Bentle: Okay, sure will.

President Jerrel: Because you're doing well we might as well announce it.

Erik Bentle: Sure.

President Jerrel: Okay, anything else?

Erik Bentle: That's all I have.

Commissioner Mourdock: Last week prior to the meeting Bettye Lou handed me something about that one truck you were looking to order.

Erik Bentle: We haven't ordered or nothing yet.

Commissioner Mourdock: I know, we've not approved the order because I wanted to talk to you about it which we did, so now that I understand it you might resubmit that.

Erik Bentle: That would help us out a lot getting equipment to the job. We bought them new pavers to take one on the patch crew and one on the paving crew, but as it stands now them little pick-ups that we have just won't pull it so we need to--

Commissioner Mourdock: We'll put those on the agenda next week.

Erik Bentle: Okay, and that one car we were talking about, I went back and talked to Dave about it and he was wanting me to request that we put it up for auction because he said it is getting to the point where they're putting more parts in it than it is worth.

President Jerrel: Alright, well we'll get moving.

Commissioner Tuley: Two quick questions.

Erik Bentle: Sure.

Commissioner Tuley: Are you guys on your early schedule yet so that you get off like at 2:00 or 2:30 in the afternoon?

Erik Bentle: No.

Commissioner Tuley: You're not on that schedule yet?

Erik Bentle: No, that is not something that has been brought to my attention. I didn't know they did that.

Commissioner Tuley: Well, a lot of times once the weather gets real hot particularly the paving crews they like to start...they come in at 6:00 and work to like 2:00, something like that, so that they can get out before that gets extremely hot in the afternoon.

Erik Bentle: Okay.

Commissioner Tuley: So we haven't got there yet maybe, but that is what I was wanting to find out. The other question I've got can you submit, and I don't know how you guys feel about this, but I would kind of like to see weekly report of the days

off by your foreman.

Erik Bentle: Okay, I'll work something up, yeah.

Commissioner Tuley: Just so that we know what days of the week they're off.

Commissioner Mourdock: In advance you're saying or after the fact?

Commissioner Tuley: Well, it would be nice if it is projected, but I know a lot of times you can't do it that far.

Erik Bentle: That's sort of hard to project it, yeah.

Commissioner Tuley: A lot of times you'll get them 24 hours in advance notice is all you'll get, so if you can just kind of make that maybe part of your report just so we know last week who was off.

Erik Bentle: Okay. Another thing I wanted to bring up is summer help. Is there any chance of us getting some summer guys out there to help do these city lots and some of the other stuff?

President Jerrel: Let me ask you a question, and I'm going to...let me come out there and sit down with you so we can review because Mr. Wortman was out there the other day, you know, and he had some comments that he would like for me to relay, but let me do that, will you, the first of the week?

Commissioner Mourdock: I would just add my quick reaction is hearing that you're 43 percent done with all your ditching already that there is some manpower there that will otherwise be available to do those kind of things.

Erik Bentle: Okay. But now some of them that we're using on the ditch crews we use on the patch crews also, so we're stealing from Peter to pay Paul sometimes, but, yeah, we can work something out. They used them last year to do these city lots because we can't get that tractor in a lot of these small lots.

Commissioner Tuley: So you've got to do them by hand?

Erik Bentle: Uh-huh, you've got to use a hand mower.

President Jerrel: Let me--

Erik Bentle: Sure.

Joe Harrison, Jr.: And again, some of the lots are hopefully going to get sold in another week.

President Jerrel: Yeah, may not have much to do.

Erik Bentle: Yeah.

Joe Harrison, Jr.: There are about 40 or 50 of them that are up for sale. That will help.

Erik Bentle: When is that?

Joe Harrison, Jr.: It's going to be May 11th. Is it May 11th?

Tony Greubel: Tuesday of next week.

Joe Harrison, Jr.: Next week.

Erik Bentle: Another thing, did you ever hear about the process with Miller's, if we're going to court on that?

Joe Harrison, Jr.: I have communicated with their attorney, but I'm still waiting to get something from you.

Erik Bentle: Okay.

Joe Harrison, Jr.: And then we'll go from there. Is that okay?

Erik Bentle: That's fine.

John Stoll - County Engineer

President Jerrel: John.

John Stoll: On the Fulton Avenue Bridge the contractor has a Notice to Proceed now and a preconstruction meeting has been set up in Vincennes on Wednesday at 9:30 and I've got a travel request for me to go up and attend that meeting.

Commissioner Mourdock: I'll move approval of the travel request.

President Jerrel: I'll second and say so ordered.

John Stoll: Also in regard to the Fulton Bridge, when the funding split was changed to the 50/50 split they also required some modifications to the construction inspection agreement that we had with Bernardin Lochmueller. Now this will be reimbursed at 50 percent and it previously wasn't. That requires a new agreement to be submitted to INDOT and that is what all this is so it is recommended that this all be approved and signed by the Commissioners.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered. That's kind of a little gift, huh?

John Stoll: Actually, it would have been easier if they would have bumped the construction funding up.

President Jerrel: I know it.

John Stoll: And kept the local funding in place.

President Jerrel: We've got to keep focused to get the bridge finished.

John Stoll: Right. They did change the completion date, too. They pushed it up to January 7, 2000. I've not gotten any word back on why they did that. There was no unrealistic, unreasonable time that passed between the time the bids were opened

and when the contractor got the Notice to Proceed, so I'm not sure what instigated that week extension, but as soon as I find something out I'll let you know. The next item I've got is a request for street acceptance in The Seasons Subdivision. This is Section 2 of The Seasons. This is a subdivision off of Covert Avenue between Pollack...I mean, between Covert Avenue and Pollack Avenue adjacent to the new park that the city just put in. It's requested that Seasons Ridge Boulevard be accepted, this is 480 linear feet, and 340 linear feet of Starbreeze Pointe and 340 linear feet of Tradewind Cove. These have all been built in accordance with the plans.

Commissioner Mourdock: I'll move acceptance of the streets as recommended by the County Engineer.

President Jerrel: Second and so ordered.

John Stoll: Next on the Burkhardt and Morgan project I have received a letter from INDOT requesting that the county fund the preliminary engineering review that has to be done by Norfolk Southern Railroad in regard to that modification to the railroad crossing. They're estimating that this would cost \$5,000 to \$8,000 for this preliminary engineering. They're requesting that we fund this with local funds and then they state in this letter that federal funds will be used for the construction. This is comparable to what we had to do down at the Cross Pointe intersection and I would recommend that it be approved.

Commissioner Mourdock: And is that \$5,000 to \$8,000 internally or would we then contract that with someone else?

John Stoll: Norfolk Southern will invoice the state and the state will pass that bill on to us, so it would be just the in-house costs for Norfolk Southern to review the plans as designed.

Commissioner Mourdock: Okay, I'll move approval of the funding request for engineering services as requested.

President Jerrel: I'll second and say so ordered.

John Stoll: Next I've got a sidewalk waiver request on Heartland Ridge Subdivision. This is a subdivision located off Hogue Road west of Peerless Road. What they're proposing is to run the sidewalks in locations shown there in green, which would be on the north side of the one street and the east side of Hope Court. The remainder of the subdivision has sidewalks only on one side of the street, so this is consistent with what the waiver...with the waiver that was approved for the other sections of the sub, so on that basis I would recommend that the sidewalk waiver be approved.

Commissioner Mourdock: I'll move approval of the sidewalk waiver for Heartland Ridge 2.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Should that have been 2 and 3?

John Stoll: Oh, I'm sorry, yes, 2 and 3.

Commissioner Mourdock: I'll amend the motion for 2 and 3.

Commissioner Tuley: Second.

President Jerrel: And I'll so order that motion.

John Stoll: Next I would like to recommend that we award contract number VC99-04-01, repair and repaving of various roads, to Gohmann Asphalt and Construction in the amount of \$313,344.28. This is for the resurfacing of Old State Road and Petersburg Road.

Commissioner Mourdock: I'll move approval of the contract with Gohmann Asphalt and Construction as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a letter from Beam, Longest and Neff. They came down and met with us regarding the bridge out on Bender Road. They had recommended originally that this bridge be posted with a 15 ton load limit, but based on some additional deterioration they are now recommending that we post it for a six ton load limit, so in case you get any phone calls that is what instigated the change in posting.

Commissioner Mourdock: And which bridge, John, I'm sorry?

President Jerrel: Bender.

John Stoll: Bender.

Commissioner Mourdock: Where?

John Stoll: I'll show you on the map. Over here between Boonville-New Harmony and Baseline. We're currently in the process of trying to find out whether or not replacing the existing beams on the bridge is the way to go or whether or not we need to replace the bridge in its entirety. We can only get about 22 feet, I believe it is, if we would put new beams on it and we're trying to find out whether or not that would be adequate width for the farmers. So if we can we'll put new beams on it, if not we'll just have to fund an entirely new bridge up there.

Commissioner Mourdock: I'll move approval of the lower weight limit of six tons for the Bender Road bridge.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is the change order that was discussed last week for the Daylight sewer. This is an increase for \$711.28. I discussed this with Joe Harrison and it is recommended that it be approved.

Commissioner Mourdock: I'll move acceptance of the change order as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got some questions.

President Jerrel: No, but let me thank you. Did you both...I don't know whether you've had a chance to look at the report that's in your packet that I left on the projects that we're doing.

Commissioner Mourdock: Right.

President Jerrel: Right, JP and John and I met and they put together that which we presented to the Council. They will vote Wednesday on that, so anyway I thank you for doing that.

John Stoll: You're welcome.

Joe Harrison, Jr. - County Attorney

President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: I don't have anything.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I don't have anything.

Steve Craig - Burdette Park

President Jerrel: Burdette Park. Hey, do you know you got \$95,000?

Commissioner Tuley: I don't have anything, that's how you follow suit!

Steve Craig: I heard that we got \$145,000. Ninety-five from--

Commissioner Mourdock: That was before it came through this office!

Steve Craig: Well, I had ran into Dennis Avery and he had said congratulations, but he said we got \$95,000 from the Senate and he thought we got \$55,000 from the House of Representatives.

President Jerrel: Okay, well the only that I new about was the Senate \$95,000, so he must know what he is--

Steve Craig: Yeah, but he came up.

President Jerrel: Well, that's good. You know, every little bit helps.

Steve Craig: Oh, yeah. You know, we really wanted more, but anything helps, like you said.

President Jerrel: Sure.

Steve Craig: I got a report on the fiberglassing. They, I guess, are one day behind because they had told me by May 1st that they would be shooting gelcoat, but because of the two or three days of rain last week...they did work Saturday to make up for one of the rain days and they finished today fiberglassing the pool, so now all they have to do is shot the gelcoat which when he started he told me by May 1st that, you know, is when he predicted they would start shooting it, so basically we're a day or so behind. We're probably three or four weeks ahead of when we started this process last year. It's a smaller pool, smaller area, so if we just don't go into one of these rainy periods where it rains four or five days a week we should be okay.

President Jerrel: If we can keep June nice because kids go back to school the first part of August again.

Commissioner Tuley: Yep.

Commissioner Mourdock: Do you think they'll be done this week?

Steve Craig: Gelcoating?

Commissioner Mourdock: Yes.

Steve Craig: No. It's supposed to rain tomorrow and rain Wednesday.

Commissioner Mourdock: Maybe I misunderstood. I thought I heard you say they were supposed to be done May 1st.

Steve Craig: That was the fiberglassing. They call--

Commissioner Mourdock: Okay, and they just finished that today?

Steve Craig: It's all fiberglass, but when they put down the fibers and the clear, you know, coat to do the whole pool, coat everything, he had projected that to be done by May 1st, which like I said they finished it up this afternoon. They should start shooting the white gelcoat, which is a fiberglass coat, too--

Commissioner Mourdock: And the whole thing should be done by...?

Steve Craig: I would say May 18th is what he is projecting.

Commissioner Mourdock: Okay.

Commissioner Tuley: It's going to cut you close then isn't it?

Steve Craig: Pardon me?

Commissioner Tuley: It's going to cut you close for some of your early openings?

Steve Craig: Well, the schools...we have a couple of schools coming in, but we'll have the large pool open with the slides.

Commissioner Tuley: Oh, okay. This is just the small pool we're talking about, you're right.

Steve Craig: This is just the olympic pool.

Commissioner Tuley: Okay.

Steve Craig: But the schools, they're putting us in a predicament anyway because, you know, we used to open Memorial Day weekend.

Commissioner Tuley: Right.

Steve Craig: Now they're wanting us to be open for the 18th and our springs are no longer than they used to be, so you know, not that they demand it. You know, we told them we would try to accommodate them.

President Jerrel: They're pushing everything back.

Steve Craig: Yeah, by about two weeks. Well, the other thing I had was on the Build Indiana Fund. I'm not positive about them, but like I said that is what Dennis said he thought it was.

President Jerrel: Well, they'll let us know shortly. You want us to just put it in the account with the other money?

Steve Craig: Yes. John and I had talked with Morley and Associates about, you know, doing the next step on what we were doing for the layout and the movement of the dirt and everything, so we're keeping on that.

President Jerrel: Sounds good.

Steve Craig: And did you get my weekly report?

President Jerrel: Yes.

Commissioner Tuley: Yep.

Steve Craig: That's all I have.

Weekly reports

President Jerrel: Is there a motion to approve that?

Commissioner Mourdock: I'll move acceptance of the Burdette report, also Soil & Water Conservation District report and the Ozone Officer's report.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

Commissioner Mourdock: I would also note, I don't know if you reviewed in the Ozone Officer report, but there was a copy of the letter she sent off as part of the state's plan and part of the federal guidelines and I thought it was a very good letter.

President Jerrel: It was excellent and her points were. I had an opportunity to meet and visit with her so it was interesting.

Commissioner Tuley: Janet you met with? McCabe.

President Jerrel: No, well, I talked to Janet McCabe twice. We had a conference call with Joanne.

Commissioner Tuley: Oh, okay.

President Jerrel: See, I love that gram molecular weight business.

Commissioner Mourdock: Yeah, yeah I do too.

President Jerrel: I'm fascinated by that.

Commissioner Mourdock: It's kind of fun to talk about that stuff.

President Jerrel: Yeah, if we didn't have to get through Richard and I could give you a little Chemistry 101. Okay, I won't say any more.

Consent items

President Jerrel: Consent items.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have an attached list of the meetings.

Old business

President Jerrel: Is there any old business?

New business

President Jerrel: How about new business? There is a little. This is just an update that Tony put about Mr. Hofmann and that is moving along and should be taken care of by next week or we'll know what is going to happen.

Commissioner Mourdock: One bit of old or new, I mentioned last week about being in DC last week. I did meet with one of the staff members for the House Government Reform Committee and, in fact, they are interested in pursuing having an EPA oversight hearing here regarding how EPA is affecting local government, so it is something we're still looking at and may do in the fall.

President Jerrel: Good. Be thinking of names now because next week we want to come up with some recommended names for our strategy committee.

Commissioner Mourdock: Okay, alright. I've got one.

President Jerrel: Okay, and we've had a few called in.

Commissioner Mourdock: Did we have or, Tony, would you put together for us a list of all those different sectors?

Commissioner Tuley: Yes, I was going to ask for some kind of guideline.

Tony Greubel: I'll make a copy right now and give it to you.

President Jerrel: Okay, motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 5:55 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Erik Bentle
John Stoll
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
May 10, 1999**

The Board of Commissioners of Vanderburgh County met in session this 10th day of May at 5:34 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the County Commissioners' meeting to order. At this time I would like to introduce the people at this...well, Tony Greubel, our Administrative Assistant, will be sitting in the far right seat; next to him is Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley; excuse me, we have a new...I started to say and there is Charlene.

Unidentified: A new Charlene.

President Jerrel: A new Charlene Timmons. That's not Charlene down there.

Suzanne Crouch: B.J.

Commissioner Mourdock: Say B.J.

President Jerrel: Yeah, B.J. has been all over. She's, old...

Commissioner Tuley: Are you saying B.J. has been around?

President Jerrel: She's been...

Suzanne Crouch: I'd just stop.

President Jerrel: I better quit while I am ahead.

Suzanne Crouch: Yeah.

President Jerrel: The County Auditor, Suzanne Crouch; Commissioner Richard Mourdock; and my name is Betty Lou Jerrel and I would like for you to join me now in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first action item is the approval of the minutes of the meeting of May 3rd.

Commissioner Mourdock: I'll move approval of the minutes of May 3rd.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bids - VC9905-01, Old Henderson Road culvert replacement
--

President Jerrel: The next item is the opening of bids. Is there a motion to approve opening bids?

Commissioner Mourdock: I'll move approval of the opening of bids for solicitation VC9905-01 for the Old Henderson Road culvert installation.

Commissioner Tuley: Second.

President Jerrel: So ordered. You want to give those to him?

Jerry Bryan - City/County Purchasing

President Jerrel: Jerry. The next item on the agenda is Purchasing, the request to let bids for County Highway pick-up truck.

Jerry Bryan: Okay, I'm Jerry Bryan, the City/County Purchasing Director. On Erik's behalf I am requesting permission to advertise and bid for a new dodge 4x4 pick-up. The Garage recently purchased two new rollers, one for the patch crew and one for the paving crew, and there is no way to pull one of the rollers for the paving crew because the pick-ups that we presently have in the fleet don't have the load capacity. Erik, do you want to add one thing to this? Do you want to add anything to this?

Erik Bentle: Not to that, no.

Jerry Bryan: Okay. Are there any questions from the Commissioners?

President Jerrel: Is there a motion regarding this?

Commissioner Mourdock: I'll move the acquisition as required.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Uh-huh, thank you.

Rose Zigenfus - EUTS update

President Jerrel: Next on our agenda is Rose Zigenfus.

Rose Zigenfus: Good afternoon. I'm Rose Zigenfus. The first cover sheet that you have is a project update that we put together monthly and it describes the projects that are in progress or that have made progress in the last month. This is not unfamiliar to your President because she has seen it at our policy committee meeting, but I thought you might be interested in knowing. Fulton Avenue, the preconstruction meeting was held on May 5th. According to the County Engineer it looks like that will be under construction and closed to traffic until about January 7th and I think you all are aware of that. St. Joe, State Road 66 and Diamond Avenue, the comment period for that project, the public hearing was held, and the comment period has been extended to May 7th so that if there are any comments they were due last Friday. State Road 662, public information meetings were held in September. Construction activities on that project are now under way and will be until the end of May and then the Weinbach Avenue intersection improvement, the

city has received a proposal for the design of that project. That's a CMAQ project to relieve congestion. The next two stapled pieces of information if you'll recall in our Green River Road review from Morgan north we were going to try and get some data to demonstrate whether the affects of a median are worth the effort. What you have in front of you, and I would like to go over it briefly and then let you digest it for a while before I come back and ask for you thoughts and suggestions. The Green River Road area from Lloyd to Lincoln you know is a continuous turn lane section, multiple curb cuts, lots of traffic and according to just 1998 this data tells us that there were 13 right angle accidents, 48 rear end accidents, four accidents due to lane changes, both going along in the northbound lane and someone decides they're going to change or sideswipe you or move in front of you, 16 only parking lot accidents and then six others, a couple that happened at the ramps to the interstate or the interchange of Lloyd, for a total of 87 accidents in that stretch during 1998. For the section of Green River Road from Lincoln to Washington where there is a raised median, controlled traffic control, five traffic signals, one at Washington, Powell, Bayard Park, Bellemeade and Lincoln, there was a total of 93 accidents. Bad news. The good news is most of those accidents, 58 of them, happened on the parking lot.

Commissioner Mourdock: When you say on the parking lot you mean clearly on private property that has nothing to do--

Rose Zigenfus: Private property.

Commissioner Mourdock: How does it even get reported to the city or county?

Rose Zigenfus: Well, the police have to do a report for any accident whether it is on private.

Commissioner Mourdock: Yeah, sure.

Rose Zigenfus: But they list it according to address so it is picked up in the database.

President Jerrel: Do you know one thing that would help improve that? I was out there the other day and you know how you see a dangerous situation? They need to repaint the lines on that drive median that runs through. Not the one that runs up by the buildings.

Rose Zigenfus: Right.

President Jerrel: It's the one that runs north/south. It's, you know, about half way through it.

Rose Zigenfus: Right.

President Jerrel: And that is not clearly define, so you have people coming out of parking spaces and these other people think it's a street. You know...I know that would be up to them to do it, but that is a real problem that could pretty simply be avoided.

Rose Zigenfus: I think based on what we found we are going to contact Lawndale because most of the accidents occurred there in Lawndale. Some of them were elsewhere, but 58 is an awful lot of accidents to occur in the parking area. So the

good news is with the median you only have five right angle accidents as opposed to 13. You only have 18 rear ends as opposed to 48, so those are significant statistics that tell us that controlled traffic movement is really safer movement. As the property north of Morgan Avenue on Green River continues to develop, you've got a flush median there you can almost speculate that the same kinds of activities are going to happen there that are happening now south of Lloyd to Lincoln.

Commissioner Mourdock: How do the traffic counts compare between these two? I mean, logic would say to me that Lincoln to Washington and Lincoln to Lloyd ought to be pretty close, but--

Rose Zigenfus: They are.

Commissioner Mourdock: --logic doesn't always work.

Rose Zigenfus: Yeah, they are. They're very similar in volumes. And north of Morgan are also continuing to grow. I think it was kind of an eye-opener for us. We are going to contact Lawndale to see if there is something that we can maybe help them with to see where those accidents are occurring. I thought it was just food for thought for you as you ponder North Green River Road's final acceptance.

Commissioner Mourdock: I'm going to embarrass myself here, but as one who views window shopping as that time when you have to go out and buy a pane of glass with a frame around it which one is Lawndale?

Rose Zigenfus: Lawndale is south of Bellemeade.

Commissioner Mourdock: What is a store in Lawndale?

Commissioner Tuley: Target.

Rose Zigenfus: Target.

President Jerrel: Eye-Mart.

Commissioner Mourdock: Okay, okay, I gotcha now. Alright, on the east side of Green River.

Rose Zigenfus: On the east side, that is Lawndale.

President Jerrel: That accident that occurred at Target and Bellemeade exit--

Rose Zigenfus: Uh-huh.

President Jerrel: --that's the street I'm talking to you about that if they would just put some paint down the middle of it and on the two sides.

Rose Zigenfus: It would help.

President Jerrel: Yeah.

Commissioner Tuley: What are they doing on 62 from St. Joe west out past USI? Are they just preparing it for paving?

Rose Zigenfus: I think so. I think it is joint seal. I think they're sealing the joints, doing those kinds of things.

Commissioner Mourdock: Do you know, Rose, what the historical perspective was why the median was done on the south section and not on the northern part? I mean, did it just evolve that way?

Rose Zigenfus: I don't know. Yeah, I think it just evolved that way on the north side but the south side they came back and did a study in the early 70's, I believe, and installed the median because there wasn't any and there was a problem, accident problem, and then they came back and installed it.

Commissioner Tuley: I think there was a disagreement on the design on this body that was in place at that time about that north end of it, too.

Rose Zigenfus: Yes.

President Jerrel: Another thing, Richard, there were homes and they had access.

Rose Zigenfus: Is that what it was? Oh, north?

President Jerrel: On north of Lincoln Avenue between Lincoln and the Lloyd there were several homes and they kept the entrances and exits sometimes too. Well, you know what...is it the Hacienda or what's the...no, Shyler's now.

Rose Zigenfus: Shyler's.

Commissioner Tuley: Yeah.

President Jerrel: Yeah. I mean that is really bad to get in and out of, but that's part of it. People moved their homes and they had all those curb cuts and that's just the way it went.

Rose Zigenfus: You know, through the change of use for a lot of those areas we have tried to minimize the access points, but it is still pretty free flow out there.

Commissioner Tuley: Developers and merchants, they like that center turn lane because of accessibility to their properties and stuff.

President Jerrel: On both sides, yeah.

Commissioner Mourdock: Yeah, but that's what I normally would think, but when I see this data as far as what the accidents are and I picture driving up and down there do you believe the merchants north of Washington have...no, I'm sorry, north of Lincoln to the Lloyd have more business than they do south?

Commissioner Tuley: It's just different kinds of business.

Rose Zigenfus: It's different, different types.

President Jerrel: Different developments.

Commissioner Mourdock: Exactly. I mean, the traffic counts may be different, but they are not different because of the median. It's different because it's a different

kind of business.

Commissioner Tuley: No, the nature of what they're attracting in. I'm not arguing. I'm just saying I think part of it was merchant's concerns expressed to this body in place and there was disagreement even amongst this body, if I remember correctly, as to what they were going to do. Either they were going to put a median down it or they weren't.

Rose Zigenfus: Right.

Commissioner Mourdock: But I would think the merchants who had the greater volume of traffic flow would be saying, oh, don't put the median in.

Rose Zigenfus: Absolutely.

Commissioner Tuley: Oh, yeah. That was their argument.

Commissioner Mourdock: And they're the ones who got the safer--

Commissioner Tuley: Without the median.

President Jerrel: No, with the median.

Commissioner Mourdock: With the median they're safer now.

Commissioner Tuley: Yeah, I agree, they are safer.

Commissioner Mourdock: And they are still getting the business. It's very interesting.

Rose Zigenfus: Yeah, it is.

Commissioner Tuley: We took one out since I've been sitting on this Board at St. Joe north of Diamond.

Rose Zigenfus: Yes, you did. Yes, you did.

Commissioner Tuley: That was all median.

Commissioner Mourdock: Oh, right yeah, but there isn't much business out there.

Commissioner Tuley: Not near the traffic we're talking about out here on Green River Road.

Rose Zigenfus: Right.

Commissioner Mourdock: Interesting.

Rose Zigenfus: So we're continuing to work on that Green River Road North project and I am hoping that we can get it back to you sometime either June or July for final acceptance.

President Jerrel: And if you hear anything, I know John perhaps has or may hear about the CMAQ project at Morgan and Burkhardt.

Rose Zigenfus: I talked to John about that this morning. We were discussing at Site Review and evidently it is in the right-of-way acquisition and I think that is where it is bogged down right now.

President Jerrel: Is there anything anybody can do to help move that along?

Rose Zigenfus: I don't know. Maybe John can answer that.

John Stoll: Right now all the offers have been sent out except for one temporary right-of-way and the way...I guess what has happened is at this point everybody has got their offer but nobody has presented any counteroffers. They've not accepted their offers, but they've not provided counteroffers yet so we're playing a waiting game, I guess, right now. There is also issues regarding the railroad as far as what they ultimately want to see go in on that crossing out there, but those are the two holdups right now.

President Jerrel: Thank you, Rose.

Rose Zigenfus: You're welcome.

Carl Hofmann - 11800 Old Petersburg Road

President Jerrel: The next item on the agenda is Mr. Hofmann with an update on the Petersburg Road...Old Petersburg Road property.

Steve Fuchs: Hello, my name is Steve Fuchs, I'm the new Assistant Building Commissioner and Roger has asked me to come this evening about 11800 Petersburg Road. He has as of even this morning had another conversation with Mr. Hofmann and in that conversation Mr. Hofmann basically is still saying that he wants the time to raze the building himself. He would like 60 days to do that. Mr. Lehman is requesting that be put on some schedule so that things can be kept moving and that we respectfully request that the bids be placed and 15 days be given to accumulate those bids and then at the end of those 15 days those bids to be compared and then if it is your decision to allow Mr. Hofmann to raze it that the razing commence within the first 15 days after the decision is made and that it be completed within 30 days after the beginning of the razing and that there be some stipulation because this has been going on since September of last year that if work ceases for longer than seven days at a stretch that we be allowed to go in and finish the raze.

President Jerrel: Unless weather is a mitigating factor.

Steve Fuchs: Yes, unless there are circumstances that are above and beyond their control.

Commissioner Mourdock: I have a couple of questions. I understand from Tony's note that Mr. Hofmann wants to take the property down himself, is that right?

Steve Fuchs: Yes. His attorney is here.

Jerry Fuchs: Members of the council, I am Jerry Fuchs and I represent Mr. Hofmann. He is present here and what the gentleman just said is primarily true. They have an agenda where they want to compare bids within, I believe the first week or week and

half or 15 days. Mr. Hofmann is not against that. Both sides get prices to do this and thereafter, you know, he can decide on which one to do it, but he has to get it done because he has been dragging his feet. He has had this...he was born on that corner down there and I've known Carl for probably 100 years it seems like. He doesn't give up easy. He is the old German type. But the idea is that he would like until, however you want to describe it, until July the 1st to get it done. Now, the agenda is alright, comparing prices and so forth and getting it done, but he has got a bunch of personal property still in there, pieces of furniture and everything else that he was born with actually. He has a home further out on Green River Road where he is living now. He is not asking for much. Just until July 1 to complete it and whatever agenda in between that time is not too unagreeable to us. I talked to Roger today and I think we were eye to eye on it.

President Jerrel: Do you have a question?

Commissioner Mourdock: Yeah, I want to be sure I understand. Steve Fuchs said a minute ago...there are too many Fuchs here tonight. Steve Fuchs said we want to go out for bids or set this thing up to go out to bids and I hear Jerry Fuchs saying that, in fact, Mr. Hofmann wants to do this himself why would we be going out--

Jerry Fuchs: He wants to hire somebody, not himself. I mean, he can't--

Commissioner Mourdock: Okay, okay. Now I understand.

President Jerrel: And now just so I am clear do you follow going for your bids through the...what Board do you do that?

Steve Fuchs: I believe the bidding goes through the Safety Board.

President Jerrel: Okay, the Safety Board and what kind of a timetable does that take you?

Steve Fuchs: Well, they meet every two weeks, so that is why Roger said 15 days.

Commissioner Mourdock: But why would, and, again, I'm missing something. Why would we have a county board bid it if, in fact--

Steve Fuchs: The only reason Roger is saying that is in case Mr. Hofmann does not get that done in 15 days.

Commissioner Mourdock: Okay, and let's just play it out for a minute. If, in fact, that happens we put a lien on the property for that amount, I presume?

Commissioner Tuley: Yeah, if we tear it down.

President Jerrel: Well, we have to pay it.

Commissioner Mourdock: Yeah.

President Jerrel: Right.

Joe Harrison, Jr.: I think those bids probably go through this...I think Roger would get the quotes. Either get quotes or bid it out and it would be submitted to this Board probably.

President Jerrel: Now the ones that are in the paper, they're kind of generic almost. It's...there will be certain buildings razed and you submit what you charge for such and such.

Joe Harrison, Jr.: Right.

President Jerrel: There were two in the paper today.

Joe Harrison, Jr.: Okay. But the only thing is I think this Board would probably want to give him a specific date within which to have a decision yea or nay whether he is going to go with a contractor to demolish the building or raze the building.

Commissioner Mourdock: And did I hear 15 days?

Carl Hofmann: Can I ask one question?

Commissioner Mourdock: Sure, I'll tell you what, you need to come to the microphone though, Mr. Hofmann, or otherwise we won't get your--

Carl Hofmann: I was just wondering, okay if these bids are bid and they are put in the paper, the addresses and names.

President Jerrel: No, they don't. They're generic. They just say bids for--

Carl Hofmann: Two thousand square foot, 5,000.

President Jerrel: Yeah, they're generic bids so they wouldn't have your name or the property there.

Commissioner Mourdock: But the date that you're looking for, Mr. Hofmann.

Jerry Fuchs: July 1. July 1, right Carl?

Carl Hofmann: Right.

Commissioner Mourdock: So you're looking to have it done by July 1?

Jerry Fuchs: Done by then.

Carl Hofmann: That is--

Jerry Fuchs: Actually, I think we are even closer than what they're talking about. What Roger is talking about.

Commissioner Mourdock: But what would be by July 1? It would totally be done.

Jerry Fuchs: Gone. Yeah, gone and done.

Steve Fuchs: We also stress that the contractor, whether he gets it or we get it, has to be a licensed contractor in demolition in the county and the permits must be pulled so that we can inspect the demolition and make sure the proper fill is done and that the safety precautions are adhered to during the demolition time.

President Jerrel: So really what we could do tonight is we could authorize you to bid

for the demolition of that property.

Jerry Fuchs: I think that is the agenda they're talking about in 15 days getting together and having a meeting, is what Roger told me, to see where we stand with the bids.

Commissioner Mourdock: And what do you think you all would have done from your side in the next 15 days?

Jerry Fuchs: Bids also and Mr. Hofmann could pick from probably.

Commissioner Mourdock: Okay.

Jerry Fuchs: That would be my understanding.

Commissioner Mourdock: Okay.

Jerry Fuchs: Either way from the county standpoint.

Commissioner Mourdock: In that case let me just float this as a motion and tell me if it would be appropriate, I think it would. If in 15 days Mr. Hofmann has not selected a contractor to do this demolition work then we would authorize through Roger Lehman's office the bidding of the work.

Jerry Fuchs: But in that time also the county is supposed to put the bids that they have up is my understanding.

Commissioner Tuley: I think what they wanted to do was compare.

Jerry Fuchs: Prepare bids and we can compare them.

Commissioner Tuley: If we could get a better bid than they could or they could get a better bid then he wants the right to choose--

Jerry Fuchs: Then he can choose what he wants.

Commissioner Tuley: --which one it is going to be as long as it meets the criteria established.

Jerry Fuchs: That's what Roger told me now. Maybe I'm wrong.

Commissioner Tuley: That's the way I understood it.

Jerry Fuchs: That's the way...that was the agenda.

Commissioner Tuley: They both want to go out and get their own separate and if he either doesn't act on his or doesn't like--

Jerry Fuchs: Get together and compare them and he can pick his bid.

Commissioner Mourdock: I understand. I'm just a little concerned about having the county basically bid for a private individual which is what we're really saying.

Joe Harrison, Jr.: Yeah, I'm concerned about that as well. I think what...the only way

you can do it is the way you approached it and the county will know from Roger Lehman's office with past experience, I think, with similar projects roughly what the cost will be. I mean, I'm sure he is going to know within a couple of dollars, couple hundred dollars--

Commissioner Tuley: He already has an estimate.

Joe Harrison, Jr.: Yeah, he already has an estimate.

Jerry Fuchs: Would the idea be that they would tell us what they think they can get it done for?

Joe Harrison, Jr.: No. I mean, he's got an estimate. I mean, it is listed here on a sheet that we have from Mr. Lehman.

President Jerrel: Joe, may I ask you a question?

Joe Harrison, Jr.: Uh-huh.

President Jerrel: Don't we ordinarily bid any way if we're going to have to do it? It's done like this anyway and then the bill is sent to us and we approve it.

Joe Harrison, Jr.: They're generic bids.

Steve Fuchs: Right.

President Jerrel: Yeah, right.

Joe Harrison, Jr.: But I don't think...there is not going to be any separate bid for this project.

President Jerrel: Uh-huh.

Joe Harrison, Jr.: That's, I think, what Richard is concerned about.

Jerry Fuchs: I don't think they were talking about bids. They were talking about getting quotes.

Joe Harrison, Jr.: Right, quotes.

Commissioner Tuley: Quotes.

Joe Harrison, Jr.: But, again, it's just a generic quote--

Jerry Fuchs: In 15 days.

Joe Harrison, Jr.: --which they have a standard quote out there, but the thing is they're going to have to check within 15 days to see if he has secured whatever and then you're going to have to be comfortable with the contractor who has quoted him a price.

Steve Fuchs: I would think that we would want to say that in the 15 days a contractor has been to the Building Commission and bought the permit.

Commissioner Tuley: If not--

Steve Fuchs: That way we are sure that the contract has been signed and that he intends to act on it.

President Jerrel: And I can see--

Jerry Fuchs: Well, now that was not my idea. Not in 15 days. We was supposed to get together, the agenda was. Now, you tell me if I'm wrong. Roger said we would get together and compare the bids or the quotes.

Commissioner Tuley: Here is Roger's man standing here and he is not saying that.

Commissioner Mourdock: Yeah, I'm not sure--

Jerry Fuchs: Not have a building permit to tear it down by that time.

Commissioner Mourdock: Yeah, I'm not sure what the agenda was. I have not spoken to Roger at all.

Jerry Fuchs: Well.

Commissioner Mourdock: I have this request here and I've just heard Mr. Fuchs, the other Mr. Fuchs.

Steve Fuchs: I did not understand that it was going to be that we were gathering the bids that also he could take. It was he was getting bids--

Commissioner Mourdock: I don't like the sound of that.

Steve Fuchs: --and if he did not act in a period of time--

Joe Harrison, Jr.: Right.

Steve Fuchs: --then we would act with our lowest bid.

Joe Harrison, Jr.: That's the only way you can do it.

Steve Fuchs: That's what I thought was the only legal procedure you could go through.

Jerry Fuchs: Well, does that mean we have to have the deal closed by that time, 15 days?

Joe Harrison, Jr.: What that means is that you have to have a contractor selected and ready to go in 15 days or they're going to do it on their own.

President Jerrel: You may not get a contractor that can be ready to go in 15 days.

Commissioner Tuley: But if they got a signed contract in 15 days.

President Jerrel: A contract signed.

Commissioner Tuley: Yeah, that would stop your action.

President Jerrel: Yeah, you wouldn't do it and that would be up to him, but I...you know, they are all busy so you might not get something done. I don't think July 1 is out of reason because you couldn't--

Commissioner Tuley: Well, I think with the idea that within 15 days they have a signed contract under the stipulation of what they've said from the Building Commission. That contract may give them until July 1 to get the job completed if everybody agrees to that. If they don't have that signed contract and I don't think it is unreasonable to expect them to have a contract in 15 days given the fact that we started down this road March 1 or in September actually.

Jerry Fuchs: I don't either.

Commissioner Tuley: But to give you until July 1 to get it done--

Jerry Fuchs: I don't think that a contractor can get to it either, you know.

Commissioner Mourdock: Again, that's not what we're saying. We're saying just have the contract signed.

Jerry Fuchs: I understand, but so we...I think we probably agree.

President Jerrel: Yeah, I think we're all saying the same thing that he has until July 1, but we have to see something--

Joe Harrison, Jr.: In 15 days.

President Jerrel: --in 15 days.

Jerry Fuchs: In 15 days.

Commissioner Mourdock: Let me formalize it in a motion here. I would move then that we direct Roger Lehman to seek bids if within 15 days of today's date that office has not received an application for a permit for the demolition of the property in question and that the work be commenced out there before July 1st as part of that permit application.

Commissioner Tuley: Commenced or completed?

Joe Harrison, Jr.: Completed.

Commissioner Mourdock: Completed, okay, completed by July 1st.

Commissioner Tuley: Unforeseen circumstances such as weather.

Commissioner Mourdock: Yeah.

Commissioner Tuley: We can be reasonable.

President Jerrel: We're not unreasonable on that. There is enough work days. Okay, you made the motion.

Commissioner Mourdock: That was a motion.

Commissioner Tuley: I'll second that motion.

President Jerrel: And I'll say so ordered. Okay, you guys keep us posted. Thank you very much.

Steve Fuchs: Thank you.

Any group or individual wishing to address the Commission

President Jerrel: Okay, the next item on the agenda is any group or individual that wishes to address the Board?

John Stoll - County Engineer

President Jerrel: Seeing none, we'll move to the County Engineer.

John Stoll: I've got a letter from B.M.B. Incorporated requesting a ten work day extension on the Ward Road project. It is recommended that this extension be granted on the basis of delays associated with utility relocations and weather.

Commissioner Mourdock: I'll move approval of the extension.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a request from Deig Brothers for a two day road closure extension on the No. 3 School Road culvert replacement. They had a substantial increase in patching required on this job and the placement of that necessitated the increased road closure time and it is recommended that this be approved.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I've also got a request for a two day extension on the Hepler Road project. This is from Southwest Engineering and here again we had a slight delay in utility relocations and weather delays. It is recommended this two day extension be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a set of street plans that I am requesting approval on. It's R.D. Patel Subdivision. This is located on North Highway 41 right there on the curve

of the existing road the Denny's Diner is located. This will provide an extension of Elpers Road south to access three additional lots. We've reviewed the plans and would recommend that they be approved.

President Jerrel: Are there any questions? Is there a motion?

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered. John.

Commissioner Tuley: Do you got another pen? Will a regular one work?

John Stoll: It might.

President Jerrel: Here, I've got mine. See if you guys can get it.

John Stoll: Next I've got another street plan approval request. This is for the St. Joseph Avenue Industrial Park replat. This is an extension of St. Joe Industrial Park Drive. This runs east off of St. Joe Avenue just south of the bridge over Locust Creek. The street that they're providing will be a curb and gutter street even though the existing street that is out there is just asphalt with earth shoulders, so in effect it will be a better road that they are providing an extension on. When they extend it they're going to extend it about 300 feet east and then they're providing for possible future extensions both north and south. We've reviewed these plans and would recommend that they be approved also.

Commissioner Mourdock: We have all the right-of-way on that already right?

John Stoll: They are dedicating it as part of their subdivision.

Commissioner Mourdock: Okay. I'll move approval as requested.

John Stoll: Second.

President Jerrel: So ordered. Were you able to write with that?

Commissioner Mourdock: Yes, barely.

Commissioner Tuley: Not very well.

John Stoll: And the final item I've got is that right-of-way dedication that I just handed to you, Bettye Lou, for Virginia Street. That's for the 400 feet of Virginia Street between the Gershman Brown property and Cross Pointe Subdivision. It just needs to be formally accepted by the Commissioners. There is a signature line for that acceptance on the deed.

President Jerrel: Is that what you just handed me?

John Stoll: Yeah.

Commissioner Mourdock: I'll move acceptance as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: In connection with that I have a letter from the Commissioners to be signed by Bettye Lou to counsel for the grantor of that right-of-way thanking them and indicating to them that we anticipate construction of that portion to begin late June or early July. Is that still...

John Stoll: Probably mid June would be the earliest.

Joe Harrison, Jr.: Okay.

President Jerrel: But it is going to be finished, isn't it, this year?

John Stoll: Right, based on the last schedule that Morley's office and I were looking at it we figured the project would be completed by September 11th.

Joe Harrison, Jr.: So I have a letter to that effect. Is there is an approval of that action that it will be on that timetable.

President Jerrel: You want to put it in here?

Joe Harrison, Jr.: Yeah.

President Jerrel: Is that it? Thank you very much.

Erik Bentle - Superintendent of County Highway Department
--

President Jerrel: County Garage.

Erik Bentle: I got sort of behind where I wanted to be right now in paving because of the weather we've been having the last week. We've been real busy cleaning up a lot of tree mess so tomorrow we get back on our schedule and get up on Speaker Road and get it finished and then we can move our equipment west or northwest and start getting that area and we're going to hopefully stay on schedule now if the weather allows.

President Jerrel: You've really had a busy week, too.

Erik Bentle: Yes, ma'am.

President Jerrel: I don't know. It just all hit out on the north side. Suzanne was knocked out of electricity.

Erik Bentle: We've had a lot of huge trees down.

President Jerrel: Yeah, that's what I heard.

Erik Bentle: And we're still not done cleaning the mess up, but it won't take as many guys now to do what we've got left to do.

President Jerrel: Is there a motion to accept the report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: County Attorney.

Joe Harrison, Jr.: I have I guess just one item. The first item was already brought up. Or I guess I have another item as well. The bids for Old Henderson Road culvert installation. There were two bids that came in on that project. It's VC9905-01.

Company name	Amount bid
B.M.B., Inc. Evansville, IN	\$12,480.00
Deig Brothers Lumber & Construction Evansville, IN	\$13,275.00

I would ask that you take these under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The other item relates to the Old State Road Barrett Law project. The County Council passed the ordinance approving the bond ordinance for the issuance of bonds in connection with that project at their meeting on last Wednesday. I think it was May 5th. Although it was passed by the County Council the Commissioners also need to sign the ordinance, the bond ordinance, and I would ask that you approve the signing of this particular ordinance. It's just a formality. It's not you actually passing the ordinance, but signatures are needed in connection with the issuance of the bonds. So if there is a motion for that.

Commissioner Mourdock: I'll so move.

Joe Harrison, Jr.: Second?

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: There is a spot for each of you on those two pages. That's it, thank you.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I would like permission to start trying to find an auctioneer possibly to have a county surplus sale at the County Highway Garage maybe some Saturday in June or July. We haven't had a sale for about a year and a half and over the winter we've got enough stuff where it's worthwhile to get an auction company out there now.

President Jerrel: Is there a motion to proceed?

Commissioner Mourdock: Always get rid of the surplus. Yes, so moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's...tomorrow we're having the county surplus property sale at 10:00 a.m. That's it.

Erik Bentle: Is that for the city lots?

Tony Greubel: Yeah.

President Jerrel: We'll let you know just as soon as we...we may get rid of all of them.

Commissioner Mourdock: You can go bid if you want to, Erik!

Steve Craig - Burdette Park

President Jerrel: Okay, Burdette Park. And it isn't going to rain in June.

Steve Craig: I hope not. I hope it's just like it has been the last few weeks.

Commissioner Mourdock: Really.

Steve Craig: Even though we had rain the contractor had worked on weekends to compensate for the days that they missed during the week so we're right on schedule. This should be finished May 15th which is this weekend. We should start filling it the 17th of May and on May 20th we're going to have the patrol boys out there and kind of let them come in and do a test run on them. I think it's the...well, it's the next week we're going to have several grade school picnics where we're going to be open for a couple of hours for the schools only and we're going to open to the public on May 27th which is a Thursday before the Memorial Day weekend and the reason we're doing that is because that's the first day we can get a full staff of lifeguards. We was going to try to do it this weekend after the patrol boys, but the kids are still in school and some of them aren't back in town so we will open to the public on May 27th, Thursday. If the weather stays with us for the rest of the week they should finish up. The only thing they had left today when I left out at the park was the diving wall. The rest of the pool was done, but that is tricky because every

time it rains it fills up full of water and we have to pump it out, so if we go with the dry weather we'll be fine. One other thing, if you guys know of anyone that would need a job for this summer we need a couple of girls in our office and we're having an extremely hard time.

President Jerrel: Do they have to be girls?

Commissioner Mourdock: I'm glad you asked that question.

Steve Craig: I do not have that down here. I don't know why I said it. I had someone for the office job.

President Jerrel: That's alright, Steve. Well, let me suggest something. We're interviewing. We put an ad at USI and called U of E for some accounting students. You know we had part-time summer help last year that had an accounting background and it worked out wonderful. Good experience for the girl and good experience for us, but these happen to be guys. One girl, one guy.

Steve Craig: That would be fine, but the problem that we had we had three people lined up and they all went to work at the new theater. They're paying \$7 an hour and we weren't quite paying that much and the two girls that told us they were going to take the job went to work at the new theater out there plus two or three of our ground crew are going out there I think.

President Jerrel: Yeah. Okay, well we'll get you some names.

Steve Craig: Yeah, because we got...I think Joyce said the only thing she didn't put it in was the newspaper, but she did at the employment agency and she had called the substitute teachers and, you know, she went through several avenues but we just haven't had many bites on it.

President Jerrel: Okay, is that all?

Steve Craig: Yeah, if you got my report.

President Jerrel: Is there a motion to approve the report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you.

Weekly reports

President Jerrel: You do have Soil & Water and Ozone.

Consent items

President Jerrel: At this time you have your consent items. I would make one

correction under the County Assessor, Liv's name should not be listed. She is not a county employee. It would just be the County Assessor. She is paying for it out of her budget. She is under contract, too, to the city and the county now. She took over that one the fellow from Jasper had.

Commissioner Mourdock: I'm sorry, which one is it?

President Jerrel: County--

Commissioner Tuley: County Assessor.

President Jerrel: --Assessor.

Commissioner Mourdock: You mean a pink slip?

President Jerrel: No, no, it's a request for travel.

Commissioner Mourdock: Oh, oh, okay.

President Jerrel: Her name will be taken off.

Commissioner Mourdock: Okay. With that one exception I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have your meeting list.

Old business

President Jerrel: Is there any old business?

Commissioner Mourdock: No, but going back to meetings for just a second.

President Jerrel: Okay.

Commissioner Mourdock: I will not be present next week. I have to go out of town on some Koester business.

Commissioner Tuley: Next week is the--

Commissioner Mourdock: Seventeenth.

Commissioner Tuley: Yeah, I'll be here.

President Jerrel: Okay.

Commissioner Tuley: I won't be here...actually I forgot. We canceled the 31st and

I won't be here the 7th. Is that the Monday in June, the first Monday in June?

President Jerrel: Right.

Commissioner Tuley: I won't be here that week. I'll still be in Florida.

President Jerrel: Okay. We've talked a little bit, we don't have all of our names ready for submission. You want to give those that we're going to talk to or just those that we talked to?

Commissioner Tuley: I would think you would probably only want to give the ones that you've actually confirmed with.

Commissioner Mourdock: Yeah, I have a list of one, two, three, four, five, six, seven. I guess Tony is one that has volunteered or otherwise been appointed, so officially as far as our item number one, local government elected or appointed official did we not appoint--

President Jerrel: Tony, yeah.

Commissioner Mourdock: We can make some calls and get those confirmed before next week.

President Jerrel: Now have you confirmed all these?

Commissioner Mourdock: No, I haven't.

President Jerrel: Oh, you haven't.

Commissioner Mourdock: I made that list Saturday and then left it here in the office.

President Jerrel: Well, we do have two that have agreed.

Commissioner Mourdock: Okay, why don't we go ahead and appoint those two.

President Jerrel: John Walker from Bristol-Myers has agreed and Tom Bernhardt, Kight Lumber, has agreed to serve.

Commissioner Mourdock: Which slots are we putting them in?

President Jerrel: Well, I don't know.

Commissioner Tuley: Good question.

President Jerrel: Maybe we ought to just send the names to Tony this week and just see if they'll serve.

Commissioner Mourdock: Okay.

President Jerrel: And then we'll fit them in where they need to go.

Commissioner Tuley: Best fit.

Commissioner Mourdock: Okay, so we'll hold off on officially appointing those two

until we get all of them.

President Jerrel: Until we get them all this week and then we can.

Commissioner Mourdock: Oh, man. I've got to leave tomorrow and I'm going to be out of town all this week, but I'll try to make those calls from out of town to get back to you before Monday.

President Jerrel: Okay, that was under new business, so we just talked about it under old. Okay, well that's all. Is there anything either one of you want to bring up?

Commissioner Mourdock: Motion for adjournment.

Commissioner Tuley: So moved...or second, actually. I guess you motioned.

President Jerrel: So ordered.

Commissioner Tuley: I thought you were looking for a motion.

The meeting was adjourned at 6:20 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
B.J. Farrell
Tony Greubel
Jerry Bryan
Rose Zigenfus
Steve Fuchs
Jerry Fuchs
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
May 17, 1999**

The Vanderburgh County Board of Commissioners met in session this 17th day of May at 5:35 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners meeting to order. At this time I would like to briefly introduce the people before you. Tony Greubel, our Superintendent of County Buildings; next to him, Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; far left, Recording Secretary, Charlene Timmons; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda are the approval of minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of May 10, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: Next the certification of the Executive Session and we met from...Pat Tuley and I met from 4:30 until 5:30 and Richard Mourdock came about quarter till five until 5:30 and we discussed litigation and personnel matters.

Commissioner Mourdock: And I'll move approval of those summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bids - VC9905-02, Construction of Ridgeway Avenue

President Jerrel: The first item on the agenda is the opening of the bids on the construction of Ridgeway Avenue. Is there a motion?

Commissioner Mourdock: I'll move approval of the opening of bids for VC9905-02.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Vacation of easement - 1301 Mortensen Lane

President Jerrel: The next item is the public hearing for vacation of easement at 1301 Mortensen Lane.

Commissioner Mourdock: I'll move approval with this meeting as the public hearing for the vacation of the easement.

Charlene Timmons: He was supposed to be here.

President Jerrel: Want to give them a few minutes?

Commissioner Mourdock: Okay.

Commissioner Tuley: I mean, we should have the petitioner here shouldn't we?

Joe Harrison, Jr.: You don't have to.

Commissioner Tuley: I mean, I don't have a problem with it.

Commissioner Mourdock: I'll tell you what, I'll hold up on it in case someone walks in.

Commissioner Tuley: Just to see if someone walks in.

President Jerrel: Okay, I'll put it up here.

Joe Harrison, Jr.: It is the first reading, we have two readings anyway.

President Jerrel: Right.

Commissioner Tuley: Oh, well that's...

Charlene Timmons: But this is the public hearing.

Joe Harrison, Jr.: Yeah. There may be someone who wants to talk.

Commissioner Tuley: Does anybody?

Commissioner Mourdock: Let's come back to it.

Commissioner Tuley: Yeah.

Any group or individual wishing to address the Commission

President Jerrel: Alright the next item on the agenda is any group or individual wishing to address the Board.

John Stoll - County Engineer

President Jerrel: Alright, moving to the County Engineer.

John Stoll: First I've got the contract for the Old Henderson Road culvert installation. It's recommended that this project be awarded to BMB, Incorporated for the amount of \$12,480. They were the low bidder on the project.

Commissioner Mourdock: I'll move approval of the award on the Old Henderson culvert as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Second I would like to recommend that we approve a change order for the No. 3 School Road culvert replacement. This results in an increase of \$5,856.93. The contractor on this contract was Deig Bros. and the primary reason we had to increase the cost of the project was due to extra excavation associated with unsuitable dirt conditions and then subsequent to that we had to replace all that with additional fill plus it resulted in asphalt quantity overruns as well.

Commissioner Mourdock: I'll move approval of the change order as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The third item I've got is a sidewalk waiver request for Baseline Park Subdivision. This is an industrial/commercial type subdivision that will be located at the southeast corner of Baseline and Highway 41. The petitioner requests that the sidewalks be waived due to the fact that they state that they are in a rural setting five miles from the city limits and there is little expected pedestrian traffic that will be generated by the industrial park and also they state that the industrial parks to the southwest and north of this property do not have sidewalks. So on that basis given the fact that it is an industrial park with large lots and pedestrian activity will be limited it is recommended that this be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a right-of-way grant from BFI. They...as a condition of their permits to install the deceleration lane and relocate their entrance a couple of years ago they were supposed to dedicate an additional ten feet of right-of-way along St. Joe Avenue so that way the decel lane would be totally located within right-of-way. We overlooked this. We didn't know that they hadn't got the property dedicated and recorded. This is to meet the condition of their permit and was approved at Site Review and it is recommended that this additional ten feet of right-of-way along their property be accepted by the county. There is no signature line. This is just a formality of running it through the meeting.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move acceptance of the right-of-way grant from BFI.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The last item I've got is a request for authorization to sign off on the appraisals for temporary right-of-way on phase three of the Burkhardt Road project. This is for temporary right-of-way associated with the reconstruction of the interchange road south approach at Burkhardt Road. This road is basically a large private driveway. It's located on a driveway easement rather than on right-of-way, so it is being treated as temporary right-of-way because it is basically a driveway rather than a public road. The appraisal amount is for \$1,750. The owner of the property is the Deep Hole Partnership.

Commissioner Mourdock: So we're accepting or...accepting that grant?

John Stoll: This is authorization for me to sign off on these--

Joe Harrison, Jr.: To make an offer.

John Stoll: --to make the offer to purchase.

Commissioner Mourdock: Okay, I move that we make the offer to purchase for the temporary right-of-way as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I've got.

President Jerrel: Okay, but you will stay just a minute?

John Stoll: Yeah.

Commissioner Mourdock: John.

Commissioner Tuley: John. I'm sorry, go ahead, Richard.

Commissioner Mourdock: Did you hear anything from Replas or slash Matrix?

John Stoll: No I haven't, not a word.

Commissioner Mourdock: Okay.

Tony Greubel: I left a voice mail for Mr. Wright. He hasn't returned my call yet.

John Stoll: And that's all I've ever gotten, too, is voice mail, leaving a message and no return phone calls.

President Jerrel: Is there any chance that someone could just go out there?

John Stoll: We could try. We met with them what...?

Commissioner Mourdock: Three weeks ago.

John Stoll: Two and a half weeks ago.

Commissioner Mourdock: Yeah.

John Stoll: And it was supposed to be taken care of--

Commissioner Mourdock: Yeah, the next week.

John Stoll: --the following week and nothing was done.

Commissioner Mourdock: The lawyers were blamed as I recall.

John Stoll: Right.

Commissioner Mourdock: Which is what I usually say, too! I will give him a call again.

John Stoll: Okay, I'll give it a shot again as well, but I have not had any luck. I talked to Mike Robling about a week ago and he said he hadn't heard anything from them either.

President Jerrel: Okay.

Commissioner Tuley: Are you going to be in tomorrow afternoon?

John Stoll: Pardon?

Commissioner Tuley: Will you be in your office tomorrow afternoon?

John Stoll: Yes.

Commissioner Tuley: Okay, I've got some more questions come up on the design up there on Ward Road again after we went out there.

John Stoll: Somehow that doesn't surprise me.

Commissioner Mourdock: On Ward Road?

Commissioner Tuley: Yeah.

President Jerrel: Okay, well we'll...but if you'll stay just a few minutes.

John Stoll: Sure.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: County Garage.

Erik Bentle: Here is your attendance thing that you wanted.

President Jerrel: Oh.

Commissioner Tuley: Thank you.

Erik Bentle: The only thing I have really is I've got the attendance pages now that Pat requested. I went ahead and did one for the bridge crew and the highway department along with the foreman so you'll be getting them every week.

Commissioner Tuley: I appreciate that.

Erik Bentle: And the other thing in there is I went ahead and put a supervisor call in list so you'll know who is on call certain weeks and you have my weekly work report. We've already discussed about the (inaudible) that I was going to talk about.

President Jerrel: Any questions? Motion to accept?

Commissioner Mourdock: I'll move acceptance of the County Highway Garage report.

Commissioner Tuley: Second. Thanks, Erik, I appreciate this.

President Jerrel: So ordered.

Commissioner Mourdock: Joe, just a procedural question. I know any number of departments that we have have motor vehicles and accidents are inevitable. We have a drug policy. Is there anything in our policy that would otherwise prohibit us from doing probable cause drug testing? We do random stuff. Is that something that would take an amendment of the policy or it is just that is in-house?

Joe Harrison, Jr.: I think probable cause is both in the union and in the county personnel...I know it is in the county personnel policy. I'm not one hundred percent sure it's in the union contract, but I would be shocked if it wasn't. I mean, you've got to have very good proof--

Commissioner Mourdock: Okay, would you check on that?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: And then as far as the probable cause the worry I have there is that some supervisor for whatever reason sends somebody off to be tested and someone else wouldn't and therefore you in a claim of defense right away.

Joe Harrison, Jr.: Right. I'll get with you.

Commissioner Mourdock: Could it be possible that we could look at it based on a dollar amount that if the damage to property...obviously, if someone is hurt that is automatic. If there is a property damage incident of over \$250 then it is automatic.

Joe Harrison, Jr.: Yeah, okay.

Commissioner Mourdock: Just some standards like that so that we can have supervisors be consistent or as consistent as possible.

Joe Harrison, Jr.: Okay.

Joe Harrison, Jr. - County Attorney

President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: I've got a couple items. First on the bids for VC9905-02, that's the construction of Ridgeway Avenue, there are two bids that came in.

Company name	Amount bid
Concrete Pavers, Inc. Evansville, IN	\$4,875.00
J.H. Rudolph & Co., Inc. Evansville, IN	\$6,000.00

I would ask that you take these under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next item I have has to do with a couple of matters that at some point may involve litigation. I would just like to have your approval to proceed with legal action. The first of which is a possible condemnation action of parcel four on Lynch Road. That's I think currently owned by the Durchholz Family Trust and that would be in connection with the Lynch Road project, so if there is a motion to that effect.

Commissioner Mourdock: It's obviously very important that we get that project completed, so I would so move at this time.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next item which I would like permission to pursue legal action if necessary would be an area out at 333 Gregory Court. There is a road out in that area that we've had some problems with and we may have to initiate legal action out in that area concerning the status of that particular roadway.

President Jerrel: So you need a motion for...?

Joe Harrison, Jr.: To pursue.

President Jerrel: Authorizing to proceed?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Are there negotiations beforehand or discussions and if those discussion don't come to fruition then you would file a suit?

Joe Harrison, Jr.: Yes, we would have to initiate legal action then.

Commissioner Mourdock: Okay, I'll so move.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: And the last of which where we may need to initiate legal action at some point involves two tandem dump trucks that have been purchased by the county a year and a half ago from Miller Truck Equipment. The county has had a few problems with those trucks and at some point we may have to pursue legal action as well there.

Commissioner Mourdock: I will so move.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I have.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: Last Tuesday the county had a surplus property auction. We sold 35 parcels at that. We made \$3,445 in sells at that sale. We only have 12--

Commissioner Mourdock: (Inaudible.)

Tony Greubel: We only have 12 properties left now that are clearly in our name.

Commissioner Tuley: It's not what you make it's what you save.

President Jerrel: That means that there will not be nearly the upkeep for the garage to maintain on these lots.

Erik Bente: Some of them people already take care of.

President Jerrel: Yeah, there is not going to be much of anything to do.

Commissioner Mourdock: And since there are 12 lots based on the other pricing those lots failed bring about \$10 a piece!

Joe Harrison, Jr.: We sold a couple for \$10, believe it or not. You know, again, the county just wants to get rid of the property. A couple of them, I think, had structures on them that were sold.

Commissioner Mourdock: They must have gotten all the way up into the hundreds.

Tony Greubel: The other issue, the Community Corrections Complex dropped off a list today of surplus computers that they would like to be taken out right away to the

County Highway Garage.

Commissioner Mourdock: Yeah, I'll move that we declare those computers surplus.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: Have you set a date yet?

Tony Greubel: Actually, I did already talk...I talked with the auctioneer who did our last surplus equipment auction in October of '97 and he lost money at that one after he paid his help so we're going...he and Bennie and I are going to go out and look at the stuff again at the garage and he is going to see if he can make some more money this time otherwise we might have to work out a deal with another auctioneer.

President Jerrel: We're not very profitable. Is there a copy of this or should I put my copy in--

Tony Greubel: The Auditor has a copy of that.

President Jerrel: Auditor, in the signed? Okay, but she has a copy? Okay.

Commissioner Mourdock: Yeah, we can initial it.

President Jerrel: Yeah, I think we should, too.

Steve Craig - Burdette Park

President Jerrel: Alright, Burdette Park.

Steve Craig: They finished the olympic pool Saturday, fiberglassing it, and they started doing the lines today which they said they would be done tomorrow but that may be questionable if they get it done tomorrow, but we will open to the public on Thursday, May 27th, and hopefully be open every day until Labor Day. Other than that everything is going pretty smooth. We found a hole in one of our surge pools that we're going to have to do a little work on. It's been there quite a while and we knew we were getting mud into a certain area and we finally found it so we're going to patch it but we should be open the 27th.

Commissioner Mourdock: Are you confident of your chlorination system and all this year?

Steve Craig: Yeah, it was new last year and, you know, we cleaned it up and everything and got it ready. That's the game we play. I mean, by the time we get everything done we've got to start all of our pumps and our filtration system and our chlorinators and if they don't run properly then we have to fix them before next Thursday, but I think, you know, the way they ran last year and being new that they should be in fine shape and we have changed the filter sand, redid our filters this winter. We did that in-house and they've been done for a month or so, so everything should be okay.

President Jerrel: Joe, you sent me an e-mail regarding Burdette's money. We think

they really did get the \$145,000 instead of the \$90,000 or \$95,000. However, how can we find out for sure?

Joe Harrison, Jr.: Well, we're going to have to...the message I got was from Jonathan Weinzapfel.

President Jerrel: I mean, who...would we call...

Commissioner Mourdock: Frank O'Bannon.

President Jerrel: Well, but would we call Legislative Services and ask to speak to the people that represent and work with the Build Indiana Fund?

Joe Harrison, Jr.: You think the Build Indiana Fund people who--

President Jerrel: We don't know where...who gave what. We don't know who...once those bills are signed and they're signed then it goes to the budget--

Suzanne Crouch: Yeah, I would start with the Governor's Office. Is that something you want us to do?

President Jerrel: Well, I would like for you to.

Suzanne Crouch: Okay.

President Jerrel: We need to know and Steve would like to know. I've got two or three different numbers.

Joe Harrison, Jr.: The State Auditor at some point is going to get some sort of request for payment.

President Jerrel: But if you could help us on that we would appreciate it.

Suzanne Crouch: Okay.

Joe Harrison, Jr.: We've got the amount though.

President Jerrel: It's \$145,000.

Joe Harrison, Jr.: Yeah.

Steve Craig: Yeah, that's what I was...had originally been told, too, by Dennis Avery but then when I talked to Larry Lutz he said it was only \$95,000.

President Jerrel: So we need to find out for sure.

Suzanne Crouch: From the Build Indiana Fund, is that it?

President Jerrel: Yes.

Joe Harrison, Jr.: I've got a copy of my thing.

Steve Craig: Supposedly it is coming from two different directions.

President Jerrel: I may have--

Suzanne Crouch: Okay.

Joe Harrison, Jr.: I can send it to you.

Steve Craig: Okay, did you get our packet?

President Jerrel: We got...we need a motion to approve.

Commissioner Mourdock: I'll move acceptance of the Burdette Park report.

Commissioner Tuley: Second.

President Jerrel: So ordered. When does your Board have their next meeting?

Steve Craig: Next Wednesday.

President Jerrel: Next Wednesday. I had a request and we aren't...you know, we don't do any of those. We give them to your Board so we'll get it out there to you.

Steve Craig: Right, okay.

President Jerrel: Tony, do you still have that request?

Tony Greubel: Yeah.

Steve Craig: Will you fax it out tomorrow?

Tony Greubel: I already did.

Steve Craig: Is that the one from Lynn?

Tony Greubel: From Lynn.

Steve Craig: Yeah, we got it.

President Jerrel: Okay, alright.

Weekly reports

President Jerrel: Okay, and you have a report from the Ozone Officer and Soil & Water Conservation District.

Commissioner Mourdock: And I'll move acceptance of those reports.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Let me add one quick word on the ozone thing.

President Jerrel: Okay.

Commissioner Mourdock: As you probably know the court, federal court, overturned a bunch of that or basically put a stay on it and it doesn't mean anything other than delay at this point so we'll see where the numbers go. I would guess there is another two and a half years of litigation.

President Jerrel: Right.

Commissioner Mourdock: I think EPA means endless parade of attorneys.

President Jerrel: Gotcha.

Vacation of easement - 1301 Mortensen Lane

President Jerrel: Okay, let's go...do we have?

Commissioner Tuley: Yeah.

Charlene Timmons: Yes.

President Jerrel: Okay, we're going back up to the public hearing for the vacation of the easement at 1301 Mortensen Lane.

Commissioner Mourdock: On first reading I will move--

Joe Harrison, Jr.: Hang on a second.

Commissioner Mourdock: Oh, okay. I didn't know you were here.

President Jerrel: Would you want to give us your name?

Lee Mortensen: Yes, my name is Lee Mortensen.

President Jerrel: This is a public hearing and at this time is there anything you would like to say, Mr. Mortensen, or is there...I don't think anybody in the audience is here to speak.

Joe Harrison, Jr.: John.

President Jerrel: You're here to speak?

Lee Mortensen: I am not quite ready. I don't have my green cards back yet so I am going to have to try to reschedule it I guess if possible.

Charlene Timmons: Okay, he did not mail out his abutting property notices to his abutting property owners.

Joe Harrison, Jr.: Right.

Charlene Timmons: So my question is do we need to readvertise because we advertised for the hearing to be held tonight, but the abutting property owners were not notified by certified mail.

Joe Harrison, Jr.: Right, we would have to readvertise, unfortunately. And,

John...the County Engineer, John Stoll, may not believe that this is even a road to be vacated is that correct?

John Stoll: Well, I went out and looked at this Friday evening and then took a look at the recorded plat today and the plat shows this as a drainage and public utility easement so if it would be...I didn't know how that would affect the petition as it was submitted, whether or not the petition would need to be revised as far as to state that it is a drainage and utility easement and likewise then if it is a drainage easement Drainage Board approval would probably be required as well. I was going to call you or send you letter stating that because I got your request for response from us.

Joe Harrison, Jr.: Do you think the two of you could double check on that?

John Stoll: Sure.

Joe Harrison, Jr.: And whatever needs to be done, if it has to go before the Drainage Board and the Commissioners then that is fine, but still the notices will have to go out and maybe you can get this done in the next couple of weeks.

Lee Mortensen: Right.

Commissioner Mourdock: It's good that we didn't rush forward.

President Jerrel: Yeah, okay thank you very much.

Charlene Timmons: Okay, but before he sends those out tomorrow do you want John to check that because we'll have to set a whole new hearing date?

Joe Harrison, Jr.: Right, you all can check to make sure if you're going to change the language.

John Stoll: I was going to say if it's a drainage easement it just needs to state in the petition that it's a drainage and public utility easement, correct?

Joe Harrison, Jr.: Yeah, both.

John Stoll: Okay.

Charlene Timmons: And then we'll have to go through the whole permission to advertise again.

Joe Harrison, Jr.: Well, we can probably at least get permission to advertise this evening.

Charlene Timmons: Okay, do you want me to go ahead and set a hearing date?

Joe Harrison, Jr.: Yeah, why don't we do that?

Charlene Timmons: Normally the Commissioners set the hearing date, but, I mean, I can do that.

Joe Harrison, Jr.: Why don't we set it some time in June. I mean, we're not going to have a meeting on the 31st, is that correct?

Charlene Timmons: Correct.

Joe Harrison, Jr.: Today is the 17th. Maybe we could do it the first or second week in June. On the first Monday or second Monday in June which would give you more time.

Lee Mortensen: June 7th is the first Monday, I believe, in June.

Charlene Timmons: Okay.

Joe Harrison, Jr.: That would be enough time wouldn't it?

President Jerrel: Would that give you enough?

Charlene Timmons: It gives me enough time as long as he can get his green cards back in time.

Lee Mortensen: Yeah, most everybody involved is somehow part of it.

Joe Harrison, Jr.: Okay, well if there is a motion to that effect to approve advertising and have a hearing on June 7th.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Charlene Timmons: And then I'll need another check for the advertising.

Lee Mortensen: Right, for the advertising. Okay.

Charlene Timmons: Okay.

Petition regarding Eickhoff/Koressel road design

President Jerrel: Alright, we have one other item on the agenda and most of you received a petition on Friday and I did make some phone calls regarding that and we have asked our County Engineer to review what...I mean, you've made a lot of requests in here Susie.

Unidentified: Right.

President Jerrel: You want to come up to the microphone.

Unidentified: Sure.

Commissioner Mourdock: You need to state your name, too, please.

Susan Wolf: My name is Susan Wolf. Actually, we are...I tried to state as well as I could that this is not an uprising or anything like that, but we hear so many things from year to year about the road is here, the road is there, the road is going to do this, the road is going to do that, that many of us from one end of the county to the

other on the west side who would be affected in one way or the other, and I really haven't prepared anything to say tonight, to speak, but are concerned about what is going to happen where there have been some changes in plans since that public hearing--

President Jerrel: Well, here is--

Susan Wolf: --as far as we understand.

President Jerrel: Here is what I thought. I wanted to see if you thought this was reasonable. I can't find John's...it was right on my desk here.

Commissioner Mourdock: A letter? Do you have the letter you showed me?

President Jerrel: Well, I have to find it first. I asked John to do a draft because I'm not sure that there have been any changes and I wanted him to do a draft. He had a good idea, he said could you get together the four or five people that you had referenced in your letter--

Susan Wolf: Yes, there is a steering committee.

President Jerrel: --and set up a meeting with him and then let's go over all of the issues that you had concerns about and then he can at that time tell you the number of things that are going on that he is aware of, what we've done, we've entered into some contracts and let you know all of that. Does that make sense to you?

Susan Wolf: Yes, it does make sense. The only question we have here is that in addition to the questions there are honestly some criticisms of some of the designs as well and, you know, as you can see by the number of people who have shown an interest in this we would like to open as far as possible some of the design for discussion and questioning.

President Jerrel: But would it help if the five of you met with the designer and looked and made sure that we're all talking about the same thing?

Susan Wolf: Sure, why not start there?

President Jerrel: Yeah, would that be okay with you?

Susan Wolf: In the spirit which my letter, I hope, conveys to you.

President Jerrel: Sure.

Susan Wolf: That's a good place to start.

President Jerrel: Okay, and John...he had written a number of things to me and he may want to revise this or just send you a copy of this letter. This is what he sent to us and then let you guys, you know, set up a time.

Susan Wolf: Sure.

Commissioner Mourdock: Is that letter, is it dated today because I have not seen the letter either. I just know it exists.

President Jerrel: No, it just got over. I asked John to do something with historical perspective for us.

Commissioner Mourdock: But I meant did he write the letter today?

President Jerrel: Yes.

Commissioner Mourdock: Okay. Yeah, I have not even seen it other than know that it exists there and, John, maybe as you put together the meeting with Ms. Wolf and the group let me know. You know, I may be able to just come and listen at that point rather than have the full blown hearing or whatever just to better understand what everybody's concern is.

Susan Wolf: Yeah, as this...I...there are quite a few people in the group, but I would say that as a starting point I don't see any problem. It's the logical way to begin, so that's good. So we're all talking apples and apples.

President Jerrel: Yeah, if you two guys could pick a time we'd be more than happy to set up something.

Susan Wolf: Sure.

President Jerrel: Because Pat was the only member of the Commission that was--

Commissioner Tuley: I wasn't here in '89, but I was in '93.

Susan Wolf: In '93, right.

President Jerrel: So we felt this was the appropriate way to go--

Susan Wolf: Good.

President Jerrel: --so that we could have some background.

Susan Wolf: Okay.

Commissioner Mourdock: And, John, once you get the final draft if I am understanding this is a preliminary draft--

President Jerrel: Right.

Commissioner Mourdock: --be sure to fax one to me or e-mail it to me.

Susan Wolf: Okay.

President Jerrel: Okay?

Susan Wolf: Thank you. I appreciate your time.

President Jerrel: Thank you, Susie.

Old business

President Jerrel: Okay, moving on to old business we do have--

Commissioner Mourdock: Consent items.

President Jerrel: That's right, but I wanted to just make up...Pat and I, we would like to wait and get those names next Monday. Is that okay with you?

Commissioner Mourdock: Sure.

President Jerrel: Tony, could you...I've got mine at home, but I could put together those names of people that have called in to serve. Now we do have a yes from John Walker and from Tom Bernhardt, but those are the only two definite yes so we need ten names so we could kind of let Tony coordinate that.

Commissioner Tuley: Yeah, he said he would e-mail them over to me tomorrow.

President Jerrel: Okay. I have a copy of it at home and I'll be down here in the morning anyway so we're all on the same wavelength. Is that okay?

Commissioner Mourdock: Uh-huh.

Consent items

President Jerrel: Okay. Alright, back to the consent items.

Commissioner Mourdock: There is nothing added right?

President Jerrel: There is a letter added to Curt Wiley thanking him for his service and the way he has worked well with us in Vanderburgh County. He is resigning as the INDOT Director.

Commissioner Mourdock: With the addition of that letter then I would move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there any other business to come before the Board?

Commissioner Mourdock: Just a question regarding scheduling. Pat, you will not be here next week, is that right?

Commissioner Tuley: No, I will be here the next week. I will be here next week.

Commissioner Mourdock: Oh, okay.

President Jerrel: It's the week after that.

Commissioner Tuley: It's the holiday week which none of us will be here and then the following week, the 7th I believe it is, I will not be here.

Commissioner Mourdock: Okay.

President Jerrel: Do you have to go back to--

Commissioner Mourdock: Yeah, I have to go to Denver, but I am not sure when that will be. I'm hoping it won't be over a Monday, but I'll just have to see.

President Jerrel: Okay.

Commissioner Tuley: It will be the first scheduled meeting in June. The first one is the one I'll be missing.

Commissioner Mourdock: Okay.

President Jerrel: Okay, is there any other business?

Commissioner Mourdock: Motion for adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:05 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Lee Mortensen
Susan Wolf
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
May 24, 1999**

The Vanderburgh County Board of Commissioners met in session this 24th day of May at 5:40 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Call to order and Pledge of Allegiance

President Jerrel: I'd like to call the Board of Commissioners' meeting to order. I'm going to dispense with the introductions. I would like to do the Pledge of Allegiance at this time.

Approval of minutes

Commissioner Mourdock: I'll move approval of the minutes of May 17th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: We did have an Executive Session that ran from approximately 4:30 to 5:30.

Commissioner Mourdock: And I'll move approval of the summary minutes that dealt with real estate lease matters and county personnel.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bids - Raze structure at 11800 Old Petersburg Road

President Jerrel: Open bids for the razing of 11800 Old Petersburg Road.

Commissioner Mourdock: Were there bids submitted?

President Jerrel: Do you have a bid?

Tony Greubel: Two.

President Jerrel: Two, okay.

Commissioner Mourdock: I'll move then that we direct the County Attorney to open bids.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Evansville Housing Authority - Request for property

President Jerrel: Evansville Housing Authority, request for local match contribution for grants.

Commissioner Mourdock: I'll move approval of the May 24th letter regarding the surplus...ten surplus properties for the grant application of the Evansville Housing Authority.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission

President Jerrel: Any group that wishes to speak to this Board?

John Stoll - County Engineer

President Jerrel: Seeing none, County Engineer.

Commissioner Tuley: We'll be done by ten till at this rate.

Commissioner Mourdock: Remember, we're going for the record!

John Stoll: We might of hit the record if everybody didn't know there was no meeting next week and made me take all these plans today.

President Jerrel: He did get a lot. He got a lot of things.

Commissioner Mourdock: Okay.

John Stoll: First I would like to recommend we award the Ridgeway Avenue construction, contract number VC99-05-02, to Concrete Pavers for the amount of \$4,875. They were the low bidder on the project.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a change order on the Ward Road project. This is with BMB, Inc. for the amount of \$1,492.71. This is an increase. We had overruns and underruns on numerous different items, but the main reason for the increase was we added two inlet boxes up on two different locations. One up near where the wall was. That was the main point of contention, I guess, regarding how we were going to drain and keep the water from going down along the wall, but the net difference was an increase of \$1,492 and it's recommended that this be approved.

Commissioner Mourdock: I'll move approval of the change order with BMB.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a change order on the Heckel Road Bridge. This is the final change order on that project. It's for replacement of riprap and the increase results...it results in a cost increase of \$5,389.33. It's recommended that this change order be approved.

Commissioner Mourdock: Who is the vendor on that one, John?

John Stoll: CCC of Evansville.

Commissioner Mourdock: I'll move approval of the change order.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That project is complete now. It looks good, too. We did contact the School Corporation to let them know that the buses cannot travel across that bridge. It will still have the eight ton load limit. I spoke with Charlie Johnson last Wednesday and let him know that, so hopefully they will not travel across it. The next item I've got I would like to go before Council to transfer \$70,000 from the Heckel Road Bridge account to the Cum Bridge Contractual account and also to appropriate \$8,000 to the Cum Bridge Contractual account. This would be...these funds would be used to do some rehab work out on the First Avenue Bridge, Number 611. That's a box culvert...four box culvert structure that runs underneath First Avenue on Dry Branch Creek. It's up next to Fazoli's. We've got a substantial amount of erosion that has occurred out there and we need to do some clearing of debris at the inlets and various things out there on that bridge. We also have plans to replace a culvert out on Campbell Road and there is also another culvert out on Old Boonville Highway that needs replaced, so we need to go before Council to get those funds.

President Jerrel: What was the number of that bridge again?

John Stoll: On First Avenue?

President Jerrel: Uh-huh.

John Stoll: Number 611.

President Jerrel: Okay.

Commissioner Mourdock: I'll move approval of the Council Call for the aforementioned projects.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a street acceptance for Clear Creek Village Section 1. This is for 1,249 linear feet of Clear Creek Drive; 639 feet of Merimac Drive; 918 feet of Conti Drive; 997 feet of Lancelot Drive; and 836 feet of Southport Drive. We've

monitored the construction of these streets and recommend that they be accepted subject to the developer being responsible for the continued cleaning of the streets and storm sewers as construction continues to occur in his subdivision.

Commissioner Mourdock: The only thing I heard there, John, that's a little concern. If that means he's got 100 lots and 99 of them are done is his...is it clearly defined when construction ends?

John Stoll: He has got most of the lots in the phase built on already so it's...I guess, I see what you're saying. It's kind of open-ended.

Commissioner Mourdock: Right.

John Stoll: If he maintains proper erosion control it won't be an issue, but we don't want to be continually responsible for flushing the storm sewers if mud continues to wash down in it so that is what I was trying to avoid.

Commissioner Mourdock: Sure. Has he been pretty good with his silt curtains and such?

John Stoll: At times. That's why I want to make sure we're not on the hook for cleaning those storm sewers and streets. There are other sections that have to be accepted out here as well.

Commissioner Mourdock: So we do have some leverage?

John Stoll: Correct.

Commissioner Mourdock: Oh, okay.

John Stoll: And if these streets become a muddy mess again we have some phases that still have to be accepted by the county.

Commissioner Mourdock: Okay, well when you started this item you said the street acceptance was conditional or you inferred that and obviously I don't know that we could have a conditional street acceptance, but since we do have some mechanism to continue to get good performance there I'll move acceptance of these streets as requested by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Maybe I didn't phrase that that well, but I wasn't trying to put him on the hook indefinitely, I just wanted to make sure that once we accept the streets we're not having to pay for cleaning.

Commissioner Mourdock: Right, yeah I understand what you wanted. I just want to make sure that it's clear.

John Stoll: The next thing I've got, I've got another change order. This is for the Hepler Road culvert replacement project. This was contract number VC99-03-01. This is with Southwest Engineering, Incorporated and the increase is for \$2,203.89. The primary reason for this increase were additional asphalt that was required due

to paving limits changing out there on the project. It's recommended that this be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got street plan approval request for St. Charles Cove Subdivision. This subdivision is located south of Boonville-New Harmony Road off of Petersburg Road. This is on property directly south of Hofmann's property there right at the corner of that intersection. This subdivision is 34...I take that back, I believe it is 36 lots. I have reviewed the street plans and would recommend that they be approved. They're going to have curb and gutter streets, sidewalks and they're providing everything we had requested as far as revisions go.

Commissioner Mourdock: They are going to sidewalks out there?

John Stoll: Yes.

Commissioner Mourdock: I'll move approval of the street plans for St. Charles Subdivision...St. Charles Cove Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item is another street plan approval request. This is for Section 3 of Clear Creek Subdivision. I have reviewed these plans and there were some changes made and now that these changes have been made it is recommended that these plans be approved as well. These streets will be concrete streets just like what was built in the first two phases of the subdivision.

Commissioner Mourdock: I'll move approval of the street plan for Clear Creek Village Section 3.

Commissioner Tuley: Second.

Suzanne Crouch: So ordered, Bettye Lou.

President Jerrel: So ordered. I was busy. Now is this also...I didn't look to see, is that also on the drainage? Not yet.

Commissioner Tuley: Not tonight.

John Stoll: The next street plan approval is for the improvements of University Drive and Red Bank Road. This is the improvement project associated with the Lowe's development. What will be done out there will be the intersection...the west leg of the intersection of University Drive and Red Bank will be reconstructed to provide two incoming lanes and three outgoing lanes, outgoing towards Red Bank Road. A traffic signal will be installed. We're going to have dedicated turn lanes constructed into University Drive in both directions. We will also have dedicated right turn lanes constructed here for this leg of the intersection as well. We've got a couple of

changes that need to be made down here in this area in regards to striping, but it's a minimal change relative to the overall plan. It's recommended that these plans be approved subject to this striping revision and also subject to a small right-of-way dedication that is required from the convenience store property and that's this area right here. They're just going to clip that corner and Jim Morley had said that the Lowe's people have been working with the convenience store owner and they are providing that right-of-way.

Commissioner Tuley: That's going to be a major improvement right there.

President Jerrel: Uh-huh, it sure is.

Commissioner Mourdock: So you're requesting approval subject to the location...or the striping and the additional right-of-way?

John Stoll: Correct.

Commissioner Mourdock: With those two things as part of the motion, so moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item, I just wanted to let you know that right now we're working on a contract to do some repairs out on Boonville-New Harmony Road Bridge, Number 251. There are some culvert pipes that have washed out on the corners of that bridge and there is also some erosion that needs to be addressed. We will have those quotes submitted at the next meeting on June 7th. That's all I have.

County Garage

President Jerrel: Okay, we have the County Garage reports.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: The bids that were submitted on the razing of the structure at 11800 Old Petersburg Road are as follows. There were two bids submitted.

Company name	Amount bid
William McCullough Excavating, Inc.	\$13,100.00
Floyd Staub, Inc. of Evansville	\$7,040.00

I would ask that the Commissioners take these under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The other item I have has to do with the Barrett Law sanitary sewer Barrett Law...I'm sorry. Old State Road sanitary sewer Barrett Law project. I have final bond documents that need to be executed by the Commissioners and if you could sign those after the meeting, maybe put those in the consent batch. I've got spots notated where the signatures have to be. The closing on that is going to be Wednesday.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Before we leave the attorney's report, Joe and I were at the Community Corrections meeting the other day with building and grounds and I guess now is as appropriate time as any regarding the appraisal of that property. I think it is important that we go ahead and--

President Jerrel: Inspection.

Commissioner Mourdock: Pardon?

President Jerrel: Inspection.

Commissioner Mourdock: Yeah, do the inspection and also an appraisal since we are looking to possibly enter into a lease, so at this time I would like to move that we direct the County Attorney to review possible appraisers and people who might inspect the property for us.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Thank you.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Superintendent of County Buildings.

Tony Greubel: I guess in relation with the Carl Hofmann property I had a conference call with Mr. Hofmann and Steve Fuchs this afternoon and Mr. Hofmann has an appointment tomorrow at noon with a demolition company so that he can get a quote from them and then he may look at our quotes, too. Mr. Fuchs and Mr. Lehman said that if he has...you know, we'll give them until June 1st to get a demolition permit and then construction or demolition to start by June 16th. I guess what I was going to bring up was if nothing happens if we can go ahead and award the low bid to Floyd Staub who was the low bidder for this project, if Roger says the quotes were okay for that, and then if he fails to get a demolition permit by June 1st then we can go ahead and start maybe next week for that demolition to start.

Joe Harrison, Jr.: I think we better wait until...really until June 7th because I don't

want to award anything to them if they're not going to get it. At least we'll know by our next meeting. Is that okay? Thanks.

Tony Greubel: That's it then.

President Jerrel: Thank you.

Steve Craig - Burdette Park

President Jerrel: Burdette Park.

Steve Craig: I guess all I've got to say is that everything is ready to go. We patched all the things that needed to be patched.

President Jerrel: I heard you had people swimming today.

Steve Craig: We had a good crowd today from the four grade schools.

Commissioner Mourdock: Were they big and white and have white fur?

Steve Craig: No, they were purple!

President Jerrel: They were all purple people eaters!

Steve Craig: They were. I mean, the kids' lips were purple and their fingers were purple and that.

Commissioner Mourdock: I bet they were. They were having fun.

Steve Craig: They stayed in pretty well from 10:00 until about...the last ones got out right at 4:00, I guess.

Commissioner Tuley: Good lord.

President Jerrel: Well, it's going to get warm.

Steve Craig: Yeah, it's going to warm up for the weekend and that. We had a few problems that we took care of. Everything has been located and concrete poured back to where it was and we'll be ready to go Thursday when we're open to the public.

Commissioner Mourdock: Today was the safety patrol?

Steve Craig: No, last Thursday was the safety patrol and today was Evans, Harwood, Daniel Wertz and one school, I don't know who it was, they were unannounced. They just came out to the park and had their picnic, but we had four schools today.

President Jerrel: Well, good job.

Commissioner Mourdock: Yeah.

Steve Craig: Yeah, I have to give my thanks to Deig Bros. We had called them for

a couple of things that needed to be done quite quickly and they did a very good job of it, very professional. They came in even when the kids were there, secured the area and did an excellent job.

Commissioner Mourdock: Very good.

President Jerrel: Okay.

Steve Craig: Did you get our report?

Weekly reports

President Jerrel: Got your report and is there a motion to accept?

Commissioner Mourdock: I'll move acceptance of the three reports. The Highway Garage, Burdette Park, Soil & Water Conservation District, and a fourth, the Ozone Officer report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you very much.

President Jerrel: Thank you very much.

Consent items

President Jerrel: Consent items. You want to remember to mention the change on that one or just put it through like this.

Commissioner Mourdock: It's submitted--

President Jerrel: Yeah, right, I changed it.

Commissioner Mourdock: So I'll move approval of the consent items as submitted and as presently in the packet.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Is there any...under old business we have some names you want to submit.

Commissioner Tuley: Did you want to go ahead with those tonight?

President Jerrel: I don't care. It's fine with me.

Commissioner Mourdock: Have I got the list? You want me to just read them

regardless of who they came from, I guess?

President Jerrel: Yeah.

Commissioner Tuley: It doesn't matter.

President Jerrel: You can just read them.

Commissioner Mourdock: I have ten names between the three of us. The first name...and this is for the Multi-County Economic Development Steering Committee and these names are to be submitted to Graham Toft. The first one is Dr. Ray W. Arensman, retired professor of economics; the second is Martin Rowland, with Junior Achievement; third is Brian Williams, attorney at law; fourth is Mike Hinton, of Old National Bank; fifth is Brad Oliver, who is a former Federal Compliance Officer; sixth is George Morgan, a patent agent; seventh is Tom Bernhardt, business owner; eighth is Mr. Walker, from Bristol Meyers. Is it George Walker?

President Jerrel: John.

Commissioner Tuley: John.

Commissioner Mourdock: John Walker. Ninth is Dave Tieken, who is an engineer and tenth is Rick Niehaus who works with Koester. He also happens to be a professional engineer. With those names I'll move that we submit those to Mr. Toft as at least a part of...we can continue to add others later, but at least as our initial names to the Steering Committee.

President Jerrel: We need some technical people.

Commissioner Mourdock: Right.

Commissioner Tuley: Second.

President Jerrel: So ordered.

New business

President Jerrel: Okay, any new business?

Commissioner Tuley: None for me.

President Jerrel: Hearing none, motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:02 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
John Stoll
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
June 7, 1999**

The Vanderburgh County Board of Commissioners met in session this 7th day of June at 5:37 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Approval of minutes

Commissioner Mourdock: I'll move approval of the minutes of May 25th.

President Jerrel: I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session and we discussed litigation and personnel matters.

Commissioner Mourdock: And I'll move approval of the summary minutes of the Executive Session of today's date.

President Jerrel: I'll second and say so ordered.

Open bids

President Jerrel: The third item on the agenda is the opening of bids for VC99-22.

Commissioner Mourdock: I'll move approval of the opening of bids for VC99-22 which is a new four by four pickup truck.

President Jerrel: And I'll second and say so ordered. And then there is another.

Commissioner Mourdock: Yeah, I had that on one--

Tony Greubel: Yeah, that's a bid opening for VC99-06-01.

Commissioner Mourdock: Okay, I'll move approval of the bid VC99-06-01 for culvert replacement.

President Jerrel: And I'll second and say so ordered. Did you have very many bids?

Joe Harrison, Jr.: Yes.

President Jerrel: You go ahead and start opening them. We'll move on.

Harris Howerton - Community Corrections

President Jerrel: The next item on the agenda is Community Corrections, Mr. Howerton.

Harris Howerton: Thank you. I'm Harris Howerton, Executive Director of the Vanderburgh Correction Complex. As you know each year I come to you all and tell you about the Community Correction Advisory Board approving a grant. It's a little

different this year. It's a two year grant as opposed to a one year for us. The question that was asked of me was there any way to get any more money on the second year if more monies become available through the Department of Corrections and the answer to that is yes. We can always go through the process of an amendment. So this year...you may have read in the newspaper we took a cut. In fact, we did not. Last year's grant...or the grant we're operating under now was \$395,186 and as you can see fiscal year 1999 and 2000 we'll get \$434,752 and on the second year \$434,180. The difference there is that we're getting a one time monies for the purchase of a van in the first year and then we also for both years and for years on we will also have gained a new employee, a case worker for the Community Corrections program. I'd be glad to answer any questions.

President Jerrel: For the second year?

Harris Howerton: Yes, first and second year.

President Jerrel: Okay, so the case worker you actually will be paying three, six, nine, twelve people out of the grant?

Harris Howerton: Yes.

Commissioner Mourdock: I'll move approval of the grant request as submitted.

President Jerrel: And I'll second and say so ordered. And how are we coming along with the roof?

Harris Howerton: Just the other day we were notified that the insurance company, our insurance company, will pay \$7,200 towards fixing the roof. We have a bid from US Industries and it's about \$10,000 and the Job's Program Board has decided to go ahead and pay the difference to have a better roof put on it.

President Jerrel: Okay, so when you say our, who is it?

Harris Howerton: Torian, I'm sorry. The Torian, the county's insurance.

President Jerrel: Oh, so the county's insurance.

Harris Howerton: And they have also...they'll notify the other insurance, Grange, that they will subrogate.

President Jerrel: Okay, so the Thrifty Roofing will be held responsible?

Harris Howerton: Yes.

Joe Harrison, Jr.: Maybe.

Commissioner Mourdock: Yeah, maybe.

Harris Howerton: Yeah.

Commissioner Mourdock: So it's basically getting the checks written, but the argument isn't necessarily over.

Joe Harrison, Jr.: Pardon me?

Commissioner Mourdock: I say essentially we're getting the checks written to get the work done, but the arguments aren't necessarily over.

Joe Harrison, Jr.: That's...I'm sure that's true.

Harris Howerton: They're just beginning.

Joe Harrison, Jr.: Yeah, probably just beginning.

President Jerrel: Okay, when will they start?

Harris Howerton: I talked to them Friday and they said sometime this week.

President Jerrel: Because regardless of what else is happening we need the roof repaired.

Harris Howerton: We need a roof, yeah.

Commissioner Mourdock: Harris, I am going to be out of town tomorrow, but would you give me a call on Wednesday, please, so I can talk to you?

Harris Howerton: Sure. Did you get a call from the Sheriff today about the teleconference?

Commissioner Mourdock: Yes, I did, on the 16th at 10:30.

Harris Howerton: Right.

Commissioner Mourdock: At USI. I hope to be there. I have a Board of Director's meeting that same morning that starts at 8:00. Usually they're over by about 10:30 so I may be a little bit late, but other than that I will be there.

Harris Howerton: Okay, thank you.

Brink's - Amendment to contract
--

President Jerrel: Okay, the next item on the agenda is an amendment to the Brink's contract. Tony, is there somebody going to be here for that?

Tony Greubel: No, they were just needing to raise it from \$216 for each department to \$229.15. That's for the County Treasurer and the County Clerk.

Commissioner Mourdock: Do you know, Tony, what is their actual function here? I didn't know that we used Brink's until I saw this.

Tony Greubel: Yeah, they collect...they've been doing this for...ever since I've been here. They go to the County Clerk's Office and to the County Treasurer for security. There was talk about one time having maybe the Sheriff do this, but for insurance reasons it was better to have this.

Joe Harrison, Jr.: Yeah.

Commissioner Mourdock: Okay, I'll move approval of the amendment as submitted

in the packet this evening.

President Jerrel: I'll second and say so ordered. It's a six percent increase.

<p>Permission to advertise hearing date vacation of easement at 5020 North Posey County Line Road</p>
--

President Jerrel: Next on the agenda is the County Auditor.

Suzanne Crouch: Charlene is...this is for her, but she is in the other room. She indicated that the gentleman, Lee Mortensen is not here, is not present, but he was informed of the meeting on the vacation.

Commissioner Mourdock: The vacation of 1301 Mortensen Lane.

Joe Harrison, Jr.: No, we don't need him here other than it was my understanding that the Drainage Board is going to have to also act on the vacation of the drainage easement or easement because it does contain a drainage easement as well and it would be my recommendation that this Board could pass it on first reading tonight, have the matter considered by the Drainage Board when it meets in two weeks and then have the final reading after that to make sure it gets beyond Drainage Board, or gets Drainage Board approval.

President Jerrel: Well, there are two of them here. There is the Mortensen and then the one above it was 5020 North Posey County Line Road.

Joe Harrison, Jr.: Okay, I'm sorry. I was just talking about the Mortensen. Is he here? And the other one?

Suzanne Crouch: No.

President Jerrel: I don't think either one of them.

Joe Harrison, Jr.: Well, that can be considered, but the first one ought to have first approval tonight and then the second approval will be following the Drainage Board meeting whereas we could consider the other one.

President Jerrel: Now you're referring to 5020 North Posey County Line Road?

Joe Harrison, Jr.: That is one that is not Mortensen, right?

Commissioner Mourdock: That's correct, it is not.

Joe Harrison, Jr.: Yeah, that can be considered tonight on first.

Commissioner Mourdock: On first, yeah.

Joe Harrison, Jr.: Both of them would be first.

Commissioner Mourdock: Yeah, just to stick with the order on the agenda here, I'll move that on first reading we approve the vacation of the easement at 5020 North Posey County Line Road as submitted.

President Jerrel: This is a 12 foot strip. And I will--

Joe Harrison, Jr.: Wait a minute. The one on--

Tony Greubel: North Posey County Line Road--

Joe Harrison, Jr.: Is just permission to advertise. So that's...go ahead and do that.

Commissioner Mourdock: Yeah, thanks. I'll amend the motion. I'll move that we advertise the vacation of the easement at 5020 North Posey County Line Road.

President Jerrel: And I'll second and say so ordered and then we're reading for the vacation.

Public hearing - Vacation of easement at 1301 Mortensen Lane

Commissioner Mourdock: Right.

President Jerrel: Mr. Mortensen.

Commissioner Mourdock: Mr. Mortensen. Are you Mr. Mortensen?

Lee Mortensen: Yes.

Commissioner Mourdock: Okay, we're just at your item on the agenda here.

Lee Mortensen: My name is Lee Mortensen, Castle Contracting.

Joe Harrison, Jr.: Sir, did you have an opportunity to speak with Bill Jeffers from the Surveyor's Office?

Lee Mortensen: Yeah, he would like me to go before the Drainage Board the 28th.

Joe Harrison, Jr.: Okay. This body could consider the request this evening on a first reading and hold the second reading after the Drainage Board approval assuming they approve it.

Lee Mortensen: Yeah.

Joe Harrison, Jr.: We ought to probably put it in that order, so they could consider it on first reading tonight and have the second reading in July or...it would probably have to be July.

Lee Mortensen: That's at the end of the month, the Drainage Board.

President Jerrel: Is there a motion approving on first reading?

Commissioner Mourdock: On first reading I'll move the approval of the vacation of the easement at 1301 Mortensen Lane.

President Jerrel: I'll second and say so ordered and you'll be on the Drainage Board.

Lee Mortensen: Yes.

Joe Harrison, Jr.: You may want to be there on that particular evening if you need to be, but I'm sure you've had some discussions with Mr. Jeffers.

Lee Mortensen: Yeah, I talked to Bill about it. He was going to try and swing by. I sent him a letter and then he just hadn't had a chance to get by yet, but he said he would take a look at it. He said he didn't really see any problem with it right off the bat.

Joe Harrison, Jr.: Good, okay, thank you.

Lee Mortensen: Thank you.

Building Authority - Amended memorandum of understanding

President Jerrel: Going back to Item F on the agenda, the Building Authority amended memorandum of understanding. This is...you have checked this, Joe?

Joe Harrison, Jr.: Yes. This is essentially a revision to the original memorandum of understanding between the parties that was entered into a couple of years ago. This particular document sets forth depreciation reserves that will be required to be paid by the county to the Building Authority during the life of the bonds.

President Jerrel: For The Centre?

Joe Harrison, Jr.: For The Centre and also the energy savings contract that the Building Authority has entered into with a subsidiary of SIGECO with respect to the heating and air equipment in the facility and also there is a provision in there for coupon and bond expense and builder's risk insurance just for this year. Coupon and bond expense thereafter and appraisals thereafter. But, again, these are just obligations that the county will have to the Building Authority solely and the biggest number will be the depreciation reserves. The county will be required to pay depreciation reserves on The Centre up to 2011. There is a...what is intended by this agreement is to try to reach a \$3 million fund of depreciation reserves by payments by the county and then interest will be made off the fund thereafter.

Commissioner Mourdock: Assuming we reach the \$3 million it's capped at \$3 million?

Joe Harrison, Jr.: Yes, that is the intent. Also, it's, you know, considered that probably in ten or 12 years or so when that cap is reached there may be a need for use of depreciations. Hopefully not, but this agreement sets forth the types of things that would be intended for use by the depreciation reserves. This agreement has been signed by the Building Authority at their last board meeting.

President Jerrel: Would you look at item six on page two.

Joe Harrison, Jr.: Yes, that's no different from what has been going on now. That talks about the payment of costs. The reason that's the case is because of the fact that the county received a portion of the funds in its name after the bonds were issued because of the small portion of the lot that is still owned by the county where the exhibition center is.

President Jerrel: Okay, but it doesn't spell out what particular invoices these are.

Joe Harrison, Jr.: Well, this relates to construction. I mean, this has been going on for the last year.

President Jerrel: Right.

Joe Harrison, Jr.: The construction money has just been paid...all the construction money is going to be used. It really doesn't matter, but they had to break it into three fourth/one-fourth breakdown from the original \$35 million and things have been paid proportionately up to this point. But all the money is going to be spent in that construction fund. Hopefully there will be some contingency left over, but all the money is probably going to be spent. I wish it wasn't, but it probably will be. Also, with respect to The Centre I was going to contact Mr. Utley to see if we could get a report within the next couple of weeks from Industrial as to the progress. It was my original understanding that Section A was supposed to be completed in June of this year. I don't know where they are with that. B and C were down the road, but A was supposed to be done this month.

Commissioner Mourdock: Well, I, yeah, would like to chase that too because I was thinking the same. Between either you or Tony, if you would, please give them a call and maybe two weeks or so from tonight or even...let's see the first Monday in July.

Joe Harrison, Jr.: Maybe even next week.

Commissioner Mourdock: Yeah, whenever. I would like to hear what the report is as well because it's--

President Jerrel: Could we ask that the project director come back and make a brief report?

Commissioner Mourdock: Sure.

Joe Harrison, Jr.: Sure, oh yeah, from Industrial?

President Jerrel: Yes.

Commissioner Mourdock: Industrial, I can't think of his name.

President Jerrel: That would have more meaning for me if that would be alright with you?

Joe Harrison, Jr.: Sure, and someone from Veazey.

Commissioner Mourdock: That's right in line with what I thought.

Joe Harrison, Jr.: But certainly--

Commissioner Mourdock: The fellow from Industrial whose name escapes me. Danny something.

President Jerrel: Is that okay?

Joe Harrison, Jr.: Yeah, that's the person we want here. I think his name is Hoefling, Dan Hoefling.

Commissioner Mourdock: Yeah.

President Jerrel: Is there a motion regarding this?

Commissioner Mourdock: I'll move approval of the amended memorandum of understanding for our client number 8703.003 as submitted by the County Attorney.

President Jerrel: And I'll second and say so ordered. How are the bid openings going?

Joe Harrison, Jr.: They're still coming.

President Jerrel: Okay, alright I'll keep moving then until you get ready.

Any group or individual wishing to address the Commission
--

President Jerrel: At this time is there anyone here that wishes to speak to the Commissioners? There is an item on the agenda. Yes, sir.

Gary Bush: I'm Gary Bush, the president of the Audubon Estates Neighborhood Association. It's a subdivision that is in Vanderburgh out on the east side just before the Warrick County line. I don't know if you're familiar with that. Recently, Friday, I guess it was Friday, we found out that the Commissioners had approved the extension of Ridgeway from our subdivision into the neighboring subdivisions. We're here to...first of all, we didn't know about this. We feel like we were not given consideration to the impact on our neighborhood. Now maybe there was some kind of notice in those fine print in the newspaper, I don't know that, but certainly isn't something that somebody sits and reads. We're here to find out or to request that we suspend that particular process until something is discussed about it. We have, as late as Friday night when we found out, got together with our neighborhood and we brought petitions, etc., and what we're here for is to try to at least stop the process until we can discuss it and the impact on our neighborhood which I think will be great. Traffic through that subdivision will be unreal, I believe, plus the land behind us which is adjoining that is not developed yet, so my suspicion is when that's developed we'll even have a greater amount of traffic. The current time we already experience congestion in the entrance of our subdivision. It just seems like a bad deal to us. Tom Gregory is here. He's got the petitions and numbers and things like that and I would like to ask Tom to say something, please.

Tom Gregory: Yes, my name is Tom Gregory. I'm a resident and one of the Board members and we went out and got the petitions. We had 84 residents out of 124 that is against it. That don't mean the other 40 is for it, we just didn't get around to getting the other 40. You can see they had a little rain on them, but they're still legible and there is 120 signatures. We didn't count that because under our bi-laws we have to have a majority before we can act as a neighborhood association and we have the majority, more than the majority. So as Gary said we're asking to put this on hold until we can talk about it because I think it would be a bad mistake and we'll say, oh, I wish we wouldn't have done it because when you look at the subdivision, the ones in Ridgeway that joins our subdivision, Audubon, Chickasaw, and you also have to look at Fuquay Road because they come off of Fuquay. I've been out around Fuquay between Pollack and Covert and that is kind of a bottleneck early in the morning. Well, you know which way they're going to shoot, they're going to shoot right down Ridgeway right into Audubon Estates, right down Plaza and Covert

as a shortcut. As Gary said, we've got a problem, too, in the future we don't know how we can address, but hopefully we're going to have nice homes behind us. Of course, we've got the Area Plan Commission looking at that to make sure and we're on the mailing list and that is probably where we goofed. We didn't ask to be on the mailing list of the County Commissioners or we probably would have picked it up. We didn't think about traffic. We only thought about zoning, but these petitions here, I can give them to whoever wants them here.

President Jerrel: I'd like to have them, please.

Tom Gregory: Like I said, they've got a little rainwater on them.

President Jerrel: Yeah, thank you.

Tom Gregory: So does anybody else got anything they want to say? Thank you.

President Jerrel: Mr. Gregory, I had a question.

Tom Gregory: Sure.

President Jerrel: I wasn't a member of this Board when the decision...or when the subdivision was built, so I don't really have a good background. I did go out there yesterday and drive around and I know Mr. Mourdock has also. I drove all around your subdivision and then the Ridgeway straight to Fuquay and the homes that are at the west end of Ridgeway. Why was that not finished originally?

Tom Gregory: Ridgeway?

President Jerrel: Uh-huh.

Tom Gregory: I think the reason it wasn't finished is because...I'm not really sure about that. I've been out there since 1990. I think the land was Kattmann and Bussing was the one that had the land when they started building houses there. I understand that they didn't want to open it up because I don't think the residents wanted it opened up. I think that's the reason. That's the only thing I can figure out. We were so surprised when it opened up because we thought it was pretty well a dead issue, you know, that they saw that the traffic pattern was not right to bring one area into another area as a shortcut and that's what it is. It's like a shortcut.

President Jerrel: It was...you know, when I went out there yesterday I could...you know, you can drive. It's straight though. It's a straight road that has about as much...it's about as wide as that table that's just green grass and it's a straight road here and a straight road here and a strip of green grass.

Tom Gregory: See and then the barrier...the barrier was right up in the middle of it.

President Jerrel: Yeah.

Tom Gregory: I really can't answer it, you know, why they did it that way, but if you really look at the situation what you're going to do to Audubon Estates is you're going to have a shortcut for Fuquay Road and the residents over there to come through the subdivision and put it on Plaza because what you've got right there at the corner of Plaza and the short Ridgeway is a stop sign. They put a stop sign in. There is a stop sign there. Then Plaza goes all the way down into a dead-end.

You're going to have a real traffic problem if you open that up.

President Jerrel: This is a dumb question.

Tom Gregory: No, there is no dumb questions. Isn't that what everybody says?

President Jerrel: I want to know because I really and sincerely was trying to drive that area to see. You feel that the people up here at the north...this is my own scribbles, but the people up here at the top by Fuquay will drive down here and turn on Plaza?

Tom Gregory: Yes, I feel that way only for one reason is because early in the morning when they're coming off Pollack they want to get to Covert. Okay, that is sometimes it is back to back traffic from Pollack to Covert.

President Jerrel: On what road?

Tom Gregory: On Fuquay.

President Jerrel: On Fuquay, so they're over here on Pollack--

Tom Gregory: Right.

President Jerrel: --and there is too much traffic.

Tom Gregory: They will make a right and when they see that the traffic is too heavy, because it's only a two lane road.

President Jerrel: Yes.

Tom Gregory: It's only a two lane road. They will make a left on Ridgeway and come down Ridgeway and come right into Plaza, the only place they can. That's known as a shortcut.

President Jerrel: John, excuse me just a minute. Our attorney...I mean our Engineer...excuse me, I just promoted you to a different position.

Commissioner Mourdock: Some would argue whether that was a promotion!

President Jerrel: This is John Stoll and he is our County Attorney.

Tom Gregory: John, Tom Gregory. I talked to you many times on the phone.

President Jerrel: We've been trying to put together...I mean, it really is an odd situation to have that little bitty strip out there on a straight stretch of ground and a barricade right in the middle of it. We asked that John research it a little bit and I know Commissioner Mourdock probably has some thoughts on it, but where are we?

John Stoll: As far as why the connection was never made I'm not real sure either. Part of my guess would be when Audubon Estates was developed and this property east of Audubon Estates was a vacant field. There was no right-of-way to make the connection from Audubon east to the remainder of Ridgeway until the state came in and built I-164 because when 164 came through it split the subdivision that Chickasaw and Audubon, I don't know the name of the subdivision, but anyway it

split that subdivision right in half and for the people on the north side of the interstate to have access the state had to build a road somewhere and what they did was they built the road...they built the segment of Ridgeway between Audubon and the old dead-end of Ridgeway heading east. Why the connection was never made on the remaining small 20 foot segment that we were going to do I don't know. We were ready to begin the project. The contractor was ready to go. The contract had been awarded and everything and then I got a phone call from Mr. Gregory and he had requested that we stop the project and I told him that we had initiated the project in response to a petition that we received last year and I told him that I hadn't gone out and verified where each individual address of the signers of the petition, but a lot of the names were on streets like Ridgeway, Chickasaw and Audubon so they were in the area, but I didn't verify whether they were in the subdivision or right next to the subdivision.

Commissioner Mourdock: Did I understand, John, there was a barricade there until fairly recently? It was pulled out as you started this process?

John Stoll: Right, there were guardrails out there blocking both ends of the road and there were also guardrails alongside where there was no road.

Commissioner Mourdock: I noticed on Ridgeway it looks like it's just a base coat down there now, it's not the finished coat for paving, is that right? Maybe Erik can answer that.

John Stoll: That's the paving that was done last year by the County Highway.

Erik Bentle: That's surface on there.

Commissioner Mourdock: That is surface, not just base?

President Jerrel: Well, this is one of these testy problems.

Erik Bentle: I did find out who took the guardrail down, too. It wasn't the contractor. The Bridge Crew actually took the guardrail down on the advice from the Engineer's Office so they could get started on that project.

President Jerrel: Right, okay.

Erik Bentle: Now we've got a situation out there where we've got a drop off and if a car goes off that we're going to be in trouble.

President Jerrel: A drop off where?

John Stoll: In the ditch.

Erik Bentle: At Ridgeway there we've got about a three or four foot drop.

John Stoll: It's the ditch that's off to the side.

President Jerrel: I drove over that thing five times yesterday.

Commissioner Mourdock: Yeah, I drove over it three times.

Erik Bentle: I went over it just today and it's got a drop off.

President Jerrel: Oh, no.

Commissioner Mourdock: I drove over it twice yesterday.

President Jerrel: I went over it five...I went up and back five times until the neighbors got confused about who was out in their neighborhood.

Commissioner Mourdock: I noticed there was some concrete, the old benchmark.

John Stoll: The INDOT right-of-way markers?

Commissioner Mourdock: My screen just went blank. Yeah, the old type highway markers there it looked like there might have been some right-of-way or something through there. I wondered if it wasn't delayed maybe originally because it was a utility easement or something through there.

John Stoll: I don't really know about that. I mean, the right-of-way markers were, I'm going to guess, placed whenever the interstate project came through because the right-of-way to make the connection appears to have been purchased when the right-of-way was bought for the interstate. We plotted it up to make sure that there was no gap in right-of-way between Audubon Estates and Ridgeway over near Audubon Drive.

President Jerrel: You know, you won't believe this, 21 people that live on Ridgeway west of it signed the petition to have it removed and 21 people on the east side of it signed the petition to have it moved. This is like playing Solomon.

Gary Bush: (Inaudible comments made away from mike.)

President Jerrel: Sure. I realize, Gary, you were referring to the traffic, but the fact that it is a street that heads straight through and just has a strip in the middle of it...or not in the middle, but down toward it it begs the question why in the first place.

Commissioner Mourdock: But did I understand you that 21 people are on each side of the issue?

President Jerrel: Yeah.

Commissioner Mourdock: So some want it paved?

President Jerrel: Well, the new petition has 21 Ridgeway people.

Commissioner Mourdock: Yeah, right.

President Jerrel: And the old one had 21 Ridgeway people.

Tom Gregory: Was it equal, same amount?

President Jerrel: Yeah.

Tom Gregory: See, that was the interesting thing when I went out. You know when we went out with that petition we didn't have no way to sell it. All we said is what do you think about Ridgeway being opened to the subdivision and the people would come back and say, wait a minute I don't like it. That's the way we approached the

people. It wasn't something we were going to sell.

President Jerrel: Are the people on the east side of Ridgeway in your association?

Tom Gregory: On the east side, they're in our association?

Several members from audience: No.

Tom Gregory: No, on the west. We're on the west.

Commissioner Mourdock: I know, my question was about those on the east.

President Jerrel: The ones that are down near Fuquay.

Tom Gregory: We're on the west. The east is the other side. That was interesting. There was only...if you want to come down to it there was only four that said...that we contacted one couldn't speak English so we put them as a no. The other three had a reason. One was a fire chief, Emmett Tramill, I think it is. He is a fire chief and he said I couldn't sign that he says, you know, because I would be in trouble and the other two--

President Jerrel: Why would he be in trouble?

Commissioner Mourdock: He fears because of public access in case there is a fire it needs to be--

President Jerrel: Oh, one of the reasons on theirs was it would improve the access.

Tom Gregory: Yeah, we knew that. He said I couldn't sign it, so that's the only ones that we were able to contact. We'll get you probably about 110 or 120 when we get through.

Commissioner Mourdock: But the question, just to clarify, the question isn't simply about how many are on this side of the line that say we should and how many are on this side of the line that say we shouldn't. The question is what is the best traffic plan for the area. That's where, again, John, I'm looking for help here as far as anything we might have from EUTS or otherwise and also what the total plan was. I guess the county has had that right-of-way--

John Stoll: It appears since about '87 I believe it was.

Commissioner Mourdock: So even at the time that the whole subdivision on the west side of the line...even before that subdivision was put in the county had that right-of-way, is that right?

John Stoll: Probably for certain phases of the subdivision, but not the entire subdivision.

Commissioner Mourdock: Was that subdivision started on the west and moved east, is that right?

John Stoll: It worked south. It started up at Covert and they platted south--

Commissioner Mourdock: And moved south.

John Stoll: --sections of it as they headed south, so the right-of-way from the subdivision I don't know when exactly that phase was dedicated, but on the east side of that line outside the boundary of the subdivision came about through the interstate project based on the deeds that we saw so that came about in '87 so depending on when they platted that phase it could have been '87. It could have been a year or two later or it may have been a year two before, I'm not exactly sure.

President Jerrel: Could we let this gentleman speak and then if you don't mind to wait I had a couple of questions to ask you.

Jay Pack: My name is Jay Pack and I'm a resident of Audubon Estates. What I have to say is relatively minor, but I did attend the church with the lady that owns the field that is in question there.

Commissioner Mourdock: The field that is on the north side of Ridgeway?

Jay Pack: Yes, that is correct. She was involved in that. She told me, this has probably been five years ago and she is in poor health now, but she told that she had verbal conversations with the people that were selling the land and selling the plots in Audubon Estates and that she had...I think they were interested in her for possibly selling that land in the future and changing it from a farming area. She said that she wanted to have that lot there herself. She was on that strip there on Ridgeway and that she had concerns about the traffic congestion and because the Ridgeway street is straight and long that she had fears that there would be a lot of the fast traffic that we're seeing on Plaza Drive. It's hearsay, but I mean it's what she says that she was into some kind of a verbal agreement with them to at least for the time being have that blocked off in consideration of the traffic--

President Jerrel: Was it a verbal agreement with whom do you think?

Jay Pack: I think it was with Bussing and Kattmann.

President Jerrel: Okay, do they farm that land or do anything with it?

Jay Pack: She and her daughter co-own that and they lease it out to someone or they have a farmer. They don't do it themselves. They are rather elderly.

President Jerrel: Okay.

Jay Pack: That's what I know about it and I know that was her original intent and the traffic congestion and the flow is our concern now.

President Jerrel: Okay, thank you.

Connie Vowells: I'm Connie Vowells and I live at 1828 Plaza just right of where the barrier was. My husband and I, our concern is if it is paved to pavement that you'll have a drag strip situation because children do congregate back there quite a lot. That's our concern. We have police out there constantly.

President Jerrel: Do you call the Sheriff's Department?

Connie Vowells: Yes, we do.

Dennis Vowells: (Inaudible comments made away from the mike.)

President Jerrel: That's alright, do you want to give us your name?

Dennis Vowells: I'm Dennis Vowells.

Connie Vowells: We maintain that ditch back in there and, yes, we have called the Sheriff's Department numerous times, you know, for kids out there congregating and if that were to be paved, you know, I think we would have a real drag strip situation on your hands due to the fact that there are homes not on the other lot. Maybe the other homes that maybe they back into Ridgeway, you know, I don't know that some of those homes over there on Arcadian Circle or whatever that street is back there that they wouldn't hear them not like we would. We would definitely be affected quite a bit.

President Jerrel: Do you have something to add?

Dennis Vowells: Well, another thing I'm looking at even if this barrier that has been taken down they're only saving four tenths of a mile, but as you know that when people go to a stop sign today now it's bump and go it's not stop. So like my wife said, you're going to create a drag strip there and I just look that somebody may get killed because there is already enough traffic down Plaza Drive also already. So I think it's just going to be hazardous. Right now families enjoy walking through there, but that's not going to happen any more because somebody is going to get killed.

President Jerrel: I'm going to ask our engineer to initiate something and then Commissioner Mourdock and I haven't really talked about any of this. In fact, I didn't know he went out there either. We probably had that place under surveillance over the weekend.

Dennis Vowells: I have had it under surveillance and I did the mileage thing I know they are only saving four tenths of a mile.

Commissioner Mourdock: The green and silver Dodge truck that was going back and forth between about 9:30 and 10:30 yesterday morning was me.

Dennis Vowells: That was you. Okay, I was monitoring everything.

President Jerrel: And I was later in the afternoon and somebody came out and waved me down. Would it be possibly...we had talked about some things that we could do. I had talked about speed bumps and John indicated that he didn't know if Indiana statute permits those and he is shaking his head, so you're saying you cannot have speed strips? Why are you shaking your head?

Suzanne Crouch: Not on county accepted roads.

President Jerrel: On accepted roads.

Suzanne Crouch: Not on county roads.

John Stoll: Right.

President Jerrel: Alright, well then so much for that idea. Then I asked you about doing a traffic count.

John Stoll: That has been requested through EUTS. They were supposed to put the

counters out today both on Plaza and on Ridgeway. They was supposed to get traffic volume counts as well as speed data.

President Jerrel: Okay, and if you would or if it isn't convenient maybe Tony could do this chore, call the Sheriff's Department and find the number of calls that have been received in that area and then have them observe the speed of the drivers around the area. You know, I don't know. I think that information will be helpful. I don't know that it will be a big impact one way or the other, but it will give us some firm data to work with. Yes, sir.

Commissioner Mourdock: You need to come to the microphone.

Dennis Vowells: It is just a small thing, but there is exactly three stop signs there too. If you're coming at the intersection of Audubon and Ridgeway there is exactly three stop signs and anybody coming from that direction is only saving, like I said, four tenths of a mile so it's exactly three. I just thought I would add that in.

President Jerrel: Okay.

Commissioner Mourdock: And for the record that was Mr. Vowells. Okay, give your name.

Gary Bush: One thing that could happen even without this whole process of the Ridgeway thing is that Plaza and all that area back there is 30 mile an hour speed limit and with a narrow street like that, I mean, if it is 30 mile an hour out on Covert surely it shouldn't be 30 mile an hour back in a winding subdivision.

President Jerrel: Well, that was the other item that I mentioned to you that we would look at reducing the speed limit.

Gary Bush: Well, even without that we tried. We worked on that but we really couldn't find a way of getting that done a couple years ago.

Jay Pack: I have a ten year old daughter and she is a straight A student and she follows rules better than I ever did.

President Jerrel: This is confession time.

Commissioner Mourdock: Yeah, confession is good for the soul.

Jay Pack: She is out there...I live at the corner of Plaza Drive and Covert and even there when they are coming down to a stop it's a tremendous speed and she has had to not dive off the road, but I mean really scoot to get off there and I'm thinking that once that is open and that's a shot through there and when it's known to be a shortcut I'm afraid for my daughter, a straight A student and who is very conscientious.

President Jerrel: Thank you.

Beth Fields: Can I?

President Jerrel: Sure.

Beth Fields: A couple of different things. My name is Beth Fields. I'm a resident and

I live on the curve and the neighbor that came over and talked to me after he spoke to you yesterday.

President Jerrel: Right. Would you want to give us your name again?

Beth Fields: Beth Fields.

President Jerrel: Okay.

Beth Fields: A couple of things that I think I just really strongly believe that one subdivision shouldn't be advantaged over the other and by opening that area that allows Chickasaw residents to come through that area and turn left into our subdivision and use Plaza Drive as an exit onto Covert I just think that is unfair to us as neighbors because it will put undo and extra traffic in our neighbor which is a safety issue as far as I am concerned for children and people like Dennis mentioned. We have a tremendous amount of people who do walk and get out and visit their neighbors and stand in the streets. The speed limit is 30 and I just feel like to put that excessive traffic on our road for us to maintain and keep clean is not fair to our neighbors when, like Dennis says, you're saving four tenths of a mile. I know that change is good, but I just don't really see that putting that excessive amount of traffic into our neighborhood benefits anyone. And it's a safety issue as far as fire, like they had mentioned, I think, on their petition about an ambulance call. I can't really see that an ambulance driver would understand the directions of going east on Covert turning right on Fuquay would be hard as compared to going east on Covert turning left into Audubon Estates and then turning left on Ridgeway and then turning right on Chickasaw would be easier. I just don't see that for them would be a good issue.

Commissioner Mourdock: I don't think that's their point though. I think their point in that one is if the traffic is otherwise blocked out there and it means either they get there or they don't they would have that route as a secondary route. I think that's what the argument is.

Beth Fields: I know one of the persons who signed the petition, you know, they lead us to believe that was the issue and I can understand more than the one access. I can understand that, but not that being the pusher for the access.

President Jerrel: Well, I think what...I think if we go ahead and do some of this basic groundwork just to see what kind of traffic you've got out there-

Beth Fields: I think that's an excellent idea.

President Jerrel: And then take a look at the speed limit.

Beth Fields: Because there are other areas like north of Covert Avenue that that subdivision is so chopped up that if you really had to make an ambulance call to any of the areas in those subdivisions you have to go and turn...go east on Covert turn left on Fuquay and then hit the first street to your left and do a zigzag and go around just to get to Plaza Drive where you can walk over that from Covert Avenue much faster. So I mean there are several issues around town similar to this.

President Jerrel: Your whole subdivision is full of...I mean, it's very circuitous all over the whole subdivision. We do have an issue here that we did in good faith enter into an agreement and we did enter into a contract. So we've got to do something to

bring this to closure one way or the other and I think we want to go through this for your sake we want to do the evaluation of these other issues.

Commissioner Mourdock: Maybe you said it while I was otherwise trying to get my computer back on which for the record my computer seemed to die because you unplugged it with your foot there.

President Jerrel: Well, I think by tapping my feet, so I probably unplugged you. I use the old fashioned one.

Commissioner Mourdock: You may have mentioned this but we need...if there is any input that Rose Zigenfus and EUTS can get us that would be helpful and the second thing, I don't believe you mentioned this, but I would like to see John going back into the history of when that whole subdivision when that area was platted if, in fact, the intention then was to show Ridgeway all the way through there. In other words, if the easement was given at that time with the intention that from day one that was going to be through there that's important in my decision making, so if you could dig that up that would be helpful, too.

John Stoll: The only place that might be is in the Plan Commission minutes.

Commissioner Mourdock: Right.

John Stoll: My gut reaction would be that was the intent simply because the subdivision did have the right-of-way dedicated to the east boundary at the subdivision. What the plan was from there over to where Ridgeway used to dead-end prior to the state doing their work, that I don't know.

Commissioner Mourdock: Okay, well if you could pull that together I would like to see it. If I had bought a lot back off in Audubon...I can't think of the other road back there.

President Jerrel: Chickasaw.

Commissioner Mourdock: Chickasaw, yeah. If I purchased a lot back there at that time I certainly would have seen a plat for the entire subdivision and I would like to see what that would have looked like at that time.

President Jerrel: Somebody could look that up for you if you would call them I think that they would do the research.

John Stoll: Chickasaw and all that was cut up by the interstate so their original plat is substantially different then what is out there right now.

Commissioner Mourdock: Okay, well just get me a bit of history to review.

John Stoll: One thing you had asked too about the Plan Commission and EUTS concerns and situations like this the one thing EUTS has always been asking for on subdivisions as of late is to provide multiple access points to subdivisions so this falls in line with the things that they've been asking for. I can't speak for Rose, but this is a pretty common request that they've been making.

President Jerrel: What kind of turnaround do you think we can expect to find?

John Stoll: It shouldn't be too long. I should get the minutes for the Area Plan Commission meeting and the--

President Jerrel: Next Monday or the Monday after?

John Stoll: I won't be here next Monday.

President Jerrel: So the Monday after, okay.

John Stoll: That would be fine.

President Jerrel: Okay, so you all will know we'll have the information by then. Okay, thank you. Yes, sir.

Dennis Vowells: I just had one more comment. For the last four years I've been maintaining that strip and mowing it and making it look pretty, so I wanted to put that in there. Also, the ditch started to erode. Well, you know, I guess the county has easement, but it was starting some erosion and I just asked for some, you know, riprap and I never got that from the county so I physically went out there and dug it myself. My money, my truck, my gas, my effort and I did all that, so I wanted to put that in consideration.

President Jerrel: Do you want to explain the ditch part that we can't maintain it?

Commissioner Mourdock: Yeah, but I don't know that matters. What Mr. Vowells is saying is if, in fact, that was county easement, which clearly it is.

President Jerrel: Yes. Then he shouldn't have been--

Commissioner Mourdock: Then he was working on county easement, yeah, and he has put an investment in it.

Dennis Vowells: Because they would not do it, so I just wanted to put that in there.

President Jerrel: How long ago was that?

Commissioner Mourdock: Four years.

Dennis Vowells: Two years ago.

Commissioner Mourdock: Which side do you live on of Ridgeway? North or south?

Dennis Vowells: South.

Commissioner Mourdock: So you live right on the corner there?

Dennis Vowells: We live right next to it.

President Jerrel: Yeah, okay.

Dennis Vowells: So it's going to really impact us. Right across the street there is an 80 year old lady so I thought I would throw that in there, too. But anyway, so that's what I wanted.

President Jerrel: We'll get all of this and come up with something two weeks from tonight.

Tom Gregory: Bettye, I've only got one question. In that petition that's on the other side of Ridgeway, was Meridian in there and all those new houses back through there?

President Jerrel: No, let me read to you where they got them. The majority are Ridgeway, Ridgeway, Ridgeway, Chickasaw, Chickasaw, Audubon, Pollack, Audubon, Audubon, Audubon, Audubon, Chickasaw, Chickasaw, Chickasaw, Chickasaw, Audubon. No, it's right in that part.

Tom Gregory: You know they've got a new subdivision called Meridian, Meridian Drive.

President Jerrel: No, there aren't any of those.

Tom Gregory: All that traffic, that's how that Fuquay gets so bottlenecked because they are all coming out of there and heading to Covert.

President Jerrel: No, their petition was just, you know, Ridgeway, Chickasaw and Audubon people.

Tom Gregory: Thank you.

President Jerrel: Okay, and thank you for coming down, we appreciate it. We'll look for somebody or however many of you want to come. Tony, I'm going to ask you to contact a couple of the people on the other petition and this goes to Charlene for the record. Okay, we're going to move on. You're welcome to stay. You don't have to leave if you don't want to.

Gary Bush: Thanks.

President Jerrel: Okay, are we ready for the bids? Uh-huh.

Tom Gregory: Can we get on the agenda mailing list to be mailed to--

President Jerrel: Well, that would be the Area Plan. We don't...the only people that we mail agendas to are the news media.

Tom Gregory: How would we get on the list?

President Jerrel: Just pick up--

Commissioner Mourdock: No, he just wants to get on the agenda.

President Jerrel: Just call.

Commissioner Mourdock: Call Tony at the County Commissioners' Office.

Tom Gregory: No, a copy of the agenda.

Commissioner Mourdock: Those don't come out really until the day of the meeting, but if you want to be on the agenda listed as one of the action items as you heard

us go through them tonight just call Tony, 435-5241, and just tell him you want to be on the agenda and we'll put you on.

President Jerrel: Tom, I think--

Tom Gregory: What is his number?

Commissioner Mourdock: 435--

President Jerrel: 5241. Tom, what you're asking is you want...here is how the agenda works. By noon on Friday all items that are going to be on the agenda are submitted, so they usually come in some time and then Tony puts the agenda together, a draft agenda, a mails a copy to the media, but the final agenda is distributed on Monday, like today.

Tom Gregory: And I can call Tony and he'll tell me what's on it?

President Jerrel: Yeah, and he'll tell you.

Tom Gregory: That's what I want.

President Jerrel: Okay.

Tom Gregory: So it don't happen again, something like this.

President Jerrel: Right.

Tom Gregory: Thanks.

President Jerrel: I'm sorry to continue that.

Commissioner Mourdock: That's alright.

President Jerrel: But I didn't think he under...he wanted to know how.

John Stoll - County Engineer

President Jerrel: Okay, County Engineer. Your allergies aren't doing very well.

Joe Harrison, Jr.: It's bronchitis.

President Jerrel: Oh, okay.

John Stoll: First I've got a special waste verification notice for the disposal of the paint chips for the Heckel Road bridge. Joe has reviewed these documents and they're okay to be signed by the Commissioners. It's basically just paperwork we need to submit to the landfill to get rid of the paint chips that were taken off that bridge prior to it being painted, so it is recommended that the Commissioners approve this.

Commissioner Mourdock: So moved.

President Jerrel: I'll second and say so ordered.

John Stoll: The second thing is the easement for Williamsburg Apartments out in front of...out at the corner of Burkhardt and Lloyd. It needs to be transferred to INDOT since that will be their drainage structures to maintain. This is copies of the paperwork that we need to submit to INDOT, the deed and everything, to transfer this easement from the county to INDOT. Here again I worked with Joe to get this in a format that is acceptable and it is recommended that this be approved.

Commissioner Mourdock: I'll move approval of the deed to...is it a deed, I presume?

John Stoll: Correct.

Commissioner Mourdock: The deed to INDOT as requested.

President Jerrel: Second and so ordered.

John Stoll: The third item I've got is a request from the residents of Brookview Subdivision. In that request they are asking for permission to install a new subdivision name sign out in front of their subdivision. The old one was damaged and Mr. Jon Hubers had requested procedures to get this new sign installed. This is similar to what we did a couple of years ago in Green River Estates Section 3, I believe it was. I have worked with Joe again to make sure that all the right paperwork has been submitted and everything is there just like what we had done in Green River Estates so it is recommended that they be given approval to put this sign in. They'll be responsible for maintenance and they've got a hold harmless provision in their letter there.

Commissioner Mourdock: The question here isn't about the type of sign or sign code it's about our easement?

Joe Harrison, Jr.: Yeah.

John Stoll: Right, it is going to be in the county right-of-way

Commissioner Mourdock: I'll move approval of the sign request as recommended.

President Jerrel: I'll second and say so ordered.

John Stoll: Next I've got a street acceptance request for Riverwind Pointe Subdivision. This is for 962 feet of Fickas Road. This is a subdivision down at I-164 and Green River Road on the east side of the road.

Commissioner Mourdock: I'm sorry, I heard Fickas Road and I know Fickas Road, but I can't imagine much on there. What is this?

John Stoll: They platted a new commercial subdivision on the east side of Green River and this is an extension of Fickas Road on the east side of Green River.

Commissioner Mourdock: The east side of Green River. Okay, I didn't know Fickas Road came up out of the floodway there, but obviously it must. I hope. I'll move approval as requested.

President Jerrel: And I'll second and say so ordered.

John Stoll: Next I've got a request from BMB, Inc. requesting a five day extension on

the Old Henderson culvert installation due to weather delays and a back order shipping delay associated with materials needed for the project. It's recommended that this be approved.

Commissioner Mourdock: I'll move approval of the five day extension.

President Jerrel: Second, so ordered.

John Stoll: The final item I've got is a Notice to Bidders for contract number VC99-06-03, the frontage road at Baseline Road phase two. This will be the work we need to do out in front of the new Replas site plus the construction of the connector between Replas and Azteca. We're working on getting all of the right-of-way documents finalized and the agreement finalized with Southern Indiana Properties. In order to try and expedite the project and get it finished prior to the expiration of the Department of Commerce grant we really need to get moving on it.

Commissioner Mourdock: And I left a message again today on Kirk Wright's voice mail. Have you heard anything from them on that deed?

John Stoll: They did submit a deed. It had some provisions in there that needed to be changed. Joe has been working with their attorney to get those changes made. We don't have a final copy as of yet that we can record though.

Commissioner Mourdock: Okay, when did that come in? Just last week, I guess?

John Stoll: I think so. I don't remember the exact date.

Commissioner Mourdock: We didn't meet last week--

Joe Harrison, Jr.: Right, it's probably been ten days ago.

Commissioner Mourdock: --so it might have been in the last two weeks, okay.

Joe Harrison, Jr.: I'm working with their attorney plus I am working with SIGECO's attorney as well, or SIPI, Southern Indiana Properties. Their office called me again today. The one attorney I was working with is out of town so I'm working with somebody else now.

Commissioner Mourdock: Absolutely positively we need to keep this one moving, so keep pushing on this.

Joe Harrison, Jr.: Well, I told them we needed it today and that's why they were, you know, wanting to...why they were calling me today.

Commissioner Mourdock: That's why it's only next week!

Joe Harrison, Jr.: I said we have to have it next week, so hopefully we'll have it.

President Jerrel: And we really do because our--

Joe Harrison, Jr.: No, we have to have it.

President Jerrel: --time is going to be up soon and I don't want to lose the Department of Commerce money.

Joe Harrison, Jr.: Right, I told them that.

John Stoll: I set this contract to have a completion date for September 10th which is the Friday after Labor Day, so that should give some time to get the final claims submitted and paid plus the audits done, so it's going to be on a tight time frame.

Commissioner Mourdock: Yeah. I'll move the approval to give notice to bidders as requested by the County Engineer.

President Jerrel: I'll second and say so ordered.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: John is helping to get the budget ready for me. We want to make sure we spend everything that we've got to spend on roads and encumber anything that isn't spent and get you a new road list of projects. Do you think another week?

John Stoll: Yeah.

President Jerrel: Okay, alright.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: County Garage.

Erik Bentle: You've got our packet that I brought up here today for you.

President Jerrel: Yes.

Erik Bentle: It's got our weekly schedule in it and the attendance sheets in it. Right now we're a little behind on our paving schedule as to where I would like to be. The weather is sort of--

Commissioner Mourdock: We're 52 percent behind where we were last year. Funny you should mention it.

Erik Bentle: Yeah, it doesn't look good, but we'll get back up there as best we can.

Commissioner Mourdock: What's the main reason we've been behind, Erik?

Erik Bentle: The storms we've been having. We've had a lot of tree damage and stuff we've had to clean up so we're still...from this last one Friday it just bombarded us.

Commissioner Mourdock: Is it primarily just that the crews are doing that as opposed to doing the paving?

Erik Bentle: We're having to make larger crews to get the trees picked up off the right-of-ways and out of roads. We've really had a mess this last time and the one before that really put us behind, too.

Commissioner Mourdock: I noticed when I saw your report over the weekend and I was looking at it and I don't have that one right in front of me, but what are we, just

seven percent?

Erik Bentle: Seven or eight percent.

Commissioner Mourdock: Seven percent done and last year...in fact it was more than that. Last year we were over 20 percent done at this point, so we're running way behind.

Erik Bentle: So the weather has really put a damper on things.

President Jerrel: Well, we don't know. We may have this one storm a week.

Erik Bentle: Yeah, I mean, we anticipated a little bit of bad weather holding us up a little bit, but it's really bombarded us here.

Commissioner Mourdock: And in fairness the ditching is still ahead of where you were even last year.

President Jerrel: And if we're going to get hit then we may have to put smaller cleanup crews and let the paving people go on and get started. You know, you could probably get them out if you can get enough of them there that they can do the pickup.

Erik Bentle: Yeah, the problem we've been having so far is that the trees that fell have been very large trees. They've blocked the entire roads and stuff and they've had a lot of trouble getting them cleaned up and stuff.

President Jerrel: Right. Do the guys see the paving--

Erik Bentle: Yeah, they see it every--

President Jerrel: Okay, so they know it's important that we stay on schedule. Okay, thank you.

Commissioner Mourdock: Since it relates to the garage do you have the bid yet on that truck, Joe?

Joe Harrison, Jr. - County Attorney
--

Joe Harrison, Jr.: Yeah.

Commissioner Mourdock: Do you want to do those, Bettye Lou?

President Jerrel: Yeah.

Joe Harrison, Jr.: I think I'm next anyway. The first item I have is the bid, it's VC99-22, new four by four pickup and is this for the County Garage?

President Jerrel: The Garage.

Joe Harrison, Jr.: Okay. There were two bids or letters that came in and they did not submit bids. One was from Evansville Truck Center and the other is from Sternberg Chrysler International. They didn't submit bids.

Company name	Amount bid
Evansville Truck Center Evansville, IN	No bid
Sternberg Chrysler International Jasper, IN	No bid
Kenny Kent Evansville, IN	\$25,195.00
Expressway Dodge Evansville, IN	\$24,788.00
D-Patrick Evansville, IN	\$22,970.25

I would ask that you take these under advisement.

Commissioner Mourdock: So moved.

President Jerrel: And I'll second and say so ordered.

Joe Harrison, Jr.: The next set of bids that came in are on VC99-06-01. That's the culvert replacement. I'm not too sure which. Boonville-New Harmony Road. There were six bids submitted.

Company name	Amount bid
Southwest Engineering, Inc. Evansville, IN	\$27,988.00
CCC of Evansville, Inc. Evansville, IN	\$38,088.26
Deig Bros. Lumber & Constr. Co., Inc. Evansville, IN	\$31,534.00
Koberstein Trucking, Inc. Princeton, IN	\$36,030.00
TD & O, LLC Evansville, IN	\$23,042.00
BMB, Inc. Evansville, IN	\$27,900.00

I would ask that you take these under advisement.

Commissioner Mourdock: So moved.

President Jerrel: Second, so ordered. Then what will you do with those? Who is going to look at them?

Joe Harrison, Jr.: We will let John look at these and/or Erik or both and make a recommendation.

President Jerrel: Yeah, okay.

Joe Harrison, Jr.: As far as the truck, the same thing.

President Jerrel: Okay.

Joe Harrison, Jr.: And any of the other Commissioners and then there will be a recommendation made at the next meeting.

President Jerrel: Okay, what about...do you have anything else to report?

Joe Harrison, Jr.: That's all I have this evening.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Alright, Superintendent of County Buildings.

Tony Greubel: I have two items. I gave you a copy of a contract that Carl Hofmann signed himself with Ray Stradtner Excavating, so he is making progress on meeting his deadline for early July to raze the structure at 11800 Old Petersburg Road, that's a good sign. Ray Stradtner did talk with the Building Commissioner regarding this so he knows that this is a priority to have this structure razed by that certain deadline.

President Jerrel: And will Charlene get that for her records?

Tony Greubel: Yeah, she has a copy of the contract, too. This contract has nothing to do with the county.

President Jerrel: Right.

Tony Greubel: This is just for our information. Some of our Quitclaim deeds are ready for the county surplus properties that were sold on May 11th. About 14 out of about 39 so instead of signing them all at once I thought as soon as I get them it will save a little bit of time and I can record them a little bit quicker.

President Jerrel: Okay.

Commissioner Mourdock: I'll move the execution of the 14 Quitclaim deeds.

President Jerrel: I'll second and say so ordered.

Tony Greubel: That's all I have.

Steve Craig - Burdette Park

President Jerrel: Okay, Burdette. Boy, it's been nice and hot.

Steve Craig: Yes, it has.

Commissioner Mourdock: Things are hopping at the pool!

Steve Craig: We've been extremely busy. I think we did as much yesterday as we did the whole month of June last year.

President Jerrel: Is that right?

Steve Craig: We had a very good day yesterday.

President Jerrel: Good, good.

Steve Craig: What we ended up...we repaired a four inch water main under the pool deck and we ended up repairing eight two inch return lines under the pool deck and replacing the concrete. We rebuilt the slide surge pit which somehow cracked over the winter. I don't know. I'm almost thinking that we had some kind of underground movement up there to break nine pipes and a surge pit, you know, and they're all in different areas of the pool, but that was our emergency work we did this spring. I got them all done and we were open. I would like to thank Deig Brothers for their quick action and good work that they did on it. We got our new water fountain in our lake, it was installed.

President Jerrel: Good.

Steve Craig: I wanted to say thanks to Marion and Sandie Deig for their generous donation to help us get our waterfall...our water fountain. It looks really good at night. It's got lights on it and stuff. If you get time you ought to come out and take a look at it.

President Jerrel: I'd like to have an opportunity for us to go out there sometime before the season is over and maybe even depending on what kind of meeting we have we might even have one out there.

Commissioner Mourdock: That's a great idea.

President Jerrel: So it would be an opportunity. Have you been contacted yet by the people that are working on that big book that we're doing, the city and county and Chamber and all the people?

Steve Craig: No.

President Jerrel: She is going to contact you. I gave her basic information, but I told...and I can't think of her name right now, but I've got her card. She is writing the script, so to speak, for the projects that we thought we would like to have in that book. I told her you could give them a good historical background and she is going to try to take some...there is a Mr. Whitehead is the one doing the photographs.

Steve Craig: I think I did. I can't remember her name, but she was on vacation.

President Jerrel: Uh-huh. Okay, well she'll get back with you--

Steve Craig: Yeah, from the Chamber of Commerce and she is going to do--

President Jerrel: The Evansville book and it will be--

Steve Craig: Yeah, I think she said a study or something.

President Jerrel: We thought you would be a nice one to feature, the facility. So, you know, that Mr. Whitehead, I think he has been out there.

Steve Craig: Yeah. He worked on our brochure with us.

President Jerrel: Yeah.

Steve Craig: Yeah, he has done some work with us.

President Jerrel: But I want your input when they get the final pictures done you can take a look and see what you like, too.

Steve Craig: Yeah, I remember now. I can't remember her name, but when I had called her back she was on vacation.

President Jerrel: Yeah, and she'll be back from that probably next week and get with you.

Steve Craig: Do we intend on meeting with Barbara Cunningham this week still?

President Jerrel: Yes, she called me and I called her and we've been playing phone tag.

Steve Craig: Okay.

President Jerrel: So I'll get her tomorrow and we'll nail down a time when it's convenient for you.

Steve Craig: Okay, well Thursday I won't be available.

President Jerrel: Okay, so you're okay on Tuesday, Wednesday and Friday?

Steve Craig: Yes, ma'am.

President Jerrel: Okay.

Suzanne Crouch: Steve, we had our family reunion out at Burdette this past weekend.

Steve Craig: Uh-huh.

Suzanne Crouch: And your staff and yourself should be complimented. It was just a wonderful event. The park was great. It was the first family reunion in 22 years and people couldn't believe because we always had them there before, they just could not believe the facility. We stayed in the chalet. Those are wonderful.

Steve Craig: Well, thank you.

Suzanne Crouch: The fee is almost too cheap. That's kind of a hidden jewel that you have.

Steve Craig: Well, it's not real hidden. I think the next opening is in September.

Suzanne Crouch: Is that right? Okay.

Steve Craig: We probably turn away more people than get rented.

Suzanne Crouch: Is that right? Well, you're to be complimented and please pass my compliments on to your staff.

Steve Craig: Was the fountain in?

Suzanne Crouch: The fountain?

Steve Craig: Out in the lake.

President Jerrel: You know where the lake is when you come in?

Suzanne Crouch: Yes, it was.

Steve Craig: Okay, because we just got it put in Friday afternoon. We had wanted it in for Memorial Day, but it was supposed to be in April 1st.

President Jerrel: Well, I can tell you she has a lot of things on her mind, but the very first thing she told me this morning was about the weekend.

Steve Craig: Well thank you.

Suzanne Crouch: I didn't tell you everything about the weekend!

President Jerrel: Well, I know, but I got the picture.

Steve Craig: Thank you.

Suzanne Crouch: You're welcome.

Steve Craig: Did you get our packet?

Weekly reports

President Jerrel: Yes. Would you like to make a motion concerning Burdette, and Soil & Water, and Ozone, and the garage.

Commissioner Mourdock: Yeah, I'll get them all. I'll move approval of the...or acceptance of the reports from the County Engineer, County Garage, Superintendent of County Buildings, Burdette Park, Soil & Water Conservation and the Ozone Officer.

President Jerrel: And I'll second and say so ordered.

Steve Craig: Thank you.

Consent items

President Jerrel: Okay, under the consent items are there any questions or is there a motion?

Commissioner Mourdock: I'll move approval of the consent items.

President Jerrel: And I'll second and say so ordered.

Old business

President Jerrel: Old business? Just the comment and Rose will come next week and we did get the \$400,000 grant and we need to put our plans together so that we can begin that and I gave you copies of everything. We'll get together and talk about it next week.

Commissioner Mourdock: Okay.

New business

President Jerrel: New business?

Commissioner Mourdock: The only bit--

Suzanne Crouch: I have just one little item.

President Jerrel: Okay.

Suzanne Crouch: I would like to speak with the County Attorney if at all possible about establishing two small petty cash funds in our office. We take in money through our exemption department and we also take in money through our transfer department and from time to time we have to make up change out of our own pocket. And I'm only talking about maybe a \$20 petty cash fund for each, but I know that has to be approved by the County Commissioners and it has to be--

Joe Harrison, Jr.: I can help you with it, but it will have to be approved by the Council, I believe.

Suzanne Crouch: Oh, is it by the Council?

Joe Harrison, Jr.: Yeah.

Suzanne Crouch: Okay.

Joe Harrison, Jr.: But I can help you.

Suzanne Crouch: Alright, thank you.

President Jerrel: And we do have one other item.

Commissioner Mourdock: This?

President Jerrel: Yeah.

Commissioner Mourdock: Yeah, just I guess for discussion here maybe I should...fourth of July this year is on a Monday.

President Jerrel: Uh-huh. Sunday and the Monday is the holiday, so we were going to--

Commissioner Mourdock: With Monday being the holiday do we in fact need to meet on the sixth? With that being the first meeting of the month that's a relatively easy one to forego if we wish to do that.

President Jerrel: I think we wish to do it. Do you agree.

Commissioner Mourdock: I was just waiting for someone--

Suzanne Crouch: So moved.

Charlene Timmons: Second.

Commissioner Mourdock: I'll move that we issue an advertisement that we will not be meeting on July 6, 1999.

President Jerrel: I'll second and so order.

Commissioner Mourdock: We'll try to take care of Pat's tears when he is here.

President Jerrel: Yeah, he'll really hate that won't he! If there is no further business is there a motion to adjourn?

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

The meeting was adjourned at 6:50 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Harris Howerton
Lee Mortensen
Gary Bush
Tom Gregory
John Stoll
Erik Bentle
Jay Pack
Connie Vowells
Dennis Vowells
Beth Fields
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

**Vanderburgh County
Board of Commissioners
June 14, 1999**

The Vanderburgh County Board of Commissioners met in session this 14th day of June at 5:35 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce to you the people that are before you. On my far right is Tony Greubel, our Superintendent of County Buildings; Joe Harrison, Jr., with the red face, is our County Attorney, red from playing golf; Pat Tuley, County Commissioner; Charlene Timmons, Recording Secretary; Suzanne Crouch, Auditor; Richard Mourdock, Commissioner; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance?

Approval of minutes

President Jerrel: We have a relatively short meeting and yet we have some important information, so the first item on the agenda is the approval of the minutes.

Commissioner Mourdock: I'll move approval of the minutes of the meeting of January...I'm sorry, of June 7th and Pat wasn't here.

President Jerrel: And I'll second and say so ordered.

Jerry Bryan - City/County Purchasing

President Jerrel: The next item on the agenda is Jerry Bryan, Purchasing Department.

Jerry Bryan: Okay, we have given you the tabulation sheets for the Vanderburgh County 99-22. It's a new 4x4 pickup that was properly advertised and we opened the bids and now they are tabulated. We recommend that D-Patrick Ford be awarded the bid at \$22,970.25. A good price advantage over Expressway Dodge and Kenny Kent. Erik has told me that he has been out and driven this truck, that as well as the Expressway Dodge truck and both are satisfactory and we recommend that D-Patrick Ford truck be awarded the bid.

Commissioner Mourdock: Neither one of these trucks shake or vibrate then? I'll move that we approve the bid as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

Rose Zigenfus - EUTS

President Jerrel: The next item on the agenda, Rose Zigenfus.

Rose Zigenfus: Thank you, Ms. President. I'm here to give you a project update and a second handout on ways to manage access on local streets. Fulton Avenue, as you know the construction activities on the bridge have begun. We're hoping that the Fulton Avenue road widening project can get on an October letting so I haven't heard anything final on that yet. Warrick County, Newburgh truck bypass, a draft report outlining the alternative alignments and potential costs for each alternative has been submitted to INDOT. That's the truck bypass that is going to run between the Lloyd Expressway and 662 right at about the Ellerbusch Road area where the traffic signal is for Mulzer, due north and in that area, okay. Telephone Road, that project has received design approval. On the state projects, 662, the resurfacing project from the signal that I am talking about at Ellerbusch to State Road 66 is complete through Newburgh, that resurfacing through that whole area. Congestion Mitigation Air Quality projects, Morgan Avenue/Green River Road intersection. The PE report has been submitted to INDOT for approval. State Road 62 and St. Joe intersection INDOT has determined that the project does not meet the minimum requirements for a public hearing. The project may proceed to final design. That's an intersection improvement to add southbound double left and a westbound dedicated right turn lane. It's a CMAQ project.

President Jerrel: St. Joe, 62 and St. Joe?

Rose Zigenfus: Lloyd and St. Joe. State Road 66/Vann Avenue intersection. A preliminary field check has been scheduled for June 24th. That's also for the CMAQ project.

President Jerrel: Before we leave the Congestion Mitigation and Air Quality, what about Mt. Pleasant and Morgan Avenue and Burkhardt?

Rose Zigenfus: Okay, Mt. Pleasant and 41 we're trying to coordinate the design with INDOT and we're working with John on that. We don't have anything back from INDOT as to whether or not...I guess there was a question on where the project limits were. Whether you go before the railroad or beyond the railroad to tie into the project that you're doing, so we're waiting to hear from Vincennes on that.

Commissioner Mourdock: Is the question though, Bettye Lou, as you started the question about CMAQ, is the question do those projects qualify for CMAQ?

President Jerrel: Well, Morgan does, but I don't know. There was some talk about Mt. Pleasant also.

Rose Zigenfus: Mt. Pleasant is also a CMAQ. The intersection work is also a CMAQ project.

Commissioner Mourdock: Okay.

President Jerrel: It would be nice if we could get those done right at the same time instead of going back.

Rose Zigenfus: That's what we hope.

President Jerrel: What about Morgan?

Rose Zigenfus: Morgan and Burkhardt or Green River?

President Jerrel: Burkhardt.

Rose Zigenfus: I haven't talked to John. I don't know if the right-of-way has been cleared yet.

President Jerrel: No, we still have one--

Rose Zigenfus: It hasn't? Okay.

Commissioner Mourdock: The right-of-way with the railroad?

Joe Harrison, Jr.: No, there is some other property on the north side of Morgan at Burkhardt.

Rose Zigenfus: At Morgan, right. I think that from what John said that's the holdup on that, but that is also a CMAQ and can be done with CMAQ funds.

President Jerrel: Right. Can we...one more question about that. I'm just thinking about budgeting. If we...that money that has been allocated for CMAQ projects and we don't have a design or a finalization is there any way that we can kind of encumber that?

Rose Zigenfus: Yes. Well, that money is set aside for us. I mean, we get a dedicated fund unlike other funding sources. That is set aside for us.

President Jerrel: Right, okay so that is going to be a go whenever?

Rose Zigenfus: Yes, right.

President Jerrel: Okay.

Rose Zigenfus: Yeah, that money is there. The other thing I gave you is ten ways to access your network. This is a fine example and it has been taken from one of the national publications. They recommend a series of ways to try to control and provide for efficient flow throughout your areas. Especially in those areas where you're getting new subdivisions and northern Vanderburgh County is one of those. This is Old State Road. This is Baseline and 41 is here with a traffic signal. You've adopted the plan for northern Vanderburgh County which includes this much of the plan that you see here. What we're suggesting is that we be able to develop a network beyond this as residential subdivisions come in for development. What prompted us to begin to think about this a little more seriously is the subdivision that is before us now and will go to Plan Commission the beginning of July and it takes in this area right here and kind of wraps around the school that sits right here, Scott School. There is one access to the subdivision, it's 103 lots. We're recommending that there be interconnection to the west so that it can tie in with Peck Road and that ultimately it should be able to tie into Baseline through other developments as they come to us for residential use.

President Jerrel: What about in the extreme northern part is it Volkman Road, is that the one where the--

Rose Zigenfus: Yes, I believe this is Volkman Road right here.

President Jerrel: You were recommending that we try to widen that?

Rose Zigenfus: Yeah, widen it. It's going to need some improvement here at 41. This is where the golf course and that 500 unit development is going.

Commissioner Mourdock: And are you recommending on Peck that that be widened also then to make up--

Rose Zigenfus: Eventually that is going to need to be upgraded because that is very narrow.

Commissioner Mourdock: Right.

President Jerrel: Which one is that?

Commissioner Mourdock: Peck is the red line.

Rose Zigenfus: The red line. That can't be more than 16 or 18 feet maximum.

Commissioner Mourdock: If you look at this map and look at that specific area and I know you're just using this as kind of a generic example, but this is one of those areas where very quickly I think you're going to lose a buffer zone. You've got residential, certainly on the east side of Peck around the school where Rose was pointing before where that is growing up and yet over off 41 the new industrial park is going in at the corner of Baseline and 41 and is going to start taking industrial or at the very least commercial back towards the east. I don't see any logical way that you're going to buffer one to the other and I don't know that there is a way, but that's one of the continuing problems that's out there.

Rose Zigenfus: For this whole area.

Commissioner Mourdock: And even using Peck Road if you were to do it today, should it be done to be upgraded for some commercial type use or just the residential use? I mean you could pick today and five years from now be totally wrong.

President Jerrel: Well, in the case of Volkman we know though it's going to have more traffic.

Commissioner Mourdock: That's true. That area seems to be destined more residential and more traffic.

President Jerrel: We're in a situation where we're trying to identify projects we can complete in our, like you say, in our lifetime. Let's get it done and pay for it. So the challenge you have we chose Mt. Pleasant and now we've allocated the funds for that and we're looking at additional funding and we'll probably have a good idea where it is in the next week or two and that's where we need to go next and right-of-way is the big issue. You know, you can't build anything until you've got some place to build it.

Commissioner Mourdock: And let me add one other quick thought with that as far as the planning side of it. It wasn't too long ago that we were sitting in this room looking

at a map similar to this and talking about a new east/west corridor somewhere through this section.

President Jerrel: Right.

Commissioner Mourdock: And if we're going to do...I see your reaction, Rose, I read your body language here.

Rose Zigenfus: Sorry.

Commissioner Mourdock: Yeah, I mean if we are going to put all those new houses up there on Volkman should Volkman be that road for the east/west corridor? If that's going to be--

President Jerrel: Well, where is Baseline?

Commissioner Mourdock: Baseline is that red line. You know, the point whether it is Baseline, whether it is Volkman with all those new houses coming on Volkman, if it's going to be that now is the time to start making those decisions for planning.

President Jerrel: Sure.

Commissioner Mourdock: Or if it is going to be a totally different road that's not on that map which might be easier for property acquisition, but might not be too easy politically.

Rose Zigenfus: This is really an old map. This is Stacer Road right here.

President Jerrel: There is nothing that really lines up well is there that goes across 41 and keeps going?

Rose Zigenfus: No. Baseline is the only thing that does that in this area. Boonville-New Harmony Road does and that's the only other one further down. Inglefield stops short here.

Commissioner Mourdock: But Boonville-New Harmony...yeah.

Rose Zigenfus: Darmstadt Road.

Commissioner Mourdock: Yeah, Boonville-New Harmony, I think, just as a non starter simply because it is such a curving, winding route. I mean, it's not what we want to get traffic from the east side to the west side, but Baseline, that may be more appropriate for discussion. If you were to have Baseline go all the way over to, what...? Green River, I guess?

Joe Harrison, Jr.: Yeah.

Rose Zigenfus: Um, yeah I guess. Well, yes, all the way over to 57 at least.

Commissioner Mourdock: And then where would it go?

Joe Harrison, Jr.: How far west?

Rose Zigenfus: And then it would tie into the interstate.

Joe Harrison, Jr.: How far west does it go?

Commissioner Mourdock: Baseline?

Rose Zigenfus: Baseline?

Commissioner Tuley: County Line Road. It's only got one or two curves west of 41. It's not too bad.

Rose Zigenfus: I guess, you know, my intention tonight is to just make you aware that there is some type of network we are kind of looking for. I know subdivisions don't come here, but I think that we need to...I mean, other than for drainage.

President Jerrel: Right.

Commissioner Mourdock: No, but they'll end up coming here eventually if we don't have the roads right.

Rose Zigenfus: Right, but our plan...our hope is, but we're meeting resistance from the developers for interconnection. Nobody wants to do that and so we're fighting that battle.

President Jerrel: We may need to have another meeting with them. The last one was a good one and maybe if they see the issues that we're facing and that we're not just talking about a project that is going to be done 25 years from now. We're talking about a project that can be done within the next two years.

Commissioner Tuley: Rose, you're talking about commercial or residential developers you're having trouble with?

Rose Zigenfus: Developers...residential developers.

Commissioner Tuley: Yeah, they want one in and only one in.

Rose Zigenfus: They want their own little community.

President Jerrel: Yeah.

Commissioner Mourdock: I understand that's what they want, but that isn't necessarily the best big picture planning. I mean, we can look at various spots on the east side where developers got what they wanted, but it didn't necessarily lead to the right kind of traffic flow and our job is to look beyond what the developers want to see what the community really needs and what is going to be best in the long term and that's just the fight we have to fight.

President Jerrel: I think that a lot of the things the Commissioners do are important, but that's the most important thing we do.

Commissioner Mourdock: Absolutely.

President Jerrel: So if we didn't do anything else--

Commissioner Tuley: That's how we got started, wasn't it, road Commissioners?

Commissioner Mourdock: Yep, roads and bridges.

President Jerrel: Well, anyway, put your thinking cap on.

Commissioner Mourdock: And I will be continually interested to see what you would recommend, Rose, and what this Board could act on for that east/west corridor realizing, Bettye Lou as you said, it's not something that necessarily is going to happen tomorrow whereas Mt. Pleasant obviously you can do in a much shorter time frame and I agree needs to be done, but if we put together a plan now to start laying out if it's additional right-of-way acquisition along an existing road or something even more visionary than that I think we need to start down that road so we can budget for it year after year after year.

President Jerrel: Right.

Rose Zigenfus: To go along with your right-of-way discussion as these developments come in we ask for right-of-way to be donated so that we can--

President Jerrel: Absolutely.

Rose Zigenfus: They are really responsive to that.

President Jerrel: Well, any time that you feel that it would be beneficial to bring them together and have one meeting where we could discuss I think it's healthy. I think that was a good meeting we had.

Commissioner Tuley: I think as long as when you do that and they know in advance when they're coming in that this is the kind of things they're going to be confronted with it seems to have worked well on that corridor out there on the east side now.

Commissioner Mourdock: Oh, yeah.

President Jerrel: Very well.

Commissioner Tuley: You're not getting a lot of resistance, I don't think, are you?

President Jerrel: No.

Commissioner Tuley: I mean, they know when they go in there this is what is going to be expected.

Rose Zigenfus: Exactly.

President Jerrel: That's right.

Rose Zigenfus: And we can point to the plan and say this is it and this is what--

President Jerrel: Well, I think it's fine whenever you feel it would be helpful to get them together. We could just devote one meeting to discussing these issues with them.

Rose Zigenfus: I think that's great. I appreciate your help.

President Jerrel: Also, before you leave I know we've got some planning to do on our

grant. I want to thank you for your efforts. There is another grant going to be ready in July.

Rose Zigenfus: We're trying to find out what the deadline is for that.

President Jerrel: I think the 28th.

Commissioner Mourdock: It's pretty late in the month, yeah.

President Jerrel: Yeah.

Commissioner Mourdock: Do we know at this point with that, was it \$400,000, what kind of perimeters we're working under as far as expenditures? Bettye Lou, you and I have had some brief communications with the question.

President Jerrel: Right.

Commissioner Mourdock: I don't know, have we got any answers as far as exactly--

Rose Zigenfus: You mean as far as the scope of work?

Commissioner Mourdock: Yeah.

Rose Zigenfus: According to what we put together in the grant application those are the only guidelines at this point. The grant is open, vague enough that we can write our own scope of work and that is what we need to do.

President Jerrel: And I think they'll be watching us--

Rose Zigenfus: Closely.

President Jerrel: --since we were...it was very competitive and I think they'll be watching how we use this and regionally use it and I hope we can communicate with the surrounding counties and they can buy into this. All of them that touch us.

Rose Zigenfus: It's to our advantage.

Commissioner Mourdock: That is somewhat where I was going with the question. I know I've seen a couple of thoughts on paper. Do we have a pretty good process in place to define who will be defining the scope for which we'll be spending that money? I know there has been some ideas kicked around.

President Jerrel: Well, I think Rose wants to hear from us.

Commissioner Mourdock: Okay.

President Jerrel: As well as your committee that gets appointed.

Rose Zigenfus: Right, have you shared that list?

President Jerrel: I have, yes.

Commissioner Mourdock: Yeah, it has been circulated. It may be in Pat's box now.

President Jerrel: It's moving around. But we would, I mean, we probably need to sit down and have a little working session to get moving.

Rose Zigenfus: I'm ready.

President Jerrel: Okay.

Commissioner Mourdock: Thanks, Rose.

President Jerrel: Thanks, Rose, very much for coming.

Award bid - VC99-06-01, Boonville-New Harmony Road culvert replacement and rehabilitation at Buente Creek
--

President Jerrel: Okay, County Engineer is not here this evening.

Commissioner Tuley: Right, he is not even going to be here.

President Jerrel: In the packet there are some things that we need to do. I think if you all could just do them.

Commissioner Mourdock: Sure, we have in our packet a recommendation to award bid VC99-06-01 for culvert replacement and to advertise a Notice to Bidders for VC99-06-02 which is the Virginia Street extension, so I'll move that we do both of those.

President Jerrel: We're going to award a bid first.

Joe Harrison, Jr.: Yeah, and that was T-D & O, LLC for the culvert replacement and rehab on Boonville-New Harmony Road over Buente Creek.

Commissioner Mourdock: Okay, let me state it more correctly there. I just will move that we award the bid for VC99-06-01 for culvert replacement and rehab on the Boonville-New Harmony Road over Buente Creek to T-D & O, LLC.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Notice to Bidders - VC99-06-02, Virginia Street extension
--

Commissioner Mourdock: And then the second part is I would move that we go ahead and advertise for bid VC99-06-02 for the Virginia Street extension.

Commissioner Tuley: Second.

President Jerrel: So ordered. And that one will be wonderful.

Commissioner Mourdock: Yes.

President Jerrel: That will be finished by late fall and all those people...we're going to take all that horrible traffic congestion right off the Lloyd and people can just move

back and forth.

Any group or individual wishing to address the Commission

President Jerrel: Okay, moving right along is there anyone here that would like to speak to us? You guys just working on badges?

Unidentified: Citizenship in the community.

President Jerrel: Well, we're very happy to have you. What is your first name?

Unidentified: Andrew.

President Jerrel: Andrew. Okay, Andrew. We're glad to have you with us and you're going to get your badge, right?

Unidentified: Uh-huh.

President Jerrel: Good. Mr. Alvey, are you working on any kind of badge?

Unidentified: Yeah, my good citizenship.

President Jerrel: Okay, very good. You can just sit and listen then.

Erik Bentle - Superintendent of County Garage

President Jerrel: County Engineer isn't here. County Garage.

Erik Bentle: We've finished outer Darmstadt Road and Nuebling and we're in the process of doing some surface work on Mann Road. Our chart is getting bigger by the day, so we're moving right along.

President Jerrel: Good.

Erik Bentle: You've got my attendance sheets?

President Jerrel: Yes.

Erik Bentle: My weekly worksheets.

Commissioner Tuley: I appreciate those. Those are nice.

President Jerrel: Yeah, they really are. That's good.

Erik Bentle: And I believe you've got the paving totals and the ditch totals. That's all I have.

Commissioner Mourdock: I noticed we were doing a bunch of paving on...was it Browning Road?

Erik Bentle: No, outer Darmstadt.

Commissioner Mourdock: No.

President Jerrel: That's contracted.

Suzanne Crouch: Petersburg.

Commissioner Mourdock: Petersburg, that's right.

Erik Bentle: Petersburg, that's contracted. Yeah, that's the two we contracted out, that and Old State.

Commissioner Tuley: I also noticed your truck the other day with the logos on it and I appreciate that.

Erik Bentle: No problem.

Commissioner Mourdock: And don't forget those new trucks get the logos, too.

Erik Bentle: Yeah, first day.

Commissioner Mourdock: I'll move acceptance of the report from the County Garage.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Also, Erik, before I forget it I sent something out your way.

Erik Bentle: I got it. He is going to contact me Tuesday.

Commissioner Mourdock: Okay, very good.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Alright, County Attorney.

Joe Harrison, Jr.: The only thing I have I think John may have put this agreement in the file for signature purposes. It's a contract between SIGECO and the county in connection with the pump station...electrical service for the pump station out on the Daylight sewer project. The agreement essentially states that the county will either pay or cause to be paid \$31,974 over three years and that can be by customer usage. If not the county would have to make up that difference after three years. Also, the county will be receiving a portion of the tap-in for tap-ins that take place once the project is complete and hopefully the fund, if there is any shortfall, those funds can be used to pay off any difference if there is a difference to be made up in three years.

President Jerrel: Did you speak with John today?

Joe Harrison, Jr.: Yes.

President Jerrel: After he talked to me?

Joe Harrison, Jr.: No. I don't know when he talked to you. I talked to him this morning around 10:00.

President Jerrel: Okay, he and I had a conversation. I met with Norb Woolley Friday and Monday and they haven't been able to get together. We thought perhaps we could go ahead and sign this, but not submit it until John can meet with him tomorrow or Wednesday.

Joe Harrison, Jr.: That's fine. What you're saying is maybe we won't have to do this?

President Jerrel: That's right.

Joe Harrison, Jr.: But certainly if we have to do it let's get it signed.

President Jerrel: Yeah, get it signed.

Joe Harrison, Jr.: And not delay this part of the process because it has to get hooked up.

President Jerrel: Okay, because I spoke to him and he seemed willing to interact, so maybe we might be able to work out something.

Joe Harrison, Jr.: What she is saying is it's possible the city utility may sign the agreement instead of us. They were balking at signing it so the county had to do it and if something is changed SIGECO just won't sign this and they'll enter into a new one separately with the city.

President Jerrel: It may not work, but we want to give it try.

Commissioner Mourdock: I'll move then that we sign the agreement and conditionally have it held pursuant to that remark.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there anything else?

Joe Harrison, Jr.: That's all I have.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Yeah, later this week the Indiana Consortium of State and Local Human Rights Agencies is having their annual conference here in Evansville over at the Radisson. Floyd Edwards asked if the Commissioners could do like a greeting letter to them, so I wrote...actually Becky Pike wrote one up for us and I have it on your seats today.

Commissioner Mourdock: I'll move acceptance of the letter.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's all I have.

President Jerrel: Tony is going to be a new father this week.

Commissioner Mourdock: Oh.

President Jerrel: I just thought you all ought to know. I never know whether he is going to be here or not. Any day now right?

Tony Greubel: Any day, yeah. My mother-in-law comes in tomorrow.

Commissioner Mourdock: Ah.

President Jerrel: That's from Japan. When she comes in she comes in from a long way away.

Steve Craig - Burdette Park

President Jerrel: Okay, Burdette Park.

Steve Craig: Good afternoon. We're working on our budget right now and I was wondering if any of the Commissioners had some words of wisdom for me or if they would like to sit down and discuss any parts of it?

President Jerrel: I'd like to go over it with you, not that I have any words of wisdom, but I just like to be able to, you know, share the information.

Commissioner Mourdock: I'll certainly let Bettye Lou take the lead on that. She loves those budget issues, I know. The question I have on the budget you've got coming up this year, Steve, with what the State Legislature was doing on the new building and everything what are you looking at there?

Steve Craig: You mean what are we going to ask for for the new building?

Commissioner Mourdock: Right, do you know the status yet?

Steve Craig: We talked about that. We didn't know if we should ask for what we asked for in the past or try to--

President Jerrel: Did you ever hear from Lilly yet?

Steve Craig: Yes.

President Jerrel: Oh, okay. We didn't get it.

Steve Craig: Today I did, it's bad.

President Jerrel: I think we need to go again. You know, that's an interesting process, that Build Indiana money. Do you know how it works?

Commissioner Tuley: Huh-uh.

President Jerrel: Each legislator...Suzanne, explain that to us. You researched it for me because I think it's...I didn't have any idea.

Suzanne Crouch: I don't know the exact figures, but I believe the party in power gets about \$222,000 each member to allocate to whatever projects they want to allocate it to and then the...gosh, don't quote me on the numbers because I'm not one hundred percent sure. The minority members get a lesser amount. I can't remember exactly what that is. They kind of do a give and take process, so one legislator, the ones in this area, they may decide that the Rehab Center is important and the Rehab Center is requesting, say, half a million dollars so they'll kind of get together among themselves and decide how much each one of them are going to give out of their allocated amount. Then once that is all decided then they notify the groups that have been allocated the money and then they have to apply to the committee to actually receive the funds and they have to be able to show that they are ready to spend the money. They only allocate \$2 million per party per different houses so they only allocate \$8 million per month and if you, say Vanderburgh County, Burdette, would apply for the money to be spent maybe in August and they've already had \$8 million worth of request then you would just be put on the next month's hearing for your money, so you know whenever you are ready you need to go ahead and get your request in because there may be kind of a lag. The money can be encumbered to the next year. It doesn't disappear if you don't spend it so what happens is a lot of the people that are requesting money will request some one year and then they turn around and request some more the following year until they get enough for their project that they want. It's kind of an interesting process.

Steve Craig: That wasn't the way I had understood it.

President Jerrel: It was never presented that way. I thought you just put out the request and this Board did it, but that's not the way it works at all.

Suzanne Crouch: And interestingly enough when we were trying to find out if it was \$145,000 or if it was \$95,000 or what it exactly was no one really knew what portion of their different budgets had been...or their share had been allocated towards Burdette. I mean, they didn't know if it came from Lutz or from Becker.

Joe Harrison, Jr.: How much was it?

Suzanne Crouch: It's \$145,000. Ninety came from--

Steve Craig: Greg Server.

Suzanne Crouch: --Greg Server and--

Steve Craig: Vaneta Becker we got \$50,000 from.

Suzanne Crouch: Right.

Steve Craig: No.

Suzanne Crouch: Or \$95,000 and \$50,000.

Steve Craig: Ninety-five and \$50,000 is what it was.

Suzanne Crouch: Correct, but nobody knew whose pot it had come from exactly.

President Jerrel: We need to think that through.

Suzanne Crouch: And, in fact, there are some people--

President Jerrel: Because there are five others that we can get some money from.

Commissioner Tuley: I was going to say we've got some more who've got some money.

Suzanne Crouch: There are some people that actually get more than they request because they put in a request--

Commissioner Mourdock: They know how to wheel and deal.

Suzanne Crouch: --and they get it from this legislator and that legislator.

President Jerrel: I guarantee we'll know next...we'll know what we're doing next year.

Steve Craig: Yeah, because that wasn't the way I understood it when we had talked to the people because we had called up there and they didn't explain it to me that way.

President Jerrel: I don't think they really probably put that explanation out on the street.

Commissioner Mourdock: Oh, I don't think they do. I doubt that this was even written down on any piece of paper.

Joe Harrison, Jr.: They probably don't want it out.

Commissioner Mourdock: This is not a policy, this is a practice.

President Jerrel: Our Auditor ferreted out that information.

Commissioner Mourdock: Nice going, Suzanne.

Suzanne Crouch: BJ did it.

Steve Craig: It's a new way to look at it and approach it.

Suzanne Crouch: She spent a lot of time on the phone.

Commissioner Mourdock: Our compliments to BJ. That's important information.

President Jerrel: We need to think that through. We'll, Morley, they're working on some things right now.

Steve Craig: Right, we still have to meet with Barbara Cunningham.

Commissioner Mourdock: You said, Morley, Jim Morley?

President Jerrel: Morley.

Commissioner Mourdock: I thought you said morally they're working on it.

Commissioner Tuley: That's what I thought you said, too.

Commissioner Mourdock: Which makes this procedure sound real bad.

President Jerrel: No, it's all very clean.

Steve Craig: Oh, and did you have any contact with Barbara Cunningham?

President Jerrel: Yes, and if you want to get together Wednesday, that would be okay with you?

Steve Craig: Yep.

President Jerrel: About 9:00.

Steve Craig: That would be fine.

President Jerrel: We've got to comply with all the rules, too.

Steve Craig: Yeah. Suzanne, one question. Is the budget supposed to be in Friday?

Suzanne Crouch: On the record?

Steve Craig: Yes.

Suzanne Crouch: Well, you know as soon as you can. We had requested Friday but we understand that some--

Steve Craig: Well, we're working on it and I think we might have to put some hours in to get it all done.

Suzanne Crouch: Well, we understand that some departments have a little more complicated budgets. The sooner we get them in--

Steve Craig: Well, the budget probably wouldn't be, it's just everything else is complicated. We're just busy right now.

Suzanne Crouch: Yeah.

President Jerrel: Have things been going well?

Steve Craig: They've been good, real good. The Day Camp is sold out this session and sold out the next. I think the fourth and fifth has got a couple of openings, but that's about it. We're turning people away.

Suzanne Crouch: Do you need any help? Is there any information we can provide?

Steve Craig: On the budget?

Suzanne Crouch: Uh-huh.

Steve Craig: I haven't come up with anything. I talked to Joyce a couple of times and was presenting her some of the stuff, but if we do we'll sure call you. I've got

to get hold of Jim Raben, I guess, too. That would probably be afterwards. He is still our liaison.

President Jerrel: Right. Well, I'll just see you Wednesday.

Steve Craig: Can we make Wednesday a double meeting?

President Jerrel: Sure, 9:00?

Steve Craig: Yeah, and then we'll talk about that.

President Jerrel: Okay, we'll do it all on Wednesday.

Steve Craig: Yeah.

President Jerrel: John Stoll and I are going to do all the other stuff and Erik and I are going to...we're just busier than cranberry merchants. Is there a motion to accept Steve's report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you.

President Jerrel: Thank you very much.

Weekly reports

Commissioner Mourdock: For the record we had here also on the agenda the Soil & Water Conservation District report, but I did not have one on my folder. Did you get one from them?

President Jerrel: No, I didn't, but I--

Tony Greubel: I don't think we got one this week.

President Jerrel: And we have Joanne's.

Commissioner Mourdock: Yeah, we do have the Ozone Officer's report, so I'll move acceptance of that report as well.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Are there any questions about the consent items? If not, can I have a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: There was...was there a late addition? It seems like I saw a copy of something over here. Was it a travel request?

Charlene Timmons: It was a travel request for Bettye Lou.

Commissioner Tuley: It was a travel request for Bettye Lou.

President Jerrel: Yeah, I'm going to do the census meeting in Indianapolis. Barbara is serving as our...Barbara Cunningham is serving as our city/county--

Commissioner Tuley: Was that a late addition, too?

President Jerrel: I don't know.

Commissioner Tuley: Health Department.

President Jerrel: Health Department.

Tony Greubel: Yeah, that's a Health Department grant.

President Jerrel: Okay.

Tony Greubel: That was submitted today late.

President Jerrel: Okay, well we'll include that also. But, anyway, Barbara couldn't go so I'm going to drive up next Tuesday.

Commissioner Tuley: That's fine.

Commissioner Mourdock: Were both of those in on time then, yours and the one you just had?

President Jerrel: Uh-huh.

Commissioner Mourdock: Okay, we don't need to modify it?

President Jerrel: Right.

Commissioner Mourdock: Okay.

Commissioner Tuley: So we had a motion and I'll second.

President Jerrel: And I'll say so ordered.

Old business

President Jerrel: Is there any old business?

Commissioner Tuley: No.

Commissioner Mourdock: Did we formally send off to Graham Toft our members?

Tony Greubel: Yeah, that has been sent. I haven't heard anything from them. I know Posey County...I sent...the letter I sent to Graham Toft I cc to all the other surrounding County Commissioners, but I haven't heard anything from other Commissioners. I've been thinking about that, too. I might give them a call if you like.

Commissioner Mourdock: Do either of you know the lady who is now the head of the local Red Cross? She was suggested to me as a possible member on that Board.

President Jerrel: Trish?

Commissioner Mourdock: I think that's the name. What's the last name?

President Jerrel: DeVoy. Trish DeVoy. She is very good.

Commissioner Mourdock: I don't know her. She was suggested to me as someone we might want to contact for that board because she knows--

President Jerrel: I think we need a list of technical people, so anybody that we can come up with to add to send up there.

Commissioner Tuley: And my guy that was going to soon be unemployed--

President Jerrel: Uh-huh.

Commissioner Tuley: --he went to work for Old National Bank so now they've got two seats on there.

President Jerrel: Oh.

Commissioner Tuley: Which I had no way of knowing he was going to look at Old National.

President Jerrel: Right.

Commissioner Tuley: I don't know if that will cause a conflict.

President Jerrel: Oh, well, it will work itself out.

New business

President Jerrel: Just one thing under new or old, would you want me to invite the Director of the Public Defender Commission to come and present and maybe answer questions about those issues at one of our Commissioners' meeting say in July if possible or August?

Commissioner Mourdock: I think that would be very helpful.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Yeah, I would like to learn more about that issue and quite honestly I don't know much at this point.

President Jerrel: I think we could do a list of questions and he would do a very good job of answering them and I thought we could invite the judges because I think there is some confusion on their parts about, you know, what the public defenders can do, how many cases, you know, and that sort of thing and that would be one way of answering those questions. Let the Council come.

Commissioner Mourdock: Sure. Should we do that or are you suggesting we do that as a special meeting?

President Jerrel: Well, I thought...I hadn't thought that far. I thought maybe Tony could just keep everything else off the agenda sort of and these guys wouldn't come that night unless they wanted to hear it and we would just sort of focus on the Public Defender Commission.

Commissioner Mourdock: Either way is fine with me.

Commissioner Tuley: And with me the same way.

President Jerrel: Okay, well I'll just follow through by calling him.

Commissioner Tuley: I want to back up on something if you don't mind. You said old business and it made me think of something. I noticed in the minutes last week you guys were talking about getting Veazey Parrott and Dan Hoefling in here.

Joe Harrison, Jr.: Next week.

Commissioner Tuley: Oh, is that next week?

President Jerrel: Yeah.

Joe Harrison, Jr.: Next Monday.

President Jerrel: We haven't seen it.

Commissioner Tuley: Yeah, I know. I think it's a great idea.

President Jerrel: It would be a good idea.

Commissioner Tuley: I just wanted to see if it got set up. It has.

Commissioner Mourdock: Yeah, the first ribbon cutting is not very far off.

Commissioner Tuley: Yeah, I know.

President Jerrel: No, we're ready to roll.

Commissioner Mourdock: It seems like it has been forever, but if the schedule is to be met it is coming quickly.

President Jerrel: Yes.

Joe Harrison, Jr.: Yeah, they're on schedule.

President Jerrel: Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:15 p.m.

Those in attendance:

Bettye Lou Jerrel	Richard E. Mourdock
Patrick Tuley	Joe Harrison, Jr.
Suzanne M. Crouch	Charlene Timmons
Tony Greubel	Jerry Bryan
Rose Zigenfus	Erik Bentle
Steve Craig	Others unidentified
Members of the media	

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
June 21, 1999**

The Vanderburgh County Board of Commissioners met in session this 21st day of June at 5:31 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order and just take a moment to introduce to you the people in front of you. On the far right is a brand new Father's Day father. If he looks tired and sleepy he has earned it. County Attorney, Joe Harrison, Jr.; Commissioner Pat Tuley; my far left, Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel. If you'll join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the certification of the...or approval of the minutes of the June 14th meeting.

Commissioner Mourdock: I'll move approval of the minutes as submitted.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the minutes of the Executive Session from 4:30 until 5:30 this afternoon dealing with litigation or potential litigation issues and county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan - City/County Purchasing

President Jerrel: Next, Jerry Bryan with long distance.

Jerry Bryan: Good evening. I'm Jerry Bryan the Purchasing Director for the City/County of Evansville. My request tonight is to change the long distance phone carrier for the Vanderburgh County employees from LCI to One Call Communication per the bid package which I sent out which was VC99-21. This would give us better local support for an office here in Evansville. It would give us a month to month service with no contracts. We can duplicate the existing codes with a minimum of disruption. We have a billing office which is local whereas LCI now has an Oklahoma billing office. We have a customer service and a customer care in our

local office. This is the fourth largest operator service in the United States and they are out of Indianapolis, but they have a local office and I have been over there and it will service us. There is no monthly fees for anything with One Call Communication. As you can see from the spreadsheet this will give us a small cost savings and meet the conditions that Tony Greubel gave me, Bettye, and I recommend that we change the service from LCI to One Call Communications.

Tony Greubel: Actually, Jerry, there is just one--

Jerry Bryan: Sure.

Tony Greubel: It's MCI Worldcom LDDS is who we currently have.

Jerry Bryan: Thank you.

President Jerrel: Are there any questions of Jerry or Tony? If not, is there a motion regarding the presentation?

Commissioner Mourdock: I'll move that we accept the recommendation of the City/County Purchasing Director as far as the long distance carrier.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you very much.

The Centre construction update

President Jerrel: The next item on the agenda is the Industrial Contractor center construction update. Is there anyone here yet for that? They're way back in the back.

Commissioner Mourdock: They were here a moment ago.

President Jerrel: Is there anything you all need? Okay.

Dan Hoefling: Good evening. My name is Dan Hoefling. I'm with Industrial Contractors. Thanks for having us back this evening. With all projects, construction projects, they come down to the wire at the end and even though this has been an 18 month process we are coming down to the wire. We have about three months left for substantial completion. We're still shooting for the October 1st completion date. We've always talked about the project in three different areas. The area along Martin Luther King Drive, which is the meeting rooms and ballrooms, that area is well under way. We're finishing carpeting, tile, ceilings inside there. It is closed up. The middle section is the auditorium. That is, of course, the critical path on the project. It's under way with finishes, drywall, proceeding. The large exhibit hall is also on schedule under progress. We're painting inside there and beginning to close the building up. Probably by mid July, latter part of July, we'll have the building enclosed. It will be all secured, all concrete poured inside. We'll be down to really trimming out the building, completing the finishes, so we are on schedule still. We

have given you a packet of information here with some digital photographs and a milestone schedule that gives you an idea of what activities have to be completed in the next three months. I'll let Mark Elpers, our project engineer, review that with you. We are still planning on being ready for your convention the first week of October. As coordinated with Sandie Aaron we will still need the majority of October and some of November to complete electrical work in the auditorium, so we're coordinating that with her bookings. I'll turn this over to Mark and he'll explain that packet to you.

President Jerrel: Thank you.

Mark Elpers: The first two pages is the milestone schedule which Dan outlined as far as the completion dates and some critical items. Everything seems to be on schedule. We don't see any major concerns with meeting the deadlines. The next page is the west elevation--

Commissioner Mourdock: Excuse me, Mark.

Mark Elpers: Yes?

Commissioner Mourdock: One quick question. Looking at the first of the milestone schedules it shows complete Area A in the middle of August.

Mark Elpers: That's correct.

Commissioner Mourdock: Area A is the ballroom area, right?

Mark Elpers: Area A is the conference area and the ballrooms.

Commissioner Mourdock: Okay.

Mark Elpers: And where we are on that we're holding off on some of the finishes until the humidity is down and have the air conditioning turned on.

Commissioner Mourdock: Okay, the one schedule that you gave us showed Area A complete in May of '99, May 24th of '99.

Mark Elpers: That is correct. We held off as far as the air conditioning. We pushed it back as far as we think is possible for completion. There is no one moving in or anything until then.

Commissioner Mourdock: Okay.

Mark Elpers: We're still allowing a month and a half until it is occupied.

Dan Hoefling: We gave the Building Authority the opportunity to if we substantially completed that area, to accept it and begin taking responsibility for insurance and utility costs, but they elected to wait and buy that portion of the property until we complete the balance of the project.

Commissioner Mourdock: Okay. Sorry to interrupt you, Mark.

Mark Elpers: That's okay. The first picture is the west elevation along Martin Luther King. It's starting to come along as far as the site concrete. We're cleaning up the

area and pretty well getting a finished look at what Martin Luther King will look like. The next picture is the atrium entrance. That's going to be the main entrance into the auditorium. You'll see the marquee and everything will be on that. Glass is finishing up in that area. The next picture is the north elevation along Locust Street and we're cleaning that area up to finish the sidewalks, the concrete paving and that area. That will be your entrance into the auditorium as well. The next picture is the north elevation from Martin Luther King looking down. You can see the atrium entrance and the tower that goes along with that. The next picture is the first floor conference room. That's a typical conference room on the first floor. It shows your operable partitions, your bulkheads, your acoustical ceilings and your light fixtures are in. We're waiting for carpet and the rest of the finishes. The next picture is the first floor pre function lobby. This is the hallway that goes from your entrances in the A area along Martin Luther King. The next one is another picture of a first floor conference room. It shows more of the wood trim and operable partitions. The next picture is the second floor entrance into the ballroom. It gives you the view from Martin Luther King as you walk into the main ballroom on the second floor. The next two pictures are the pre function lobby on the second floor along Martin Luther King. You can see the marlight wood surface panels on the wall, the wood trim, column covers. The next picture is the second floor ballroom with the operable partitions, the lights, the ceilings are already in. They're painted waiting for wall covering and carpet. The next picture is the exhibit hall which is Area C. Most of the trusses are painted. We have the drywall that goes above the operable partition in. Concrete is all poured. We're using it for a lay down staging area and all the walls are painted. The next picture is your monumental stairs which is your atrium area. That will be your main entrance into the auditorium. You can go upstairs or into the other areas of the auditorium.

Commissioner Mourdock: The auditorium as you look at that is to the right?

Mark Elpers: That is correct. The auditorium is to the right. The exhibit hall will be to your left. The next picture is standing on the monumental stairway looking out of the atrium looking towards the civic center. The next picture is the atrium itself. It's looking up the monumental stairway. We were hoping to have some pictures of the auditorium, but it's a little dark in there and they didn't come out completely but as we get along we can give you more pictures.

President Jerrel: These atrium pictures are fantastic aren't they? Oh, boy.

Commissioner Mourdock: Yeah, you can picture the Bradford pear trees outside there in the springtime. It's going to really be spectacular.

President Jerrel: It's beautiful.

Mark Elpers: I also have disks of all these pictures that I am going to leave with the Commissioners and if anybody would like to make copies of or whatever they'll be yours to distribute.

President Jerrel: Oh, that was thoughtful.

Commissioner Mourdock: Okay, alright. In looking at the remainder of your milestones what do you see as the most critical items? In other words, if something is going to screw up the schedule what is it going to be?

Dan Hoefling: Well, we always hope on this point in the schedule we are scaling

back on our labor and intensifying deliveries. We've plotted all of our materials and major equipment. We're in direct contact with all of our vendors. We really don't see any problems with deliveries. There is always going to be something, but we'll deal with it when it comes up. Really the biggest milestone is getting the building closed in and during the month of July we're going to accomplish that and Area B getting all the electronics and special systems going. We'll be ready for the convention the first of October, but the fine tuning and everything that is necessary for a Broadway production will be required during the month of October and November.

Commissioner Mourdock: As far as that part of the building, the auditorium, obviously that is a very, very unique type of speciality equipment. Are you comfortable with the order dates for all of that material coming in?

Dan Hoefling: Yes, yes we are. We're in contact with them on the phone. We have them down there for our project meetings, our major suppliers. Our electrical crews have a good handle on the systems.

Mark Elpers: As far as the stage equipment and everything like that they are already in the process of working out some of that. The orchestra pit lift is being put in at this time.

President Jerrel: No what about the...you haven't put the chairs in yet or are they in?

Commissioner Mourdock: In the auditorium?

Michael Buente: I'll talk about that.

Mark Elpers: We've coordinated with them and they need two weeks before completing the facility to install those chairs and we've coordinated a time with them and are communicating with them.

Commissioner Mourdock: Did I see Sandie come in? Yeah, there she is. Sandie, I'm going to ask a question of the ultimate consumer here. As you're getting into the facility from time to time what are your biggest concerns? What gives you the butterflies the size of condors in your stomach as you walk in?

Sandie Aaron: What really gives me the butterflies is the amazement as to what they're getting accomplished in the time that they're...the time frames that they have. It's just amazing how organized and how together they are. I don't see any really snafus at all.

Commissioner Mourdock: Great. Do we have any New Year's Eve events scheduled over there for the welcoming of the next millennium?

Sandie Aaron: Actually, we are holding the exhibit hall for someone local for New Year's Eve and I am holding some other parts of the facility, but those are not confirmed yet.

Commissioner Mourdock: Okay.

Sandie Aaron: I have a lot of retail trade shows, gobs of them.

Commissioner Mourdock: Any estimate as to how many you've book of those thus

far?

Sandie Aaron: I have one vendor that has six booked over the next seven months.

Commissioner Mourdock: Really?

Sandie Aaron: It's interesting that some of our local folks that do events out at the stadium are seeing a bigger picture, too, because they are looking at doing more and involving more facilities, so some of our local vendors from the stadium also have some dates held there for some other things.

Commissioner Mourdock: From the time that you first became involved with this project you had some idea in mind no doubt as far as how it could be booked and how it could be utilized and how people would be responding to it. At this point how does reality match up with what those preconceived notions were?

Sandie Aaron: Overwhelming.

Commissioner Mourdock: Really?

Sandie Aaron: I have in the last 30 days I have been to a couple of different conferences and had to speak at one and it is amazing when I run into other people within the industry wanting to know what is going on down here and even some folks in Illinois, Tennessee and Kentucky. I think it's really going to be a showplace and people are really anxious to see it. We're being inundated. I know Steve has been, but we're just inundated with people wanting to take tours, wanting to know how soon they can be able to get in and see it.

Commissioner Mourdock: How are the actual bookings to date compared to what you might have imagined them to be?

Sandie Aaron: Pretty strong. We've probably just about doubled what we picked up when we first started and we really are just beginning. Mr. Aiken has just about got his Broadway put together and we're just beginning on the concert side of it to work on the auditorium now, but the exhibit hall and the meeting room functions have just been overwhelming.

Commissioner Mourdock: You can't give us any leak of information as to what the Broadway things might be or the concerts?

Sandie Aaron: No.

Commissioner Mourdock: I had to ask.

Sandie Aaron: Now you guys know that the messenger gets shot!

Commissioner Mourdock: In this room never.

President Jerrel: Sandie, will you be in town next week?

Sandie Aaron: Yes.

President Jerrel: Okay, maybe if I call and we have a day. We need to--

Sandie Aaron: Certainly.

President Jerrel: --fine tune everything and Suzanne is going to sit down with us.

Sandie Aaron: Right, we began putting some numbers together, working on budgets and job descriptions. We have actually advertised for a couple of positions and we'll be doing some interviewing in the next few days, too.

President Jerrel: I'll call you Wednesday and we'll pick out a time that sounds good.

Sandie Aaron: Sounds good.

Commissioner Mourdock: Prior to everybody coming in the door just to check, obviously, I went back to see my notes to see how we were doing on the schedule and I just happen to have it here and I'm glad to know we're right on it, so that's great.

Dan Hoefling: It has been a safe project for us also. It has won the President's Safety Award three consecutive quarters so it has been a very safe job.

President Jerrel: Thank you very much.

Dan Hoefling: Thanks.

Steve Utley: I'm Steve Utley with the Evansville-Vanderburgh County Building Authority. Just to continue on the same subject that Mark and Dan have covered for us since the last time we were before the County Commission we've made all the purchases for the all the equipment that goes inside that was listed in the project. We have all the furnishings purchased. We have the orchestra shell, platforms and riser, dance floor, signage, kitchen equipment has all been purchased and we're hoping that the schedules that they have been given and that we've been given back are going to fall into line. We're going to check with them through this week and make sure that they're in the schedule and Industrial has done a great job of communicating with all these people. We're trying to work out lay down areas and that type of thing when the time comes. Financially speaking the project is in order. We've contacted H.J. Umbaugh to do another projection of expenditures which has been done a couple of times throughout the project and I know Suzanne has had some communication with them. Along the line of projection they are going to provide us with a letter with some recommendations and some guidelines and things to help us follow through the last three months of the project, moving monies when they need and how they need to be moved. So everything seems to be...all the funds are in line and as soon as we have that letter I'll see to it that you get a copy of it also.

President Jerrel: Thank you.

Steve Utley: I think it will be addressed to Suzanne and a copy to the Building Authority and I asked a copy to the Commission also.

President Jerrel: Appreciate that.

Steve Utley: So we're in good shape. We're in good hands with these gentlemen from Industrial also. Questions?

President Jerrel: Thank you very much, Steve.

Commissioner Mourdock: Look forward to the opening.

Michael Buente: I'm Mike Buente with Veazey Parrott & Shoulders. I have just a few things to say. It has been a complicated project, a long project, but it has been a rewarding project. The team that is building the project has really done a good job in communication with ourselves and our other consultants. Our main task ahead of us now in the next three months is making sure all the technical aspects of the project all come together. My main job is to put them in touch with our consultants, get them here when they need them so some of those visitations on our consultant's part will be coming at a very opportune time now. The other thing we had, like Steve said, we've got all these other multiple contracts. The seating is on track we've been told. We still have one submittal yet from them which is an actual seating layout. We did a seating layout as part of our drawings, but they have been doing field measurement and the real in place drawing is yet to come. We expect it any time now. Our biggest fear was at the beginning of the project, as you well know, our auxiliary contracts, furnishings, signage, seating and so forth. We are tracking them. They have the liquidated damage clause, too, which we keep reminding them, so we believe that as well as the fine scheduling that Industrial is doing will bring it all together in a timely fashion. Any questions?

Commissioner Mourdock: You just...in talking to the consultants are there some or one of those consultants at this point that are giving you some concern that timeliness may become an issue?

Michael Buente: No, they have been in contact all along, but now they're...it's really intense with the rigging in the theater, the sound systems in the theater and some of the lighting controls in the theater. In fact, our theatrical consultant was going to be here tomorrow and we were just talking with Industrial before the meeting that we need to schedule when these people need to come in to help them out. The other thing that is important is the shutdown of the project, turning over to the owner, doing what we call punch inspections. We will have to have some strategy sessions with Industrial. On the surface it looks like we're going to do A, maybe A and C together, but C maybe following closely after A and then B being the last one that we do. That's the simplified version. There may be some systems that may be done all at one time. All the lighting systems and all the sound systems may be done at one time. I don't remember, Mark, our sound consultant he needs just in the auditorium alone, what, three or four days?

Mark Elpers: Right.

Michael Buente: With nobody in the room to do his testing and balancing. So we've got a similar thing with the lighting and the theatrical rigging, checking that out. There is some tight schedule things that we've got, we can't just leave out. I think they've plugged those time periods into their schedule.

Commissioner Mourdock: Is that type of acoustic work though is that the very, very last thing that is done? I would assume it would be different after the room has all the seating in it.

Michael Buente: Yes, it's the last thing.

Commissioner Mourdock: Yeah, the very last.

Michael Buente: And then if there is any adjustments then it has to be done after that.

President Jerrel: Thank you very much.

Michael Buente: Thank you.

President Jerrel: Thank you a lot, I appreciate it.

<p style="text-align: center;">Public hearing Vacation of easement at 5020 North Posey County Line Road</p>
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President Jerrel: Moving along, we have a public hearing on the vacation of an easement at 5020 North Posey County Line Road.

Brian Williams: Mrs. Jerrel, Mr. Mourdock, Mr. Tuley, I'm Brian Williams with Kahn, Dees, Donovan and Kahn here on behalf today of Tim and Davy Raber seeking to vacate a surplus or duplicative public utility easement in a rural or agricultural area of the county. Mr. Raber has prepared most of this and certainly is very familiar with the purpose or the reasons why this surplus easement needs to be vacated and I'll just turn it over to him to let him explain some of the technical aspects of the request.

Tim Raber: The reason I choose to vacate this is I wish to put up an out building on my property. I have studied the slope of the property, the drainage. I have maps of elevation if you so desire. The location of my septic field bed on my lot and the site I have chosen for that building I would like to put it closer to the line than the 12 foot therefore I am proposing the removal of that public utility easement. I have also obtained maps of surrounding property owners and the utility easements and any potential growth, which is limited in my area now, allows several routes or several access points for utility easements to any future development that may arise in my area.

President Jerrel: Are there any questions from the Commissioners? Are there any questions from anyone in the audience regarding this issue?

Commissioner Mourdock: I do have a question, Mr. Raber. On your map here whereabouts is your building going to be? It shows where the easement is.

Tim Raber: If you look on County Line Road follow the easement approximately...I'm going to tell you in inches, I guess, rather than feet. Maybe two and a half inches from County Line Road along the easement. I have measured it approximately to be 400 feet roughly. Three to 400 feet.

Commissioner Mourdock: Yeah the map is inch to hundreds.

President Jerrel: This is a first reading. We will have the second reading next Monday night.

Tim Raber: Okay.

Commissioner Mourdock: On first reading I'll move approval of the vacation of the public easement described on the property at 5020 North Posey County Line Road.

Commissioner Tuley: Second.

President Jerrel: So ordered. We'll see you next week.

Tim Raber: Thank you.

Brian Williams: Thank you.

Contract - Bovine brucellosis and tuberculosis program

President Jerrel: The next item on the agenda is the Indiana Board of Animal Health, approval of contract for certain eradication programs.

Commissioner Mourdock: I'll move approval of the contract as submitted for the bovine brucellosis and tuberculosis eradication programs.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Discussion regarding Ridgeway Avenue extension

President Jerrel: The next item on the agenda is the Ridgeway extension discussion. I'm just guessing that most of you here are for that and we did hear a good bit last week and we'll try to hear anything new that anybody has to offer. I think if it would serve our purpose to let John Stoll, our County Engineer, come up. Remember, we had asked him to do some evaluations on traffic and history and a few other items. If you would like to review that with us.

John Stoll: Sure. Like you said at the meeting two weeks ago the questions were why was the street never connected in the past and checking the traffic counts and things like that. I did some checking on Chickasaw Park Subdivision, Audubon Estates Subdivision and on the Interstate 164 project and nowhere in the approvals of any of those projects could I find any references to Ridgeway Avenue, why it wasn't connected or anything. There was no reference at all. The I-164 plans show the road being constructed through, but the road was never built all the way through. The Chickasaw Park Subdivision was approved in 1959, so it was well in advance of anything with Ridgeway. In Audubon Estates there was never any reference to anything on Ridgeway anywhere in the approval process of Audubon Estates in general or in Audubon Estates Section D. I also contacted Barbara Cunningham of APC, Rose Zigenfus of EUTS, and former County Engineer Greg Curtis to see if they could give me any background as to why the road was never connected. They all couldn't recall any reason specifically why it wasn't connected. They thought the intent was for the road to be connected, but they could not recall any specifics of why it never happened. The traffic count issues, we had taken traffic count on Plaza between Covert and Greencove, between Kolb and Greencove and then on Ridgeway between Chickasaw Park Subdivision and on Fuquay Road. On Plaza between Covert and Greencove there were approximately 800 cars per day. On Plaza between Kolb and Greencove there was approximately 500 cars per day and on Ridgeway there were approximately 500 cars per day. The counts on Plaza between the Kolb and Greencove also were speed counts and that showed the average speed for northbound traffic was 28.77 miles per hour and the average

speed for southbound traffic was 30.01 miles per hour. The 85th percentile for northbound was 33.7 and the 85th percentile speed for southbound was 34.5 miles per hour. Basically all the traffic data showed that both of these streets are low volume streets. It was my opinion that connection of the road would not lead to the street being used as a shortcut. It would be more difficult to use as a shortcut than it would be to stay on Fuquay and go straight to Covert and on the basis of what we found I would recommend that we proceed with connecting the street.

President Jerrel: We received some, you know, information from people. Tony, would you want to describe...you had a conversation with a bus driver and a couple of people.

Tony Greubel: Yeah, a former bus driver who used to drive that route, Ms. Harpe, said that it would improve safety so that the buses wouldn't have to turn around and go back out to Fuquay when they have to go to the Audubon Estates Subdivision they could go over on Ridgeway. The Knight Township Volunteer Fire Department, I asked their opinion on this matter and they dropped off a letter today stating that for safety's sake Ridgeway should be extended so that their fire trucks coming from Pollack Avenue to one of those subdivisions...to, say, the Audubon Estates Subdivision could cut over onto Ridgeway without having to go up to Covert. That would save several minutes in their opinion.

John Stoll: I also contacted Rose Zigenfus of EUTS in regard to this matter and she didn't submit any written comments, but she agreed that the street should be connected through just on the basis of that is the routine request that EUTS makes these days to try and make as many connection points in subdivisions as possible in order to improve the accessibility and safety of subdivisions.

President Jerrel: Is there any...before we start the hearing are there any questions or, John, just be prepared in case somebody would like to ask another question. Do you have a spokesman? Again, Tom or Gary?

Unidentified: Gary has got it.

President Jerrel: Okay.

Gary Bush: My name is Gary Bush, Audubon Estates Neighborhood Association. Of course you heard our concerns last time. I will not necessarily repeat them even though I had prepared to do that. It sounds like we've got a lot of opposition against us. The only comment that I might have is that you were going to get the Sheriff's report on incidents back in that area. The last time you asked someone to get that information on any problems. Was that obtained?

Tony Greubel: I asked the Sheriff's Department twice and I wasn't able to obtain anything at this point. They were supposed to look into it, but they haven't gotten back on that matter.

Gary Bush: I have not heard of any accidents or pedestrian problems in Audubon Estates up to this point in the last 11 years. I would like to see what happens in the next 11 years if this goes through. The other thing is he talked about speed limits. It sounds like people are doing 30 miles an hour back there on average, pretty close to 30 miles an hour. If that little narrow street of Audubon Estates is 30 miles an hour I question why Washington Avenue and places like that is 30 miles an hour or vice versa. So we had one of our individuals try to get that speed limit lowered in the

last couple of years and we were unable to do that. You know, it sounds like...you know, it really sounds like it's a done deal in my opinion from what has been said here, but my opinion and the opinion of the association is that this will create a traffic situation for the people that...for the narrow streets back in the subdivision. I'd be glad to have anybody else (inaudible).

Denise Bartholomew: Well, I hope it's not a done deal. My name is Denise Bartholomew and I live in Audubon Estates and I am opposed to the opening of the Ridgeway Avenue extension. I am a parent as well as a neighborhood walker, rollerblader and bicyclist. If I understand it correctly the sole purpose of opening this road is to convenience people that do not live in our subdivision. If that is correct and with that in mind I would ask that by doing so would we pose any safety risks to the children and adults who have in the past enjoyed our neighborhood as a safe haven? One where we could meet neighbors and take a stroll. What would this influx of traffic do to the many young families I see out every night pushing baby strollers and teaching youngsters how to ride a bike? It would totally change the dynamics of our neighborhood. We have been blessed with a neighborhood that feels like a big playground with a park setting. Opening this road would alter that drastically. I pray that you will not let that happen. Thank you.

Unidentified: Bettye, may I speak?

President Jerrel: Sure.

Louis Williams: I'm Louis Williams, but everybody calls me Gene. I think you possibly got my letter the other day that I had written to Chuck Leach.

President Jerrel: Yes, we do have the letter to the editor.

Louis Williams: Now, were you able to obtain what we were speaking about in the ambulance? The problems that I had?

President Jerrel: Mr. Williams called me because...and most of you saw the letter to the editor.

Louis Williams: Chuck didn't quite put the caption that we wanted, but some of the people did miss it.

President Jerrel: Well, I did--

Louis Williams: It's very explanatory as our problem. We are a trapped bunch of rats back there if there is anything that does happen and any type of...well, a truck accident. I know from speaking because I have been in the trucking business 40 years before I retired. Every day of our life there is traffic and hazardous materials that travels I-164 there. I'm three doors from it. I've got neighbors right here that is three and four doors can vouch for it. That don't make you sleep too good because with the evacuation problem there is no way in the world that we can come out Audubon to Ridgeway turn right and get out to Fuquay in event of an evacuation.

President Jerrel: Mr. Williams, the story that you explained to me was--

Louis Williams: About 911?

President Jerrel: About your wife, yes.

Louis Williams: Alright, would you like to hear that?

President Jerrel: Well, I think--

Louis Williams: In detail?

President Jerrel: Well, I just think that is new information that some of your neighbors on the other side of Ridgeway might be interested in hearing.

Louis Williams: Alright, yes. It was August 9, 1984...or '94, I'm sorry. I called emergency, 911. Well, the volunteer fire department that's over there, Number 7, is very close to us on Pollack and they came out. They were there I'd say within six or seven minutes arrival time. They come in and the wife we think is paralyzed, but not knowing what she is they did not have a defibrillator nor oxygen. They are not allowed to transport. So the men stood around on my carpet which my daughter knows some of them and no animosity there. I was glad to have them and thank God they were. Mercy got lost. From the time I had called them to the time they got to my house...what I had done prior to that is I had went back and asked the man in the fire truck can you run his wavelength? Well, they're on the same frequency apparently. He said, yes, I'll find him. He is lost, we don't know where he is. Well, I apparently...he has got on one or the other side of this barricade because when I give explicit directions I mentioned how to get back there to the 911 operator. So finally after time and time again waiting they showed up. Well, it took all of five minutes possibly to carry my wife out on the gurney. We just literally had to pick her up because we didn't know what it was. The time we rolled in to St. Mary's Hospital the elapsed time was 50 minutes or maybe a little in excess of that. So I called the dispatcher thereafter and he agreed that it was too long an arrival time. What had happen they weren't able to get in there. They got on the other end of Chickasaw coming off of Pollack. Showed arrival time 11 minutes, but he said, Mr. Williams, I totally agree with you. He said you're a 100 percent right and let's stop and think, if a person is a heart patient, which I happen to be which is no big deal in that respect, but to go with an hour a shot to get somebody to the hospital so that is my one complaint plus the hazardous material that travels every day. Now our opponents here are looking at one side of the thing. This might be just as beneficial to them on this evacuation deal as anything else because...now they do have more than one way out of Plaza. They have Greenfield. They can cut through the area and enter Pollack. We don't have anything but to go through the field. I ask with all sincerity to please open this for us.

President Jerrel: Any questions of Mr. Williams? Okay, thank you.

Louis Williams: Thank you, Bettye.

President Jerrel: Is there...yes, sir.

David Oliver: My name is David Oliver and I live on Ridgeway Avenue. If I may add to what...is it Mr. Williams?

Louis Williams: Yeah.

David Oliver: To what Mr. Williams had to say. In his particular situation the road was open they just couldn't find it. In 1995 we had a large storm come through town June 8th, do you remember?

President Jerrel: Uh-huh.

David Oliver: Ridgeway is a tree lined street. In our situation we had one of those large trees--

President Jerrel: May I ask you are you west of the barricade or east of the barricade?

David Oliver: Yes...no east.

President Jerrel: East, okay.

David Oliver: I'm sorry. In our situation we had a large tree fall on our house. Praise God nobody was hurt, but there was \$70,000 worth of damage done to the house and if it had fallen any further to the south it would have...well, we were all in the house and anyone could have been killed or severely injured. In our situation had emergency vehicles needed to get to us they would not have been able to because one of the trees further east of us had fallen completely across the street and there was no way for an emergency vehicle to get into our house from Fuquay or from Ridgeway where it is blocked at the other end, so we were completely cut off even if they had known the way.

President Jerrel: Questions? Okay, thank you very much.

David Oliver: Yes.

President Jerrel: Yes, ma'am.

Krista Norvell: My name is Krista Norvell. I live next door to the Olivers. Something I would like to add to that night, I was stuck out in the storm and I was 18 years old at the time. I called my parents to have them come get me. They couldn't get out. It took them over an hour to get to me. They were worried about how I was, you know, but they had to stop and saw up a tree to get out of our street because there was no other access. Another thing, you were talking about bus drivers earlier. I used to ride the school bus to McGary and to Harrison. My school bus had to...it would stop at the end of Ridgeway on Fuquay or go all the way down once the street was connected going all the way down to Chickasaw and Audubon to pick up kids down there. I am sure Mr. Dugan knows about this because his son rode the bus and he lives down in the Chickasaw Subdivision. When there is snow or ice the bus was not able to reach Chickasaw and Audubon because of conditions and our street wasn't plowed. These kids had to walk or had their parents take them, and if their parents left for work early they had no one to take them to the very end of Ridgeway up at Fuquay to get to the bus. There is the possibility of a child falling, you know, a multitude of other things, you know, the temperature and the conditions. One last thing I would like to add is for the lady here. Convenience is not our main purpose, safety is our main concern here. Personally I think most of the residents on Ridgeway anyway, as myself, would rather go out to Fuquay and turn up that way because personally I use Newburgh Road. It makes much more sense for me to go up Fuquay straight up to Newburgh Road to go into town. There is a convenience issue, but the main factor is safety. Thank you.

President Jerrel: Thank you. Is there anyone else that would like to speak to this issue?

Dennis Dugan: My name is Dennis Dugan and I live at 1907 Chickasaw.

President Jerrel: What is your name?

Dennis Dugan: Dennis Dugan. I've lived there since '76 and my biggest concern is like my other neighbors and a majority of our neighbors are for opening it up. My biggest concern is getting emergency vehicles out to the neighborhood in time. I had a loved one, my mother had a...she lives five minutes from me in Warrick County and she had a stroke six years ago, but she had a relapse about three years ago. Well, they got...they called the Newburgh Fire Department and paramedics and they got there. The response time was great. They got there within five or six minutes. I got there five or six minutes and they were already there. You know, if it wasn't for a quick response time they worked on her for ten or fifteen minutes and brought her back so the response time was terrific. If something would happen in our neighborhood response time, as Gene Williams pointed out, we may not get that response time. He didn't. So I think that's a crucial point that with just one way out we're limited to how we can get emergency vehicles in here as quick as we can. Myself, I would like to see it.

President Jerrel: Thank you.

Dennis Dugan: Thank you.

President Jerrel: Do you have any questions? Yes, ma'am.

Cinda Coomes: Good evening. My name is Cinda Coomes and I'm the school bus driver on Ridgeway. If this road would be opened it would be much safer for the children that ride my school bus. At this point when I come down Ridgeway I have to turn around at Chickasaw and there are many mornings in the spring and in the fall that there is a very heavy fog in that area and you cannot see when you are turning around. When the children get off and get on if one would cross behind my bus or come at a late time it would be very difficult for me to see the child.

President Jerrel: Okay, questions? Okay, thank you.

Cinda Coomes: Thank you.

President Jerrel: Anybody else? We did receive letters. We received a letter from Gene VanStone who is here tonight and from the petitioners. We have copies of everything that has been given to us. If there are no questions, is there anything you would like to ask John Stoll?

Unidentified: Bettye.

President Jerrel: Yes, Tom.

Tom Gregory: I would like to say something. I was the spokesperson before--

Commissioner Mourdock: State your name please.

Tom Gregory: Oh, Tom Gregory is my name. I live on the west side of Ridgeway. I live in Audubon Estates on Plaza Drive. You almost have to ask yourself this question. When I went into this project all we asked the people when we went for the petition is do you want the opening of Ridgeway. There was no pressure. There

was no...anything lead down to signing or not signing. You have to say to yourself, we got 124 residents. We've got 101 right now that was against opening it up. I don't think we're anti neighbor type people. I mean, I kind of feel us as very compassionate people. We're concerned with two things. I don't think Fuquay Road can handle the traffic, number one. If that field behind there on Ridgeway borders on Covert Avenue let's say becomes housing. That's probably, what? Seventy-five houses probably. Which way will the traffic be focused? Will it go to Covert Avenue? Would it come out to Ridgeway? Will they block it on Ridgeway and say we'll send it to Covert? Will we send it to Fuquay? Which way are we going to send it? It's almost the same kind of situation that we've got in the city is right there that is just north of Covert. That's in the city. They got all the blocks. When Covert was put through they dead-end the streets. Now that's what really concerns all of us. It's not Chickasaw. It's not Audubon. We've got to look to the future. If you okay opening this Ridgeway up, and it sounds like you're on the verge of it, before they do any building out there you better reassess Fuquay Road and also how you're going to cut Audubon all the way through then to Covert. How are you going to do it?

President Jerrel: John, do you have some comments about these? Of course, all of this is speculating on the property behind you all. I don't know what that situation is.

John Stoll: Right. That would all hinge on when it was developed and what the subdivision codes called for at the time that it came through the subdivision review process, so it's hard to say. Typically, all the subdivisions like Eastland Estates, Audubon Estates, The Seasons, Indian Woods, they have all been limited to one main road coming in off of Covert Avenue, so something along those lines may be what would happen out there as that field developed. Given the fact that multiple access points are asked for it's possible they may have one on Ridgeway and Fuquay as well. It's hard to say at this stage of the game.

President Jerrel: Well, I think in fairness to the people that are here, both sides, we need to remember Ridgeway regardless of what the future holds so that if someone wants to develop this property many of the people here do not live adjacent to it so they wouldn't be receiving automatic notification so I think we...it's easy to put things out of your mind and make your decisions but for the basis of future development the minutes to this meeting have described Mr. Gregory's concerns and I think we want to keep those on the front burner if development begins so that we're aware of it and the safety issues that have been raised by the volunteer fire department, the School Corporation and neighbors on the other side need to be taken into consideration. I would hope you would see to it that these minutes are identified for future protection of whatever goes in out there.

John Stoll: It probably wouldn't be a bad idea to send a copy down to Area Plan Commission too because that's the office where all the notification takes place.

President Jerrel: Yeah, I think that would be helpful. If you didn't hear him, we'll send a copy of these minutes with your remarks to the Area Plan because we often don't see things until after the fact. So they'll be sent down there so it's a matter of record and it will be available if anything ever begins to happen. Okay. What's your pleasure?

Unidentified: May I say one more thing?

Commissioner Tuley: There is someone in the back, too.

President Jerrel: Yeah.

Louis Williams: We discussed lowering the speed limit out there. Are you still in favor of that?

President Jerrel: Well, we have to go through a process to do that. Personally, yes I am in favor of it.

Louis Williams: Well, I think everybody is in accordance with that.

President Jerrel: Yeah, I think it should be lowered.

Louis Williams: I and Mr. Dugan Saturday polled our neighborhood to see who was and who wasn't interested actually in opening it which we got 98 percent in favor. Everyone I asked that you had spoke about we might have to give to lowering the speed limit is in favor of it. I've got nobody who contested that on either street, so I thought I might bring that up as a benefactor to us--

President Jerrel: Appreciate it.

Louis Williams: --because we don't want our children run over. I ride a bicycle up there just like the lady spoke. I don't think there is any animosity in any of it, it's just the fact that we are trapped rats.

President Jerrel: Well, we'll put that on the examination. There is another process to look at lowering speed limits or raising them either way.

Louis Williams: Right, but what you're saying in essence if Mr. Allen out there ever sells that property that is in limbo right now which I don't know whether he will or not, but I doubt for many years it will ever be sold out of that family, then we will have a notification to vote on it before it's built. Is that how I understand your--

President Jerrel: Yes, we're going to put that down at the Area Plan so that's on the record.

Louis Williams: Alright, that gives us an idea, you know.

President Jerrel: So you'll be on top of things.

Louis Williams: Okeydokey. I appreciate it a lot. Like I said, I'm not trying to take up too much of your time, but as my mind is as it comes up I like to get it off my chest.

President Jerrel: Okay. Gene, there is gentleman right behind you and then you. We've got two more people.

Commissioner Mourdock: And for the record the previous speaker was Mr. Williams.

Dennis Vowells: I'm Dennis Vowells and I live in the Audubon Estates Subdivision. I really didn't want to get up here and speak tonight, to tell you the truth, because I already spoke my peace. If there is a heavy traffic flow on Fuquay...I haven't done any surveys on that or anything, but if you divert the traffic and remove the barricade then in essence you are increasing the traffic flow in a heavily populated residential area and I can't see doing that because somebody could get hurt from that. You know, more accidents or something. So it would look like to me the biggest problem

is Fuquay and either doing something with that road or something else, but if you divert it into a heavily populated residential area that just doesn't make any sense to me at all.

President Jerrel: Actually, the Ridgeway traffic is not as heavy as some of the other traffic. We had the traffic count done.

Dennis Vowells: Well, I know, but if you have heavy traffic on Fuquay, right, which goes to Pollack.

President Jerrel: Well, we have westbound and eastbound Fuquay.

Dennis Vowells: Okay.

President Jerrel: Both of them.

Dennis Vowells: Okay, but what I am saying is if that's heavy and they get...people get a chance to go down Ridgeway and then come up Plaza you're just increasing traffic flow heavier in a thickly populated residential area so to me that doesn't make sense because then you are putting more and more people at risk. That's one reason I oppose it being opened. That's all I have to say.

President Jerrel: Thank you. Yes.

Joan Harpe: I am Joan Harpe, contractor with the EVSC. EVSC has two 66 passenger buses going to that point that would have to turn around and they also have a special ed bus that has to go down to that area and turn around. Due to that laying close to the river some mornings you cannot see an inch behind your bus it's that thick, the fog is. Anytime a late straggler comes along you know what will happen if a child isn't seen and he is hurrying to get to the bus, but they have a total of three if not four.

President Jerrel: Okay, thank you. Gene, did you have a comment?

Gene VanStone: Gene VanStone. I addressed a letter to each one of the Commission so you've had a chance to read that letter. One concern that hasn't been mentioned that I think needs to be looked at and that is the area which currently is in fields. I haven't surveyed how many children are in the area nor how many homes, but I suspect there is probably 200 homes in the immediate area. If by chance some of that area could be set aside, perhaps purchased by the county, for a playground area that is something that I would like to see developed within my lifetime other than just more subdivisions with houses crammed together. That's all I had to say.

President Jerrel: You need to make that recommendation when and if anything happens to the property.

Gene VanStone: I will.

Connie Vowells: My name is Connie Vowells and I live on Plaza Drive and once again I would like to stress the concept of if you do pave that grassy area be ready for a dragstrip through there because again kids do loiter out there and you really should check into the number count of how many times the sheriff has been called out there because it has been quite a few. We've called several times and the 80

year old lady across the street has called.

President Jerrel: Well, we'll have the sheriff out there.

Connie Vowells: Yes, and between...I'll tell you what times. Anywhere from 9:00 to 10:00. About 9:30 they're out there because one night I was on my patio and again the barricades, you know, the construction deals were out there and they were out there whistling and clapping. They just wanted me to know that they were out there and, you know, I didn't call the police at that time, but, again, if it is paved, you know, the kids will be out there making nothing but a dragstrip of that area.

President Jerrel: Well, it's the Sheriff Department's responsibility to see that doesn't happen.

Connie Vowells: Okay, let's hope so.

President Jerrel: Okay, thank you. Is there any additional information?

Commissioner Mourdock: I don't know that this is additional information, but I don't know that there is any time more difficult to be on this Board than when you have two groups of neighbors who come in here who are so perfectly opposed to one another and who express it both sides for very good reason. It certainly ought to cause all of you to wonder why anybody would run for these offices. At least it seems once a year I get to quote a phrase my grandmother told me which is there are two things you almost never live to see, your greatest hopes and your worst fears. I think this is probably one of those situations. I know not too many months ago we had another situation up off Heckel Road where we had this same exact same situation. It came to mind when Mrs. Vowells a moment ago spoke of a dragstrip because there was concern if it was opened up there would be a dragstrip. It was opened up and I said something to the Sheriff the other day about it and they've been out there a bunch and they haven't had any problem. The problem that used to be there, because the kids could back up to a dead-end road and take off, isn't there any more because now the road is connected. However, having said that I can also appreciate those of you who are opposed to opening this simply from the point of view it is changing your neighborhood somewhat. Listening to both sides I have to tell you I am somewhat in the middle, but when I'm in the middle I try to be consistent and review the words of our technical experts because those of us who are elected to do this don't know every aspect. I have a page in front of me that John spoke from a minute ago. We have the Executive Director of the Area Plan Commission saying that this was the plan all along. We have the head of EUTS saying she has looked at the traffic and doesn't feel there would be any major changes in traffic. Certainly the safety and health aspects that Knight Township Volunteer Fire Department sent to us. There are several comments here about the buses. I think we need to go ahead and connect, so at this point I'll move that we direct the County Engineer and the County Garage to pave that section of Ridgeway.

President Jerrel: Is it the County Garage or a contractor?

Commissioner Tuley: It's a contractor, isn't it?

Commissioner Mourdock: Is it a contractor? Well, that we move to direct the County Engineer to continue on the present course of connecting the road.

Commissioner Tuley: Yeah, just real quick. I agree. When you get in a situation like

this where we can almost watch the room divide as they come in here it puts us in a real awkward position and each of you have raised valid reasons and good comments about why it should or should not be opened, but I think Commissioner Mourdock summed it up pretty good. We've got to rely on the people that...traffic planners and the fire department and people like that. There is a couple of different kind of safety issues depending on how you want to look at it. I have to agree with your recommendation and I'll second your motion.

President Jerrel: Mr. Vowells I--

Dennis Vowells: I have another comment.

President Jerrel: Well, is it new?

Dennis Vowells: Well, it pertains to what we're talking about.

President Jerrel: Okay, come on because we do need to...we have a zoning meeting. We get to do this again.

Commissioner Mourdock: Lucky us!

Dennis Vowells: I'm Dennis Vowells, like you said. What I want to know is how come this wasn't done three or four years ago?

President Jerrel: Well, it should have been.

Dennis Vowells: What you're voting on right now and then a neighborhood, a certain neighborhood, brings it up and now something is being done. This is what I'm upset about.

President Jerrel: Well, you're upset because what we've been told is this should of happened when it was built in the first place. Now we didn't know that it hadn't happened. I mean, most of us don't come out there and when the issue was raised and we researched it it was discovered that it should have been paved. That's what happened. Maybe Mr. Gregory has helped us because all of this we've weighed on both sides and he has touched on the future and we can at least see to it this information is down in these Boards...new Boards that deal with any new development to help protect all of you in the future. I'll be very happy to come speak on your behalf when and if any development begins in that area.

Commissioner Mourdock: Let me add one thing quickly to that. This isn't in the form of a motion, but I would ask, Tony, if you would please draft a letter to Sheriff Ellsworth and ask him for at least six months after this is done to schedule and especially at the 9:00 to 10:00 p.m. hours--

President Jerrel: The evening hours.

Commissioner Mourdock: --to schedule some traffic through there to make sure he knows what is going on. Thank you.

Dennis Vowells: There was another thing though. I've just one more comment and I'll be quiet. Now I've done forgot my train of thought. Okay, the action was taken before we were even notified. That angered me more than anything, too.

Commissioner Mourdock: What action was taken?

Dennis Vowells: The barricade was taken away. I think that's totally wrong because you are affecting some other neighborhood. It doesn't matter what neighborhoods were involved, but something was done and the other neighborhood wasn't notified and that's what upsets me a lot, too. So I just wanted to put that point in there.

President Jerrel: We passed that information on even though that is the county's road and the county is responsible for it and that would include the barricade your point is well taken and we went to the crew that removed them and gave them that information that we didn't want that to happen any more. From what you said last time.

Dennis Vowells: Okay, thank you.

President Jerrel: There is a motion on the floor and a second and I will say so ordered. Tom, I can guarantee that will be included. Thank you.

Consent items

President Jerrel: At this time we're going to have to move pretty quickly because we've got another group coming. I'd like to move through some of the items. Are there questions about the consent items?

Commissioner Mourdock: We do have one that I found on the desk.

President Jerrel: One additional from the Health Department and that is included. Do you have any questions, Pat?

Commissioner Tuley: No.

President Jerrel: Is there a motion?

Commissioner Mourdock: With that addition I would move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: Second and I'll say so ordered.

Old business

President Jerrel: Is there any old business? I'm going to get everything...I'm going to go back up and get John Stoll. Do you have any old business?

Commissioner Tuley: No.

President Jerrel: You have new business.

Commissioner Mourdock: Oh, yeah.

President Jerrel: No old business.

John Stoll - County Engineer

President Jerrel: Okay, John Stoll. Sorry to rush you, but I'm trying to--

John Stoll: No problem. The first two items I've got are storm sewer acceptances for two subdivisions. One is for Breckenridge Subdivision Sections 1 and 2. This is for 1,941 linear feet of storm sewer outside the right-of-way. The developer has submitted a check for \$3,882 for the \$2.00 per foot maintenance fee. On the basis of that plus the fact that we've inspected this as construction progressed and everything was put in according to plan I would recommend the county accept these storm sewers.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Also the same is true for The Seasons Subdivision. There is \$1,672 that was submitted for 836 linear feet of storm sewer. Here again, the inspectors were present on the job and with a few changes that were requested the contractor has complied with everything that we had asked and it is recommended that these storm sewers in The Seasons be accepted for maintenance as well.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

John Stoll: Next I've got a right-of-way dedication out in front of the new Matrixx building out on Highway 41 just north of PPG. After only a year and a half. The dedication covers just the portion in front of the Matrixx side. It does not cover the Southern Indiana Properties' right-of-way as of yet. There is another agreement pending that should be resolved here shortly, but Joe has reviewed this. I've reviewed this and it is recommended that this right-of-way be accepted by the county.

Commissioner Mourdock: And what are we lacking still, John? What did you say?

John Stoll: We still don't have the agreement with SIPI for the dedication of their right-of-way.

Commissioner Mourdock: But this takes care of everything we need from Matrixx?

John Stoll: Correct.

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Great, okay. I'll move acceptance of the dedication.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: We'll have to record that as well after it is signed. Maybe John or Charlene can get it signed. Then we are waiting for SIPI. They're apparently still surveying and hopefully we'll have something in the next day or two on the legal on the other dedication to the county from them.

John Stoll: Right. The final item I've got is a change order on the contract number VC99-05-01, the Old Henderson Road culvert installation. This is the change order for a decrease of \$1,195. It's recommended that this be approved.

Commissioner Mourdock: So moved.

President Jerrel: We don't get those very often.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: No, we don't get those very often.

John Stoll: That's all I have unless you've got any questions.

Commissioner Mourdock: One quick question. I got a call on Hillsdale, US 41 on the west side of Hillsdale. The vegetation has grown up in the state's right-of-way there where that view of the railroad is really obstructed. Could you give the state a call and see if they can get that out of there, please?

John Stoll: Sure.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing I have, several weeks ago the Commissioners entered into the amended memorandum of understanding with the Building Authority and one of the headings, and it was number 12, talked about the additional rentals to be paid by the county to the Building Authority. The heading states:

"Additional rentals to be paid following completion of The Centre."

Technically it probably should have been titled additional rentals to be paid period because we are paying additional rentals this year in the sum of \$140,927, so I wanted to clarify that for the Auditor's Office. It's clear that rentals are to be paid this year, but the heading should have been a little different.

Commissioner Mourdock: So do you need a motion to formally amend it?

Suzanne Crouch: Yes.

Joe Harrison, Jr.: Well, I don't know about amending, but as far as this body is concerned as far as we know and the Auditor knows that it is additional rentals to be paid just so they will pay what needs to be paid this year. It will help them.

President Jerrel: Alright, is there a motion to approve the amendment of the reading to remove everything but the word paid...remove after completion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's it. Thank you.

President Jerrel: Nothing? You've had a busy week.

Weekly reports

President Jerrel: Okay, new business.

Commissioner Mourdock: Before we do that I move that we accept into the record the other reports from the county departments.

Commissioner Tuley: Second.

President Jerrel: So ordered.

New business

Commissioner Mourdock: Now are you ready for new business?

President Jerrel: New business.

Commissioner Mourdock: Okay, I have two items of new business. First we received the Penco loss review study and if it has not already been--

President Jerrel: They've all gotten their copies and everybody has completed everything and we're expecting Penco back in a couple of weeks.

Commissioner Mourdock: Okay, because I would like to see the report after they review those various things.

President Jerrel: Yeah, they've done all of them.

Commissioner Mourdock: The second item under new business deals with the Community Corrections facility. I know there has been some discussions out there relative to what happened with the roof a few weeks back and just generally how the facility, how the County Commission and the Circuit Court and how everyone works together with that facility. I have been made aware as I think both of you have been in the last week about a report from 1994, I believe, and I would like to see us start to pursue that with some discussions to see how we can get a better handle on the overall situation out there.

President Jerrel: Do you have any comments?

Commissioner Tuley: No, I am familiar with the report you're talking about because I think I'm one of the ones that commissioned it to be done to begin with.

President Jerrel: Yeah, it's excellent. I would like to recommend that we go a little bit further than that however. I think that it would be appropriate to ask our County Attorney to initiate discussion with the County Sheriff who has indicated an interest in taking over that responsibility from the Circuit Court and I think that's a matter of an ordinance and I would like to make a recommendation for you both to consider.

Commissioner Mourdock: Yeah, okay. You got ahead of me there. The recommendation for the ordinance, and let me be clear. Let me ask the question and make sure it is clarified. In 1990 something we did an ordinance...or this Board did an ordinance delegating powers to the Circuit Court. The process by which any change would occur would be twofold, correct, Joe? It would have to revoke the existing ordinance which would take a published hearing and then to do a new ordinance there would also be a hearing, correct?

Joe Harrison, Jr.: It could be done at the same time.

President Jerrel: One ordinance replaces the other automatically.

Commissioner Mourdock: Okay, but if there is just...if you have simultaneous hearings the revocation and the other would be done simultaneous so that even so--

Joe Harrison, Jr.: You could repeal and amend.

Commissioner Mourdock: --there would be a public hearing and a process of public notice and all that kind of stuff?

Joe Harrison, Jr.: As to the operation of the Community Corrections program?

Commissioner Mourdock: Right.

Joe Harrison, Jr.: Is that what you're saying?

Commissioner Mourdock: Yes, I asked a terrible question.

President Jerrel: The one would be repealed and the new one would be instituted.

Commissioner Tuley: Right.

Commissioner Mourdock: Right, yeah. But the point is it is an ordinance and we need to follow that process, so having said that for the purpose of beginning the process I will follow up with what Bettye Lou said a moment ago that we begin the process to investigate to see how the Sheriff's office might administer the facility. Is that--

Joe Harrison, Jr.: Are you talking about the facility or are you talking about the program?

Commissioner Tuley: The program.

President Jerrel: The program.

Commissioner Mourdock: Well, it is the program and the facility. We have the facility already as far as the building and structure, so it would be the facility and the program.

Commissioner Tuley: That's a motion so I'll second.

Commissioner Mourdock: That was a motion.

President Jerrel: Okay, and I'll say so ordered. Can you get started on that so that we can--

Commissioner Mourdock: And Joe can you give just off the top of your head some idea what the time line might be?

Joe Harrison, Jr.: Assuming the Sheriff is interested in that additional responsibility we will have to negotiate a contract with him and then at the same time begin an ordinance to repeal and amend the current ordinance which delegates the responsibility of operation of the Community Corrections program in the hands of the Circuit Court, that responsibility would go to the Sheriff. Typically, I mean, I could envision that within the next six weeks being completed.

Commissioner Mourdock: The full process?

Joe Harrison, Jr.: The full process.

President Jerrel: So you could have something ready if not next Monday the following Monday?

Joe Harrison, Jr.: Sure assuming the Sheriff is available and interested.

President Jerrel: Okay, any further business to come before this Board?

Commissioner Mourdock: It seems like we skipped something. I guess because we did consent out of order. Okay. No, I have nothing.

President Jerrel: Anything?

Commissioner Tuley: I don't either. We can adjourn and I'll let you guys handle the rezonings if you don't care and I'll go to my other meeting.

President Jerrel: Yeah, right.

Commissioner Mourdock: Okay.

President Jerrel: Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:47 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jerry Bryan
Dan Hoefling
Mark Elpers
Steve Utley
Michael Buente
Sandie Aaron
Brian Williams
Tim Raber
John Stoll
Gary Bush
Louis Williams
Denise Bartholomew
David Oliver
Krista Norvell
Dennis Dugan
Cinda Coomes
Tom Gregory
Dennis Vowells
Gene VanStone
Connie Vowells
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
June 28, 1999**

The Vanderburgh County Board of Commissioners met in session this 28th day of June at 5:45 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commission meeting to order, please. At this time I'll introduce those before you. On my far right is Tony Greubel, the Superintendent of County Buildings; Joe Harrison, Jr., County Attorney, is next to him; Commissioner Pat Tuley; on my far left, Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: Thank you. The first item on the agenda is the approval of the minutes of the last meeting.

Commissioner Mourdock: I'll move approval of the minutes of June 21, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: The next item is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the summary minutes of the Executive Session which began at 4:40 and ended at 5:40 and it was in regard to pending litigation and county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Southern Indiana Properties
Right-of-way grant and construction agreement**

President Jerrel: The next item is the grant of public right-of-way/construction agreement for frontage road for Southern Indiana Properties. John.

Commissioner Mourdock: Have we named this road yet?

John Stoll: No. It goes with all the other unnamed streets that the state built as part of the 164 project. That was just a dedication between Replas and the Azteca sites and the agreement that says that Southern Indiana Properties will fund up to \$150,000 for construction of that road so it's the final documents we needed in order to get that road constructed.

Commissioner Mourdock: Here, here. I think we first started dealing with SIFI on that...or SIPI whichever is appropriate, SIPI, what...18 months ago? At least two years, so they finally came through.

John Stoll: Right.

Commissioner Mourdock: I'll move approval of the acceptance of the grant of public right-of-way for where the frontage road as it is known near the Azteca plant.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: And also would you approve the agreement between SIPI and the county regarding the funding sources?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bids - VC99-06-03, Frontage road at Baseline Road Phase 2

President Jerrel: The next item on the agenda is the opening of bids for the frontage road at Baseline, Phase 2.

Commissioner Mourdock: Yeah, this is the same project that we were just discussing.

President Jerrel: Okay, well then--

Commissioner Mourdock: I'll move we open bids 99-06-03 for the frontage road near Baseline.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Final hearing Vacation of easement at 5020 North Posey County Line Road
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President Jerrel: The next item on the agenda is a final hearing for the vacation of easement at 5020 North Posey County Line Road. If you recall, we had that last week and this is a final tonight. Is there anyone here representing Mr. Raber?

Jason Guthrie: My name is Jason Guthrie. I'm an attorney with Kahn Dees Donovan & Kahn.

President Jerrel: Is there anyone else here that wishes to speak to this issue? Any questions from Commissioners?

Commissioner Mourdock: No, I think it was pretty clear last week.

Commissioner Tuley: Yeah.

President Jerrel: Okay, is there a motion to this effect?

Commissioner Mourdock: I'll move approval of the vacation of the easement at 5020 North Posey County Line Road.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tim Raber: Thank you.

President Jerrel: Thank you.

Appointment - EVV Airport Authority District Board

President Jerrel: The next item on the agenda is the recommendation for the Airport Board, yes, Richard Shymanski to serve on that board.

Commissioner Mourdock: I'll move the appointment of Richard Shymanski to the Evansville-Vanderburgh Airport Authority District Board. That's a three year appointment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Welfare to Work Planning Council

President Jerrel: The next item on the agenda is the Welfare to Work Planning Council, approval of the demonstration project request.

Tim Suenram: I'm Tim Suenram. I'm the chair of the Local Planning Council for Welfare to Work. I have a couple of other items for you to add to your packets that you should have received. These are just further letters of recommendations to be attached. I did want to call your attention to two items. One is that I understand from Tony Greubel that we have a low estimate on the salary for the IV-D program person that this demonstration project would fund. I believe Tony told me it should be really including a package for insurance would be \$34,870. Is that right? So we're low on that estimate and we realize this demonstration project is not due until September 30th, so we would want to tweak that and make that salary reflect what a person at that level would be making. The other item is to request--

Commissioner Mourdock: Excuse me, Tim.

Tim Suenram: I'm sorry.

Commissioner Mourdock: Let me clarify something with that because I'm a little confused here. Thank you, Charlene. That amount, Tony, is for one person, is that

right?

Tony Greubel: Yeah, that's the salary for one person and then they were proposing to hire three of them.

Commissioner Mourdock: Okay--

Tony Greubel: Including with matching grants from the state.

Commissioner Mourdock: So effectively the state would do two and we would do one?

Tim Suenram: That's right.

Commissioner Mourdock: Okay.

Tim Suenram: And the two would be counted as an in-kind match.

Commissioner Mourdock: Okay.

Tim Suenram: My understanding is that it is federal money that the IV-D office could apply for.

Commissioner Mourdock: Okay.

Tim Suenram: The other item that we need to call to your attention is related to matching funds. We're required in order to be able to exact this demonstration project to have local funds in the amount of 15 percent match. The recommendation of the Local Planning Council was to take unused funds from the Riverboat money that had been allocated for the IBAP program, especially those out of training that probably at this point will not get used through the IBAP program. The feeling of the Council was since this will involve training and job placement that it would still be a use of the funds applied towards job training, so our recommendation was that the County Commission consider amending the bill that allowed...or the ordinance that called for dispersal for the IBAP program.

Commissioner Mourdock: I'm trying to track down a bad mike here.

President Jerrel: Do you think it's this one?

Tim Suenram: So essentially we're asking the County Commission to approve moving that money from the IBAP program to provide a 15 percent match for the demonstration project.

Commissioner Mourdock: Just guess I'll lead off the discussion here. I think, and speaking as one Commissioner so I am looking for opinions here, I think the greatest concern is simply with the possible additional staffing levels through the Prosecutor's Office to track down the deadbeat dads, if you will. I know from other grant requests that come before us there is always that sticky question of when we hire someone and the grant disappears how do those people continue to be funded and that has nothing to do with this program per se, but with all the programs we roll out because inevitably it becomes an additional burden back on the General Fund and county government as a whole. I guess my interest right now is in the thought of the other two Commissioners here as far as if, in fact, that grant request is tweaked, to use

Tim's words, to be brought up to the level where it would take care of that one employee is this Board interested in going forth with, in fact, three employees with the state doing two and us doing one if, in fact, there is some stipulation in the minutes of this body that says those positions are only there as long as those grant funds specifically are there from whichever branch they come from, DOC or it isn't DOC, but whoever it would be?

Tim Suenram: It's the Division of Family & Children, is that right? FSSA? That's where this money is.

Commissioner Mourdock: Right.

President Jerrel: If federal funds support this would you be in contact with the Prosecutor's Office?

Tim Suenram: Oh, yes.

President Jerrel: Will you be sure that you mention the differential in terms of funding?

Tim Suenram: Right.

President Jerrel: And perhaps maybe make it clear to them that they should include in their grant request money to cover everything because if, in fact, they hire two people and then this grant money dries up that will be expected...they'll be expected to inform the people.

Tim Suenram: Right.

President Jerrel: We do have them apply on different forms that go through. We have different colored forms now to designate grants, but I think it's fair to the people to know when they're hired, that they're told.

Tim Suenram: Right, we'll be sure that takes place.

Commissioner Mourdock: Are you comfortable with that, Bettye Lou, I mean going forward? I know that is a continuing concern of yours and justifiably because of the way past history has told us those positions are not terminated when the grants run out.

President Jerrel: One department in the county follows the procedure to the letter and that is the Health Department. To the letter, with benefits and everything else. If they hire someone and when the money runs out that is the end of the position, but that is the only department and a number of people have been added through the years because of that.

Tim Suenram: Well, IV-D has been involved in this conversation since we've started this demonstration project application and they're aware of the limits, that it is a grant, so I'm sure that won't come to them as a surprise. I'll be sure to reiterate it.

Commissioner Mourdock: Isn't part of the theory, and I recall this from one of the Welfare to Work planning meetings fairly recently, but wasn't part of the theory here that as these folks came onboard some of the funds that they are otherwise recovering could make these positions self supporting? Wasn't that discussed?

Tim Suenram: That's my understanding. I'm not sure how that works, but apparently the county is allowed to keep a certain portion of the recovered funds.

President Jerrel: The IV-D money, one third of it goes back to the Prosecutor's Office. There is...am I correct, Suzanne?

Suzanne Crouch: Uh-huh.

President Jerrel: But it doesn't reach the level of supporting the new people, but it does help.

Commissioner Mourdock: So with the introductory statement you made regarding taking this back and tweaking it is there anything this Board, in fact, needs to do this evening then if you're going to go ahead and bring those numbers up-to-date?

Tim Suenram: Actually, no. We'll need to come back with a finely tweaked proposal, actually. Actually, this was given to us in its form like this because PIC's contract is through with us June 30th so the committee will take responsibility for doing the tweaking.

Commissioner Mourdock: Okay.

President Jerrel: Thank you very much.

Tim Suenram: Thank you.

Any group or individual wishing to address the Commission
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President Jerrel: The next item on the agenda is anyone that wishes to appear before this group at this time.

John Stoll - County Engineer

President Jerrel: Seeing no one we'll go back up to...have you opened the bids?

Joe Harrison, Jr.: I'm still working on them. I'll just do them during my report.

President Jerrel: Okay, County Engineer.

John Stoll: First I would like to recommend that we accept streets in Phase 1 of Ashwood Subdivision for maintenance. These are Rosewood Avenue, 125 linear feet; Kenmore Drive, 521 linear feet; and Elmrige Drive which is 658 linear feet. These are concrete streets that were constructed in Ashwood Subdivision which is located between Lynch and Bergdolt east of Oak Hill.

Commissioner Mourdock: I'll move approval of the acceptance of the afore named streets.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a right-of-way dedication that was supplied by Lowe's for their west side store. This is for the widening of University Drive associated with their signal installation and road improvements. This needs to be accepted by the Commissioners. There is no line for the Commissioners to accept...sign acknowledging acceptance, but this is just to run it through the meeting and acknowledge we did receive the right-of-way we needed.

Joe Harrison, Jr.: Motion to accept.

Commissioner Mourdock: I'll move we accept the public roadway and utility easement granted to us through Lowe's Home Center as of this document.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got two permits we've got to get signed for the Broadway Avenue Bridge out near Rollett Lane. This is bridge number 272 that we're in the process of getting replaced. I've got an IDEM permit and a Corps of Engineers permit. The Corps of Engineers permit is for placement of fill and the IDEM permit is for water quality certification. It's recommend these both be signed.

Commissioner Mourdock: I'll move signing of the permits as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a request for street plan approval for Virginia Street, the portion that the county's got out for bid as well as a portion of Virginia Street in Cross Pointe Section 5. This will be a three lane cross section road. It's an asphalt street and we've reviewed the plans and recommend that the Commissioners approve them.

Commissioner Mourdock: I'll move approval of the plans for Virginia Street as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got some questions.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: Joe.

Joe Harrison, Jr.: Am I next?

President Jerrel: Yeah.

Joe Harrison, Jr.: Oh, Erik is here, isn't he?

President Jerrel: Oh, Erik.

Commissioner Tuley: Yeah, Erik is here.

Commissioner Mourdock: You're on, Erik.

Erik Bentle: You guys got my weekly work reports.

President Jerrel: Right.

Erik Bentle: And the inventory of the cribs, absentee reports and we've got an accident report. One of the foreman had an accident in one of the trucks and we don't know right now whether it is totaled out or not. The adjuster is going to get back to me on it. He was sitting out on Boonville-New Harmony Road, on the bridge, talking to one of the county engineers and left the truck running and was out of it for about 20 minutes and all of a sudden the truck took off and rolled over in a ditch. You have my report on how I handled it with him and the police officer's report on it.

President Jerrel: Just to comment, Penco will be here I think it's the 12th and 13th...it will be the 13th and 14th.

Erik Bentle: Okay.

President Jerrel: So they'll be out to check on everything that, you know, you said you had everything in order or just about in order.

Erik Bentle: We've got a couple of things left that we've got to do, so it should be done.

President Jerrel: Okay.

Joe Harrison, Jr.: Can I ask one thing? Was it my understanding that the truck when it was inspected in the ditch that it was still in--

Erik Bentle: It was in park.

Joe Harrison, Jr.: It was still in park?

Erik Bentle: Yeah.

Joe Harrison, Jr.: Okay.

Erik Bentle: And I have contacted the Chevrolet dealer to find out if there has been any recall on the transmissions or any problems with them. I've got no response back on it yet.

Joe Harrison, Jr.: Thanks.

Erik Bentle: Anything else?

President Jerrel: Is there a motion to accept?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: Regarding the bids that were opened, it was project VC99-06-03 the frontage road project:

Company name	Amount bid
E & B Paving, Inc. Evansville, IN	\$229,308.06
Gohmann Asphalt & Construction, Inc. Clarksville, IN	\$210,000.00
Koberstein Trucking, Inc. Princeton, IN	\$225,997.45
Naas Brothers Trucking, Inc. Haubstadt, IN	\$247,989.69
J.H. Rudolph & Co., Inc. Evansville, IN	\$233,809.80

I would ask that you take these under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I have.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I don't have anything.

Steve Craig - Burdette Park

President Jerrel: Burdette Park.

Steve Craig: All I have is I want to give you kind of a rundown on what we've been doing. Our chalets have all been rented out. They're full. All the cabins this weekend in the park was rented. The pavilion was rented three days this week. The campground was full, they had no vacancy. The Day Camp is full. They have no

vacancy. We had a 28 team baseball tournament that started Wednesday and ran through Sunday that was played out at Burdette. And the pool was very slow due to the erratic weather.

Commissioner Mourdock: I'm sorry?

Steve Craig: The pool was slow due to the erratic weather.

President Jerrel: We commiserated today on this and don't know what to do about it.

Commissioner Tuley: There ain't much you can do.

President Jerrel: I know it.

Steve Craig: I mean everything that we have is rented. I mean, completely rented. You can't get anything. The Day Camp is full, we're turning people away. As long as the weather is the indicating factor at the pool we're at the mercy--

President Jerrel: Wouldn't it be nice to have a just like get hot tomorrow and stay that way all the way?

Steve Craig: The five day forecast was it was supposed to be 100 by the weekend.

Commissioner Tuley: Yeah, 96 I saw for Friday.

President Jerrel: We'll you'll just have the whole pool full.

Steve Craig: It would be the first forecast they had right this summer!

President Jerrel: Would a doppler help that or not?

Commissioner Mourdock: No, I don't think so.

Steve Craig: Yes!

Commissioner Mourdock: Yeah, the 90 day forecast is for cooler than normal.

Steve Craig: I know, I heard.

President Jerrel: We've got to get all of our business in though by the 10th of August.

Steve Craig: I know because the kids go back to school.

President Jerrel: Is there anything else? Is there a motion to accept the report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much.

Steve Craig: Thank you very much.

Weekly reports

President Jerrel: You have your other reports, so is there a motion to accept them?

Commissioner Mourdock: I'll move acceptance of the additional reports from the Soil & Water Conservation District and the Ozone Officer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under consent items there are no changes. Suzanne is this a late one?

Suzanne Crouch: It made it into the final.

President Jerrel: Oh, okay, so it's in there?

Suzanne Crouch: Yes.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You've got your attached scheduled meetings. Don't forget, we do not have a meeting next Monday night.

Commissioner Mourdock: I doubt that I would have forgotten that.

Commissioner Tuley: Yeah.

Suzanne Crouch: Really, I'm glad you reminded us!

Old business

President Jerrel: Under old business, anything to come up under old business?

Commissioner Tuley: None.

President Jerrel: You're preparing a draft ordinance for us for the SAFE House?

Joe Harrison, Jr.: I've had a conversation with Sheriff Ellsworth and we're going to be talking again hopefully this week or early next week and I'll report back next meeting.

Commissioner Mourdock: At that initial discussion, Joe, was there anything as far as specific items that are of concern that you see where they may be some intense negotiations?

Joe Harrison, Jr.: Um--

Commissioner Mourdock: Maybe intense isn't the right word.

Joe Harrison, Jr.: No, I think I could use some items, some other thoughts that you would like for me to convey to him. I've got thoughts and he has got questions and concerns and thoughts, but I would appreciate some more information so I can provide that to him.

Commissioner Mourdock: Okay, on that subject I had put a memo together to Pat and Bettye Lou and I will also forward a copy. I presume you did not get a copy?

Joe Harrison, Jr.: No.

Commissioner Mourdock: Okay, of things that I feel we need to address with the Sheriff as far as how that needs to be discussed and just some things we can lay out maybe in the contract.

Joe Harrison, Jr.: That's fine.

Commissioner Mourdock: It isn't meant to be all inclusive, but there were--

Commissioner Tuley: Starting.

Commissioner Mourdock: Starting points, yeah. Things that I think we would all like to see dealt with and certainly in addition to that some of the Executive Session items tonight on classifications as to who is doing what I think is pretty important.

Joe Harrison, Jr.: That's fine.

New business

President Jerrel: Okay. Any other new business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:10 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
John Stoll
Jason Guthrie
Tim Raber
Tim Suenram
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
July 12, 1999**

The Vanderburgh County Board of Commissioners met in session this 12th day of July at 5:32 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order and welcome all of you. At this time I would like to introduce to you those people that are before you. On my far right, Tony Greubel is the Superintendent of County Buildings; next to him is Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; on my far left, Charlene Timmons is our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: Thank you very much. The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of the meeting of June 28th.

Commissioner Tuley: I will second.

President Jerrel: And I'll say so ordered.

Public Defender Commission hearing

President Jerrel: Most of you in the room are here for the presentation of the Public Defender Commission so we put that on the top of the list in deference to your not having to sit through the rest of that agenda. At this time I would like to introduce to you Tom Carusillo. He is the attorney with the Public Defender Commission and he has probably done some 51 of these programs, so he is prepared to answer any questions, but first he'll make a presentation to you and I would like for you to welcome Tom. Thank you very much.

Tom Carusillo: Thank you, Mrs. Jerrel. I would like to thank you and your fellow Commissioners for inviting me here this evening and giving me the opportunity to discuss with you and the public here in Vanderburgh County the Public Defense Fund. I work as an attorney for the Indiana Supreme Court. In that capacity I am with the court's division of State Court Administration and am assigned as the Staff Attorney for the Indiana Public Defender Commission. I have held that office since February of 1998. What I would like to do this afternoon is kind of give you an overview of the Fund, how you go about participating in the fund and what it might mean to Vanderburgh County. The Public Defense Fund was created in 1989. At that time the Fund provided for reimbursement only in death penalty cases and at that time the reimbursement was 50 percent of indigent defense services in a death penalty case. In 1993 the Legislature amended that statute and provided for 25 percent reimbursement in all non death penalty cases so long as the counties who were requesting those reimbursements complied with the standards of the Indiana Public Defender Commission. There are two primary standards which affect most

counties in becoming involved with the program and these deal with case loads and compensations for public defenders and I will talk more about those later. In terms of the history of the Public Defense Fund it was last amended in 1997. At that time the Legislature increased the reimbursement from 25 percent to 40 percent in non death penalty cases. Although at that time they did remove misdemeanors from the coverage of the statute. In order to become eligible for reimbursement under the non capital 40 percent reimbursement, a county must comply with the Public Defense Fund statute and the Commission standards. That is not exactly accurate. In writing the statute the Legislature exempted the five largest counties in the state which would include Vanderburgh County from the specifics of the statute although under the Commission's standards for any county to participate, and that would include Vanderburgh County, they have to substantially comply with the requirements of the statute, so for practical purposes the Public Defense Fund statute provides the guidelines for setting up the program here in Vanderburgh County. The first step in establishing compliance and becoming eligible for reimbursement is the passing of an ordinance by the County Commissioners creating a local public defender board. Under the statute the local public defender board would consist of three members. One appointed by the County Commissioners and two members from different political parties appointed by the judges who hear the criminal and juvenile cases in the county. I have available with me today a sample ordinance. If anyone is interested I can give that to you at the end which basically lays out the type of proceedings necessary by the County Commissioners to create the local public defender board. Once the local public defender board is created their task then is to prepare a comprehensive plan that describes how indigent defense services will be delivered in the county and I have sample plans available with me if anyone is interested in looking at the various samples of how the program can work. The statute provides that in order to comply the county must include in its comprehensive plan at least one of three different methods of delivering indigent defense services. These methods are to establish a public defender office, to have a system of contracts with attorneys providing for public defense or having an assigned counsel system which would have the attorneys appointed on a case-by-case basis. The statute and the Commission's standards however are flexible and they allow hybrid systems to be created. I have one county that has a system of contracts and assigned counsels. One for each different court. So the program is designed to be flexible to meet the particular needs of a given county. The plan that is put into place is determined locally by the local board. It is not something that is prescribed by the state in terms of the specifics. The Public Defender Commission is not interested in being involved in the day-to-day running of the public defender's office. The local officials, your County Commissioners, your County Council, your judges and public defenders, they know what will work best for Vanderburgh County. So we have this local board that will be established and you will have the local input in deciding how the particular plan will be put together for your county. The two main issues that I spoke about earlier deal with caseloads and compensation. The Commission has standards governing the maximum caseloads for attorneys and also standards and guidelines for the minimum compensation for public defenders. With regard to the caseloads, the Commission standards basically deal with the number of appointments, new appointments, that an attorney can receive during a 12 month period. The actual caseload that an attorney might have will vary depending on how rapidly they are able to dispose of their cases, so we look at the number of appointments that an attorney receives in a 12 month period. The Commission also has two different standards for determining those caseload situations. These deal with the support staffing that is provided to the attorneys. By support staffing we are talking about investigators, paralegals and secretarial help. If the county chooses to provide no

secretaries, no paralegals, no investigators, the Commission determines that to be an inadequately support staffed office and has a series of caseload figures for the attorneys working under that system. If the county chooses, and it is entirely voluntary, to have an adequately support staffed office which would, based on the number of attorneys and you would have a certain number of paralegals, investigators and secretaries available and a slightly higher number of caseload numbers would be available for the attorneys working under that system. Essentially, however, the standard is really nothing new if you think about it. All the attorneys who are working the public defender system right now are bound by an ethical obligation to maintain their caseloads and workloads at a level that will allow them to adequately handle the cases that are assigned to them. So the standards really do not provide anything more than a number for measuring. It does not change the ethical obligations that an attorney has, so it is entirely possible because of the complexity of a case that an attorney might have that he may be below the maximum caseload standard but still ethically be required not to take on new cases because of the complexity of what he is handling. Generally speaking, in determining the caseloads the Commission has a weighting system for the different levels. A, B and C felonies are weighted at one level. Class D felonies are weighted at another level. Probation violations are weighted at yet another level as well as juvenile delinquency matters. Generally speaking, not taking into account the various weighting that can occur, an attorney who is working full-time can be assigned during the course of a 12 month period no more than 120 felony cases. Again, because of the complexity of the cases assigned it may have to be lower than that in order to maintain their ethical obligation under the Professional Rules of Conduct. In terms of understanding the caseload numbers it is also important to understand how the cases are counted. If you have a defendant that has cases in more than one category, for example a defendant charged with a Class A felony, a Class D felony and maybe say a misdemeanor, that would be counted by the Commission as one Class A felony and will only be counted as one case for determining the number of assignments to that attorney. If you have a defendant who has more than one case in the various courts, if those cases are joined and consolidated for resolution by an attorney, then we will count those as one case for purposes of counting the attorney's caseload. Also, we always look at what the highest charged case...or highest charged count was regardless of plea bargaining. So for example, the Commission, as I mentioned earlier, is not able at this time to reimburse for misdemeanors. If you have an individual who is charged with a Class D felony who later pleads down to a Class A misdemeanor we still will count that as a Class D felony for purposes of the Commission standards and allow reimbursement for that case. So the caseloads are a matter that is important to the Commission in order to insure that the attorneys are able to adequately handle the cases that are provided to them. We are attempting to establish by these standards a system where we are able to maintain and improve the quality of services provided to the indigent defendants. The other area that I had spoke about earlier was minimum compensation. The Commission has standards that provide minimum compensation for public defenders. The Commission standards specifically provide that the public defender shall be paid substantially comparable to similar, and the key word is similar, positions in the prosecuting attorney's office. What we have found in our trips across the state, and I have been to about 50 different counties...or rather 30 different counties 50 different times because I've had to go back to some counties on several occasions, that there often are not similar positions between the prosecuting attorney's office and the public defender's office, so it is not always possible to say that this public defender relates to this prosecutor and therefore their salaries must be the same. Therefore, the Commission has a guideline that it has established requiring that a full-time public defender be paid not less than \$40,100

per year. In addition to the reimbursement of salary, the Commission guidelines also provide for the payment of reasonable office expenses if you're under a contract system. If the county would choose to use attorneys on a case-by-case assignment system the minimum hourly rate required by the Commission is \$60 per hour. From the county's point of view paying \$60 per hour is equivalent after reimbursement to paying \$36 per hour so in most counties that results in a savings. My survey across the state shows that most public defenders who are on an hourly basis are being paid somewhere between \$40 and \$60 an hour. If you pay the \$60 an hour under the Commission standards you'll end up below the \$40 an hour figure that most counties are paying. In terms of what this is all about, I touched on that briefly. The goal of these standards is to make sure that there is adequate representation provided to indigent defendants, to allow counties to maintain the systems that they do have and to help provide funds for the improvement of those systems. I think I can be fairly safe in saying that we all have a stake in the criminal justice system and I think I also can be fairly safe in saying that everyone in this room would not want someone who is innocent of a crime to be wrongfully charged and convicted. There is something about the fundamental fairness that rests in the country. We don't want to convict innocent people. By the same token, we want the rights of victims to be protected and we also want those who are guilty of crimes to be punished. Deserved punishment, however, should not depend upon the wealth of the defendant therefore public defenders are an important part of the criminal justice system as it is their job not only to see to it that innocent people are not convicted, but it is also their job to see that guilty people who are indigent are fairly punished for the crimes that they have committed. Our system of criminal justice as an adversarial system and as such it has a system of checks and balances that have to exist. For the system to function well all the components of the system have to function efficiently. The police, the prosecutor, the judges and the public defenders and other defense attorneys have to function efficiently in order for the system to work and this program is designed to help counties who are now bearing all the cost of indigent defense services by providing them with some funds so that they can relieve themselves of some of that burden, allow the system to be maintained and in essence be able to grow through the funds that are made available from the state. Currently there are 20 counties that are eligible to receive reimbursement under the 40 percent reimbursement. That is up from ten counties in February of 1998 when I started with the Public Defender Commission. For anyone who is interested I have a summary of the expenses and reimbursements to those counties. I also have included in there the expenses that I was able to gather for Vanderburgh County so that you can compare the information between other counties. In terms of size, the most comparable county to Vanderburgh County would be Madison County. They have been involved in the program for just under a year. Their reimbursements for the last fiscal year ran at just over \$400,000. We anticipate that we will have three new counties joining the program on September 1st. Hancock County, Martin County and Vigo County have indicated they will be submitting comprehensive plans for review by the Commission at that time. I have also talked with the local board in Knox County and they anticipate that they may have something for the Commission to review before the end of this year and I anticipate that it is entirely likely that by the end of next year we may be over 30 counties participating in this program. To give you some idea of what the program meant this year in the non death penalty cases for the fiscal year that just ended June 30th, 17 counties received reimbursements totaling in excess of \$2.1 million from the state. We also paid out reimbursements in death penalty cases. Those went to 11 counties covering 27 death penalty cases and they received over \$520,000 in reimbursements from the state. As a side note between 1991 and 1997 Vanderburgh County received over \$90,000 from the state in reimbursements for capital cases that occurred here. As

I say, I've done this presentation throughout the state. I've talked to judges, public defenders, County Commissioners, County Councilors and there is a diverse attitude across the state about the program and its pros and cons. Generally speaking I think that you'll find that it is a program that can be beneficial to you. One thing that I have found in talking to a number of judges is that they're very much in favor of the program simply from the point of view they don't want to be involved in hiring public defenders. They see that as having an appearance of impropriety for the judge to be involved in the hiring process so this program provides an opportunity for the judges to step back from that obligation that they may have now and are able to put a buffer between them and the hiring process. In terms of what the program may mean to Vanderburgh County, well, it kind of depends. Getting good data that everyone can agree on is sometimes difficult. I have been fortunate to get some information from the judges in terms of estimates of caseloads. The County Auditor and Commissioners have provided me some information on budgets and I have used some data that I have gathered from throughout the state in order to do some analysis of general statewide trends and apply those to the county. What I have basically found is that the county spends for its public defenders including salaries, benefits, miscellaneous expenses, but excluding the attorneys that are designated and I understand there are three of them designated for misdemeanor cases, excluding those numbers, that the county spends roughly \$675,000 a year on public defender expenses and salaries. If the county were to choose a contract system in a context of an inadequately support staffed office or system rather which by the way is used by a majority of the small counties do operate on a contract system, you would have to have according to the Commission's guidelines just over 12 full-time equivalent attorneys in order to hand the caseload. That caseload number is based on an estimate that I have put together. The actual number may vary. Twelve full-time equivalents does not mean that you have to have 12 full-time attorneys. It means you have to have the equivalent of 12 full-time attorneys. You may have 24 half-time attorneys. You may have it divided by thirds, the three quarters, however you choose to divide it just so long as the equivalency comes up to about 12 and a quarter. In looking at the salaries for the attorneys currently working the public defender office and comparing that to the Commission's standards the county currently has the equivalent of eight full-time public defenders on its staff. So in order to meet the Commission's requirement of about 12 and a quarter under a contract system I estimate that the county would probably have to spend an additional \$200,000 a year in salary and benefits to fill the standards required by the Commission. However, by making that additional spending, though your gross spending goes up your net spending goes down after reimbursement. Based on those numbers the projected reduction in spending would be over \$150,000 a year that the county would save over what it is spending now. So instead of having \$675,000 out of pocket you be down at \$525,000 out of pocket under these projections. Now another option available to the county would be to set up a public defender office. Again, an inadequately staffed office would require the same number of attorneys, however if you chose to set up a public defender office the Commission would require the appointment of a chief public defender. The chief public defender would be responsible for a half time caseload and also half time administrative duties in the office. The chief public defender would be paid a salary which would be comparable to the elected prosecutor which the Commission has determined to be not less than 90 percent of the salary obtained by the elected prosecutor. Again, that would result in an increase in the gross spending that the county would have. The gross spending under that scenario would be about \$275,000 more than you're spending now. However, after you receive your reimbursements from the state your gross...or your net spending rather would be decreased by over \$100,000 a year, so the county again would save money above

and beyond what it is currently spending. I also did an analysis based on a public defender office with adequate support staff. With adequate support staffing you would have to add the equivalent of two full-time secretaries, two full-time investigators and two and a quarter full-time paralegals in order to meet the Commission's standards for an adequately support staffed office. That would then because of the adequate support staffing only necessitate nine full-time equivalent attorney positions in order to cover the caseload in the felony courts. The caseloads are increased for the attorneys because they have support staffing then to assist them in handling their cases. Your gross spending again would go up this time by about \$300,000 but you still will have a net savings to the county under that system of almost \$90,000 a year. Just to get some idea of the importance of and the benefit to the county of the reimbursement program I then did a brief analysis looking at a hypothetical situation where for some reason in addition to setting up a fully staffed or rather adequately staffed public defender office with a full-time public defender serving as the chief we also for some reason spent an additional \$150,000 a year above and beyond that. I just threw the number in there. The reason I threw that in there is because even with that additional spending the county would still be spending less after reimbursement than they are spending now. So the program does provide a great deal of benefit to the county not only fiscally but also in terms of providing a system for its public defenders where they have manageable caseloads and adequate compensation for the work that they do. Even if the county would not save money by participating in the program I would still recommend it to you. The reason for that is Vermillion County. For those of you that are not familiar Vermillion County is currently involved in the Orville Lynn Majors case. That is the nurse who is accused with killing seven of his patients. Those counts were filed as non death penalty cases so they're not eligible for death penalty reimbursement. However, Vermillion County is participating in this program so they will receive 40 percent reimbursement for every penny they spend on indigent defense services in that case. The last number I read in the newspaper was that they were estimating on spending at least \$600,000 on the defense of that case. So basically that one case is going to take almost the entire budget of Vanderburgh County for one year. They're going to get \$240,000 of that back if they in fact spend that amount. There are not many counties that could stand a hit of \$600,000. I doubt that Vanderburgh County could either. This program at least provides a little bit of insurance by complying with the standards and controlling the caseloads and compensation of attorneys the county can at least know that the state will be there to help in case there is a catastrophic type of defense case required here in the county. In terms of any other reference that I can give you as to the benefit of this program I guess my best reference would be a former Vanderburgh County judge. Chief Justice Randall Shepard in his State of the Judiciary Address to the Legislature this past February noted this program is one of the key accomplishments that has occurred in the last year. He noted the importance of this program to providing adequate defense throughout the state and indicated that he supports this program and the benefits that it can provide. The program is one that is growing throughout the state. As I indicated I anticipate that it will continue to grow with up to 30 counties participating by the end of next year. The key thing from your point of view is what do you folks want to do because the decisions will be made by the people here in Vanderburgh County. Your County Commissioners, your County Council, your judges and your public defenders will decide if the program works for you and how it will work for you. All we will do is review to make sure that you're within the general guidelines that are established and then the program runs from there. Basically, the Public Defender Commission meets on a quarterly basis. Some counties submit claims quarterly. Some every six months. I have some counties that only submit once a year. Once we get the reimbursement request from the

county it is processed. Usually I tell counties that the turnaround time for reimbursement is between four to six weeks after the Commission's meeting. At the last Commission meeting I am happy to say we had reimbursement checks out in two weeks. It just depends on whether or not I can find everyone who has to sign off, but if I can catch them all we can get it accomplished fairly quickly. The funds that come back to the county come back to your general fund. I hope that they use them for public defense purposes but they are not required to. However, if they want to continue to receive reimbursements they are going to have to continue to meet the funding requirements in terms of caseloads and the attorneys that might require and their compensation. I think that this is a program that can be beneficial to the county, but you are the only ones that can make that determination. At this time what I would like to do is I could talk probably for another hour about the program, but I probably wouldn't answer all your questions, so if there are questions I would like to entertain those at this time so we can get some direct input.

President Jerrel: May I just before we start the questioning, because we are a body and this is a public meeting we do need to have your name and I would ask that you just come up to the microphone so that we can get you on tape. Okay.

David Kiely: David Kiely, magistrate in Circuit Court. If I heard you correctly, you based and you gave figures on how much we would be saving and you based that upon eight full-time attorneys...full-time public defenders currently in Vanderburgh County?

Tom Carusillo: The full-time equivalent of eight.

David Kiely: And that would be at 120 caseload maximum, is that correct?

Tom Carusillo: The caseload maximum would be based on...I don't know what the actual caseload is. I have an estimate from one judge of 120 and another judge of 100 so we were using that for general ballpark, right.

David Kiely: And when you have your 120 maximum caseload is that based on 120 D felonies?

Tom Carusillo: No, that is based on 120 total felonies, A, B, C and D felonies.

David Kiely: And the breakdown of the total A's as opposed to B's does not matter on that?

Tom Carusillo: The Commission has a set of standards that provide a specific breakdown for D felonies. They also have a category for all felonies. You can potentially get a larger caseload if the breakdown of A, B, C and D fall in a particular pattern. However, for the purpose of analysis I used the all category as the most conservative method of analyzing the number of cases that would be distributed.

David Kiely: Okay, so a 120 would be the maximum that an attorney would have?

Tom Carusillo: The number of assignments in a given year, that's correct.

David Kiely: In Circuit Court last year we had five full-time public defenders who averaged over 126 cases.

Tom Carusillo: As I indicated to you my calculations of full-time equivalency was

based upon compliance with Commission standards. According to the salary information I had none of the attorneys were being paid at a level that would match a full-time equivalent under the Commission's standards.

David Kiely: Full-time based on salary or caseload?

Tom Carusillo: Caseload...salary, excuse me. Every public defender that salary I was given was being paid under \$40,000 a year.

David Kiely: Exactly. Now on their caseload they are over the standard.

Tom Carusillo: Correct.

David Kiely: So we would have to have additional public defenders in order to receive funds from the state at 40 percent?

Tom Carusillo: That's correct.

David Kiely: Okay, and if I am correct Superior Court also has five public defenders at this time and their caseload if not at 120 or approximately 115. That's not including juvenile. That's ten public defenders there. If you use our excess, what they're below, that's ten public defenders that we have now and you've based your figures on eight, is that correct?

Tom Carusillo: Full-time equivalency is what I am talking about not the number of public defenders.

David Kiely: Okay, but we have ten now that are over that full-time equivalent.

Tom Carusillo: I understand that.

David Kiely: We also have special public defenders who aren't figured in.

Tom Carusillo: Special public defenders, in doing the calculations there was a figure in the budget for pauper expenses which I assume included additional attorneys in order to cover the caseload conflicts or other situations.

David Kiely: We also have in our figures we did not include revocation where attorneys were appointed and I assume they're figured in the caseload study?

Tom Carusillo: Well, unfortunately Vanderburgh County does not report their indigent appointments to the State Court Administrator's Office so as a result the numbers that I am basing it on are the estimates given to me by the judges here and statewide averages that I have been able to gather throughout the state. If I had better numbers from Vanderburgh County I would be able to give you a more precise figure, but unfortunately I don't have them.

David Kiely: What I am getting at is if you look at our caseload in Circuit Court where we have the numbers if you do want to figure it on the 120 I mean we're looking at approximately 13.4 attorneys.

Tom Carusillo: If those are all indigent appointments that you're making. The other thing that...revocations are not counted as a felony.

David Kiely: Yeah, I'm not counting revocations. I'm talking about felony appointments in our court is near 800.

Tom Carusillo: We would have to make sure we are counting them correctly. Multiple offenses...multiple counts are only counted once. Other than that, again, if I had the numbers from the court, and I do not have them from Circuit Court either, none of the Vanderburgh courts reported their indigent appointments to the State Court Administrator's Office. If I had those you would have a better figure as to the number of attorneys it would take. However, regardless of the number you would be in a position where you can receive reimbursement for the additional staff and as I indicated even increasing your spending by over \$400,000 and still save the county money over what it is spending now.

David Kiely: Provided you keep the top figure flowing.

Tom Carusillo: You would be able to keep your figure depending upon the number of cases that are filed and your use of case assignments, that is correct.

David Kiely: Let me ask you this, and you may not know this, what are you suggesting that the public defenders be paid on a 120 caseload?

Tom Carusillo: Public defenders should be paid--

David Kiely: As a yearly salary.

Tom Carusillo: The minimum salary required by the Public Defender Commission for a full-time attorney is \$40,100 a year.

David Kiely: Is that what is suggested? Is that what you're recommending?

Tom Carusillo: That's the minimum.

David Kiely: The minimum.

Tom Carusillo: If you pay lower than that they will not qualify as a full-time attorney.

David Kiely: That's all the questions that I have.

Commissioner Mourdock: If I may follow-up to Mr. Kiely's question there just so that I understand the rate of pay for the public defenders is in fact the rate typically based on some sliding scale based on the number of cases that they are handling? I'm hearing 125 is the maximum, but I'm also hearing the payment number is a minimum.

Tom Carusillo: Correct. That is left to the county to decide. The county will have some feel for how many cases their public defenders are going to handle and will determine what they feel is an appropriate number to compensate those attorneys. The only Commission standard is it can't go below this number for a full-time position.

Commissioner Mourdock: So conceivably...for the sake of argument, conceivably a public defender could have ten cases and receive \$40,000 a year?

Tom Carusillo: Conceivably, if you were to set up a program that permitted that, but

most counties the way they set up their program is to divide the cases amongst the available public defenders. I have a county right now that did not do a good job of keeping track of what cases were being assigned to what attorneys and as a result one attorney was over the caseload number and one was over...rather one under and one over. They had to redistribute in order to equalize that. In terms of the compensation level in order to make the program work the public defenders are going to have to be in a situation where they are carrying a caseload commensurate with the salary that they're receiving, so if you have someone who is being paid a full-time salary but only handling ten cases, unless they are extremely complex cases, that means you're going to have somebody else in the system who is carrying cases or additional attorneys that you're going to have to hire to make up for those additional cases that he is not carrying.

Allan Loosemore: Sir, my name is Allan Loosemore. I'm a public defender in Superior Court. When you use the term full-time are you talking about a full-time employee or can you have a private practice and do 120 cases and be a full-time public defender?

Tom Carusillo: When the Commission talks about full-time we mean full-time, so if you are a full-time handling 120 caseload you should have no private practice.

Allan Loosemore: You have no private practice and you handle 120 so that makes you full-time, so you have no...you're not allowed to have a private practice, is that correct?

Tom Carusillo: That's correct.

Allan Loosemore: And you're recommending that they pay \$40,100 a year for full-time attorneys with no side practice?

Tom Carusillo: No, I am saying that is the minimum that is acceptable to the Commission.

Allan Loosemore: But \$40,100 is the minimum acceptable to the Commission. What year...what is the average number of years of experience do you get for \$40,100 a year?

Tom Carusillo: You're probably looking at a fresh law student or someone with very limited experience.

Allan Loosemore: I think I am probably the youngest other than Tom Montgomery. I've got 15 years experience. Everybody on our staff has more experience than I do. I've got the least number of years excluding Tom Montgomery and I've got 17 years of experience. What are you going to have to pay somebody with 17 years of experience and over 200 jury trials?

Tom Carusillo: That's something that you would negotiate with the county to make a determination of what they're willing to pay. The Commission does not get involved in that.

Commissioner Mourdock: If I may let me try to ask that question a different way because I think that's a key point. You're saying the minimum...I don't mean to short-circuit your question, Mr. Loosemore, you're free to come back here. How do most counties go about setting the rate? I understand that is again the Commission

minimum, but how do most counties go about setting the number that they use based on the years of experience that the attorneys bring into this?

Tom Carusillo: Most counties...that is an internal decision based in the local community. The Public Defender Commission does not get involved in those questions at all.

Commissioner Mourdock: But what is your observation, how has it been done?

Tom Carusillo: In most...well, quite frankly, in most counties the public defenders are paid less than they are paid in Vanderburgh County. I have some counties that have people that have as much experience as the gentleman here who are getting paid in the neighborhood of \$30,000 a year but they are not considered full-time.

Commissioner Mourdock: Then how can they be paid less than the minimum?

Tom Carusillo: They are not considered full-time.

Commissioner Mourdock: Ah.

Tom Carusillo: That may be one thing that needs to be made clear. You can make less than \$40,000 a year, but you will not be considered full-time, you cannot carry what we consider a full-time caseload and you can still have a private practice to have other income. It's a question of whether or not you want to be full-time or not.

Commissioner Mourdock: And that is what you previously termed the contract basis?

Tom Carusillo: Correct.

Allan Loosemore: I just have one other question. Assuming that you're a part-time public defender and you're carrying as I read your charts a maximum of 60 felonies.

Tom Carusillo: It depends again on the nature of the felonies.

Allan Loosemore: Say it's all D felonies. Let's assume all D felonies. Every one I get is a D felony, just assuming that, that's not true, but we're just assuming that. Let's just assume it's going to be 60, is that right?

Tom Carusillo: Correct.

Allan Loosemore: Now a D felony if I go to an initial hearing and I spend an hour at the initial hearing and then I go to a pretrial conference with the prosecutor and the judge and I spend another hour and then I go see my client in jail and I spend another hour and then I just run a regular case right through the court system, the guy is guilty and he is going to plead guilty and he is going to accept the prosecutor's first offer out of the box and I've got six hours in the case.

Tom Carusillo: Okay.

Allan Loosemore: So I bill the county on a contract basis \$60 an hour, is that correct?

Tom Carusillo: Correct.

Allan Loosemore: So 360 time \$60 by my math is \$21,600.

Tom Carusillo: Okay.

Allan Loosemore: Okay, is that correct?

Tom Carusillo: That's correct.

Allan Loosemore: Your guidelines would say they would have to pay me for the part-time contract. Sounds like a pretty good deal.

President Jerrel: Yes, sir.

Maurice O'Connor: I'm Maurice O'Connor. I'm a judge in Superior Court. Our Superior Court is a unique creature. It's a unified court with a number of divisions which the judges rotate through. Our first question is would the standards which are set up in the handout apply to all the divisions in Superior Court if the county accepted this plan?

Tom Carusillo: Yes, if the county created a comprehensive plan it would have to be for all the divisions of the court.

Maurice O'Connor: Now, we have Misdemeanor Division, which handles misdemeanor, traffic and infractions. I think we talked to the defendants...the public defenders the other day and I think you all estimated about 900 cases a piece last year in '98, is that right, Ron?

(Inaudible answer from the audience.)

Maurice O'Connor: So that's 900 cases and there is 1,800 cases a year. We only had two public defenders last year. We just now got a third one for there so their caseload is going to drop to 600 cases a year. Now if I look at Table 1 on the handout it says if they are under that category, it said on Table 1, and they're handling misdemeanors only they can handle 150 cases per lawyer.

Tom Carusillo: Correct.

Maurice O'Connor: Okay, that means we would need nine additional public defenders in--

Tom Carusillo: No, actually it doesn't. Since misdemeanors are not reimbursable under the statute we allow the creation of a hybrid system in which you can have separate contracts with the misdemeanor attorneys that would be outside the public defender reimbursement program thereby allowing you to have a contract with those attorneys to handle just the misdemeanors. Clark County, I believe, is doing that right now.

Maurice O'Connor: So your estimate of cost savings is based only upon felony cases?

Tom Carusillo: That's correct.

Maurice O'Connor: It does not consider, for example, juvenile? We would need another four in juvenile.

Tom Carusillo: Well, juvenile delinquency was included in the calculations that I did. Juvenile delinquency is eligible for reimbursement. The CHINS cases and juvenile status matters are not eligible for reimbursement.

Maurice O'Connor: What about the petitions to revoke, petitions to modify and the petitions for post conviction relief? Are those reimbursable?

Tom Carusillo: Those fall under the other category that was contained in the Commission standards.

Maurice O'Connor: Well, in felony cases right now under our estimates I believe that our current public defenders are carrying...they are all part-time and carrying 120 cases. About an average of 120 cases per public defender, so that means we would need five new public defenders, correct? Because they can only handle 60 non capital murders and all felonies.

Tom Carusillo: If...it depends on what level they are being compensated at. If they are being compensated and the county chooses to treat them as half-time public defenders you are correct. If because of their level of compensation the county chooses to treat them as say 75 percent of a full-time position then they could carry a caseload higher than 60.

Maurice O'Connor: So these standards are flexible?

Tom Carusillo: Yes, they are.

Maurice O'Connor: Alright, in addition, and this is just an estimate and it's my estimate so it is suspect, I guess, I would say there are 70 percent of the cases have the petition to revoke, the petition to modify or post conviction relief. It's probably even higher. It's probably 80 to 90 percent of the cases. So that means we would probably need three additional public defenders just to handle those and you're saying that is a reimbursable?

Tom Carusillo: Those are reimbursable. If your estimate is accurate then you need the additional staff and based on what I have heard from the public defenders you probably need the additional staff in order to be able to handle that many cases.

Maurice O'Connor: I don't want to put you on the defensive, but in reading this matter I note that there is continuous expression about concern for the adequacy of the representation of indigent defendants.

Tom Carusillo: Correct.

Maurice O'Connor: And that is well and good. My question is how can we have adequate representation in felonies, but not in juvenile delinquency and not in--

Tom Carusillo: Juvenile delinquency is covered under the standards and you would have the attorneys meeting the caseloads there. In misdemeanors you would not and that is simply a matter of the Legislature chose to exclude misdemeanors from the reimbursement program. I don't agree with that decision, but the Commission has no jurisdiction over how you handle your misdemeanor cases. If you chose to handle them on a separate basis then that is up to the county, still within the attorney's ethical obligation and the court's discretion regarding the appointment of counsel as to how those are handled. Now some counties they do have their

attorneys handle misdemeanor cases along with their felonies and we do take those into account in counting their caseloads but they are able to manage those in order to not exceed the caseload limits.

Maurice O'Connor: Do you think Vanderburgh is getting a bargain with its public defenders?

Tom Carusillo: I think that from what I've heard they have a very good staff of public defenders who probably are worked very hard.

Maurice O'Connor: We have one of the fastest case disposals in the state.

Tom Carusillo: That's good.

Maurice O'Connor: I'm going to leave you with that.

Tom Carusillo: Thank you.

President Jerrel: No other question?

David Kiely: One other question. It's concerning the--

President Jerrel: David, do you mind, please?

David Kiely: It's concerning the election of the three member panel, is that correct?

Tom Carusillo: Yes.

David Kiely: And I understand that one of them has to be a Democrat and one of them has to be a Republican. You understand our judges are not partisan raced?

Tom Carusillo: Correct.

David Kiely: So you're trying to...and then the other one I assume would be appointed by the Commissioners?

Tom Carusillo: Correct.

David Kiely: Which would be the majority party more than likely, with all due respect. It seems to me you're wanting to bring politics into our judicial system which I really don't think we need.

Tom Carusillo: Well, the situation hasn't been addressed specifically by the Commission. Since you are exempt from the statute you only have to substantially comply in order to meet the Commission's standards. Generally, everyone is required to have one from each party. Whether or not they would permit the judges just to nominate two people I don't know because again that statutory requirement doesn't apply to Vanderburgh.

Phil Hoy: I'm Phil Hoy. I'm County Councilman. To respond to the remark that was just made about politics I have written at least three letters of recommendation for people seeking judgeships here and in all three letters they asked me to mention their political party. In that case I wouldn't want to do a survey of how many Democrats...and I am Democrat now.

Commissioner Tuley: Now?

Phil Hoy: I was a Republican. Everybody in the room knows that and I am suspect because I am probably an independent, you understand, but on every letter they said it's important that the party be noted because after all the Governor is a Democrat, so I really think that is a fallacious argument. That's a statement instead of a question. My question is we have a very conservative Legislature. It's hard for me to believe that they passed this without giving consideration to the fact that low income people are not as well represented as they should be and I am wondering what your response is to that.

Tom Carusillo: One of the driving forces behind the passing of the legislation was that there were problems in certain counties with public defender systems. They were concerned that indigent people were not receiving adequate representation. There was also a concern that the expenses for providing representation were growing year by year and it was being entirely borne by the counties. The statutes that are being enforced here are state statutes and therefore it only seems proper that the state ought to bear part of that burden. The state currently pays, I think, in excess of \$13 million a year for the prosecutor and his chief deputies salary. They pay in excess of \$30 million a year for the judges that operate the courts so it only seemed fair that they also provide something to the other part of the judicial system that deals with criminal cases by providing some help to the counties in dealing with the indigent defense costs. The Legislature is very conservative. When this statute was brought before the Legislature to increase the reimbursement from 25 to 40 percent they were advised that the cost for having all 92 counties participating in the program would be somewhere between \$8 and \$10 million dollars so this is not a program that has just been brought up and no one has planned ahead as to what is going to happen. The Legislature was advised that as the number of counties participating increased we would be back asking for additional funding in order to cover those counties. The Commission's funding is non reverting which means if we do not spend our funds in a given year it does not go back to the General Fund, it remains with the Public Defender Commission for use in other years. As a matter of fact, we currently have approximately \$2.7 million in the Commission's account from funds that were not spent in previous years. We will be receiving, or did receive on July 1st, our appropriation for this next fiscal year which is \$2.4 million so we have over \$4 million for this current fiscal year. We spent roughly \$2.7 last year and with the increase in counties over the next year I anticipate we'll come close to spending about \$3.5 million this next fiscal year, so the funding is there. I think that the Legislature has recognized the need to make sure that the indigents do receive adequate compensation. In most counties it requires very little in terms of change. Most counties have good public defenders, public defenders who work hard, but they're public defenders with a little bit of help can do their job even better because they wouldn't have to deal with the large number of caseloads that often public defenders have to contend with.

Phil Hoy: I have another question. You've listed for us several counties here. They do not include some of the counties with the larger populations such as Allen, Lake, Marion and St. Joe. Are those four counties also considering this or have they joined this program?

Tom Carusillo: I'm trying to see what we have here.

President Jerrel: That may be an old one.

Tom Carusillo: No, that's--

Phil Hoy: Clark, Floyd, Madison, Marion, Montgomery.

Tom Carusillo: That was an analysis where I just picked some counties at random. Marion County is involved with the program and has been involved in the program since its inception. They currently are working on complying with all the standards. They were allowed to phase in their compliance over a period of time. All their courts excluding their D felony and misdemeanor courts are currently in compliance. Lake County does have a public defender board in place. I spoke to them about two months ago about their comprehensive plan and they are in the process of drafting their comprehensive plan. Allen County I have spoken to the officials there. They have not expressed an interest at this time in participating. I have spoke with officials in St. Joe County who have not responded with any interest in participating.

Phil Hoy: Terre Haute would be--

Tom Carusillo: Vigo County is one of the counties that is supposed to submit a plan for the September 1st meeting of the Commission and I am fairly confident that they will since I am writing it for them and should have it done this week!

Phil Hoy: One more. How about Elkhart County because their population is somewhat similar to ours?

Tom Carusillo: Elkhart County is where I am originally from and though I have talked to the judges there and to the chief public defender at this time they have not taken any steps towards participating in the program.

David Shaw: I'm David Shaw, and I'm a Superior Court public defender. Under the standards for indigent defense services adopted by the Commission it says that the caseload limitations were recommendations and the way you described them they are requirements. As a practical matter are they requirements?

Tom Carusillo: If you have a 121 felonies you're not going to lose your reimbursement. If you have 122 felonies you're not going to lose your reimbursement. It's a general number. We try to keep within a couple of percentage points of that though however. Generally, the counties that report quarterly I provide them with a chart that is on a computer disk that will automatically...they fill in the numbers of the different cases that the attorney has and it will calculate the caseload for that quarter. If an attorney has a situation where for a particular quarter where it looks like if he maintained that for the course of the year he would go over they are alerted to that so they can make adjustments to their case assignments. So if they are reporting quarterly we try to keep track of that so it is not a sudden thing at the end of the year where we discover, oops, we've got too many cases.

David Shaw: Well, my question is if Vanderburgh County were to adopt a standard that instead of 120 cases a full-time public defender, we don't have any full-time public defenders, but if we had one it could handle 180. Would the Commission say that's not proper?

Tom Carusillo: (Inaudible.)

David Shaw: If the local commission in Vanderburgh County--

Tom Carusillo: No, you would not. Those standards are basically the maximum caseload standards. Variance from them is permitted, but not that type of variance.

David Shaw: Okay, that was my question. You also said that for a full-time employee, public defender, the minimums would be \$40,500. Would fringe benefits come on top of that or is that included in the \$40,000 figure?

Tom Carusillo: Fringe benefits would be on top of that. That's a salary figure only.

David Shaw: Now in Vanderburgh County by local rule discovery or normal discovery is the prosecutor's order to make a copy of the police file and provide that to the defense attorney. Is that common in other counties?

Tom Carusillo: In other counties I am not sure how they proceed. In most counties that I do know about there is some sort of agreement from the prosecutor to the public defender on exchanging the files. I know that when I was a public defender in Elkhart County that was generally...I would just send my secretary over to the prosecutor's office and she would bring the file back, copy it and return it to the prosecutor.

David Shaw: Thank you.

Phil Hoy: I have another question.

President Jerrel: Uh-huh.

Phil Hoy: Regarding the salary, the salary does not include fringe benefits. The attorney also then would not be responsible for support staff, office supplies, rent and things like that, is that correct?

Tom Carusillo: Right.

Phil Hoy: So--

Tom Carusillo: Either...if you want to be in an adequately staffed situation those would be matters that would be supplied by the county. If you chose to be inadequately support staffed then they're just not provided. The Commission standards do provide however that an attorney can be reimbursed for reasonable office expenses. Now in a lot of counties the attorneys do not make that request. In some counties they do and you will reimburse them if the county pays them for their reasonable office expenses. Marion County does have an office, but they also pay rent and we reimburse them for the rent that they pay.

Phil Hoy: So the minimum is actually the money that person would walk out with a paycheck minus their taxes?

Tom Carusillo: Correct. Assuming that they did ask to be reimbursed for their expenses. I might add in terms of reimbursement we're not talking just about salary. We're talking about salaries, depositions, transcripts, investigators and any other costs that are associated with the defense of a case are reimbursable by the Commission, so it's just simply not a matter of looking at the salary numbers. It includes...fringe benefits are reimbursable. PERF is reimbursable. Anything that the county has to pay to provide the indigent defense service would be eligible for reimbursement.

President Jerrel: I have a question that just came from that discussion. Maybe one of the judges can answer this. Do you reimburse your public defenders for their secretarial and other expenses they may have in connection with the court that come from their own office? Okay, Doug, do you know?

Unidentified: We get \$100 a month.

President Jerrel: You get \$100 a month?

Unidentified: A flat \$100 a month to cover maintenance of the office, secretaries, supplies, phone calls, everything.

President Jerrel: Okay, do you do anything in Superior...I mean in Circuit Court?

David Kiely: I'm not privy to that information.

President Jerrel: Is there a Circuit Court public defender here? Do you receive anything besides your salary for office expenses or anything?

Unidentified: No.

Unidentified: There are some situations where you can request that.

President Jerrel: Uh-huh.

Unidentified: (Inaudible) some situations where they allow it.

President Jerrel: Allow it, uh-huh.

Unidentified: (Inaudible) they allow you your expenses.

President Jerrel: So the court provides you with all the secretarial help you need and investigators?

(Several responded no.)

Unidentified: I'm talking about copies and perhaps postage.

President Jerrel: Okay, alright. Yes.

Curt Wortman: My name is Curt Wortman, County Councilman. I was wondering is there any provisions made for space in the Civic Center or the courts for this staff and all?

President Jerrel: Again, and I am repeating what Tom has described, there are all sorts of combinations of these plans that he has described to you and some are the actual office space for which rent would be reimbursed or there are hybrid forms of providing services or paying for services under a contract basis. There is a variety of ways and I think I want to say this and I hope that those of you in the room that it affects will understand that I am genuinely sincere about this. The issue of public defense has been on the calendar for a long time. It's a discussion item that has been going on for six years and I've tried to provide information to the chief judge in Superior and the Circuit Court judge when I would get agendas and different information and we have had people down here before. We've never had a public

setting like this and I want to thank all of you for coming because I think this is what good government is about is to discuss these things in a public setting with the individuals that do make the decisions. I sense what is not being said that some public defenders think there is an ulterior motive from the Commission because we're having this meeting and that is not true. We don't have a desire to pick public defenders. That's not our role. Our role is to look at the feasibility of the process to see that we maintain a good judicial system and fund it properly and this is an opportunity that has been on the books for a long time to receive reimbursement. We don't have to be reimbursed. We don't have to do any of that. Tonight we could just say thank you very much, glad you could come down and we just won't think about it any more. Or we could ask our counsel to prepare an ordinance for public hearing which is another way of opening this up to the public. At the end of that process if we choose to pass the ordinance it could then go to the courts for their appointment. If you choose not to participate and not to appoint two people there would be no Public Defender Commission. It would be totally up to the judges. The Commissioners could opt to do the ordinance and you could say, no, we don't care to do anything else and that would be the end of it, but it would be your option to make that decision. If we're looking at it maybe the Commissioner and the Council look at things a little bit different, maybe we don't. I've learned a lot with the Public Defender Commission. It has been very interesting to study plans from all over the state and the reason this meeting was called is because there has been, you know, a critical mass occurs and the critical mass is that the larger counties are now coming onboard and I look at all the reimbursements that they're getting and we're not getting any. I think it's time that we take a look at this just from the practical side of it for our public defenders and for our courts and for our budget. Please, anybody else? Do we have any questions? Yes, sir.

Jeff Tornatta: For the record my name is Jeff Tornatta and I'm a Superior Court judge. I know from my discussions with everyone involved in the criminal justice system here locally that the feeling is the expenses, if you take the state and county together will certainly go up and we do acknowledge that. I suspect that they will also go up for the county. The judges that have spoken tonight and the public defenders clearly now our public defenders have too many cases for a public defender. I suspect...I don't suspect, I think it's for certain that they are eating a lot of administrative expenses. Money is important. Everyone here is a taxpayer, but obviously and I think you touched on this the most important thing is how do we get the best defense for the lowest cost not only for the county but the state. What has your experience been in the other 20 counties, have the county's cost gone down? The other thing that concerns me this affects...this is an extremely complicated issue and I know Mr. Levco is here tonight and I would suspect that if you suddenly have a lot more public defenders and they each have fewer cases and they have more time to go through the cases perhaps his expenses are going to go through the roof also. Have you studied that in other counties?

Tom Carusillo: In terms of the experience of other counties the information that I have shows that over the years their gross expenses do continue to rise, but that their net expenses do go down because of the reimbursements. Some counties are able to add attorneys to their staffs as a result. I get Floyd and Clark mixed up. One of those two counties recently added some public defenders because of their caseload situation, but they were able to do it basically at no cost to them. In terms of what it means to the rest of the system, yes there is a possibility that there could be an increase in the amount of work that it will require for the prosecutor's office, but I have every confidence that the prosecutor's office will be here in front of the Commission and Council if that should occur telling them what they need and why

they need it. But it's a situation where if we look at it right now the playing field is really unbalanced. The prosecutor's office has a situation where their chief...their elected prosecutor and chief are paid for by the state. They have a force of police officers to do investigations for them. They have the State Police lab to do work for them. None of that is available to the public defenders. That is something that they have to either get from the courts or beg the courts for in order to maintain their representation. It is a situation that we find that throughout the state that roughly between 75 and 80 percent of the A, B and C felonies result in the appointment of a public defender. So those cases that are the most serious are being handled by the public defenders, so it's a case where they need to be able to handle a system on a level playing field with the prosecutor. This is one way of doing that by having the state accept some of the responsibility for the cost of defending the cases.

President Jerrel: That brings a question to mind. How do the judges determine a person is eligible for pauper expenses? In other words, is there an investigation that is done about the...an actual investigation of the bank accounts and whatever you have or is this just a verbal interview? I need a judge. How do you determine?

Unidentified: Affidavits are signed by people stating this is what I make and I don't have anything, I don't own any property. I don't have a job. I'm on Social Security disability and based upon that we do it. I don't know of anybody that does an investigation.

President Jerrel: Do you check any of it out?

Unidentified: Now whether or not that is true or not because that's another person.

President Jerrel: What about Superior Court, do you have a form that you fill out?

Jeff Tornatta: No, it's done on the record in open court.

President Jerrel: Okay, but then no...you don't check to see if they've got a \$10,000 CD hidden away?

Jeff Tornatta: (Inaudible comments made away from mike.)

Commissioner Mourdock: But the definition of who is indigent based on either one of those two methods if we go down this road does that change?

Tom Carusillo: No.

Commissioner Mourdock: That's still the same right?

President Jerrel: Uh-huh. I was just curious as to how the process takes place. Is that true in Circuit Court too?

Doug Knight: There is an inquiry done on the record.

President Jerrel: But no investigation?

(Inaudible comments made from audience.)

President Jerrel: I know you are, but you're juvenile.

Unidentified: Anyway, in juvenile we have a form they fill out and they put down their income and their expenses and they sign it under oath and we notarize it. I think the form was developed by (inaudible). They don't check that because you don't have time to do it.

Phil Hoy: My question is how would the county determine the eligibility? Do they have...do they do more checking?

Tom Carusillo: Some counties do it exactly the way you do. They have an affidavit that is filled out by the individual and signed. There is no checking done. I do know from past experience in Elkhart County that they did have a pretrial release officer whose whole job was to interview individuals and then verify the information that they provided to them, but that seems to be more the exception than the rule.

Roger Madden: Roger Madden, Fathers United. I've got a BS in law enforcement, four years as an officer in the Air Force Security Police. My last 18 years as a non custodial father I found that prevention is the most profitable method you're going to have of preventing any crime. Now if anybody remembers who Lewis W. Sullivan was, he was the Secretary of Health and Human Services. He wrote an article back in '90 and gave a speech. It says 70 percent of juvenile delinquents in long-term correctional facilities did not live with their fathers growing up. Also, five times...children are five times more likely to be poor and twice as likely to drop out of school when they are raised in a home without a father. He also says that almost every vexing social problem, crime, poverty, drug abuse and even declining productivity is related to family dissolution. He goes on to say that one would think the government would do everything in its power to promote family stability and that divorce is an even more efficient generator of poverty than socialism. And his closing says it will require a total reorientation of the current governmental policy and societal attitudes and embracing the obvious solutions will take considerably much more courage than it is to ignore them. That's a copy of his. There is an article in the paper about the grandpa. The only problem is with the 77 percent denied visitation rate most of the kids don't get to see their grandpas so he doesn't get to influence them a whole lot about the rights and wrongs in life. Here is from a 1989 child support handbook. It says, the child has a right and a chance to develop a relationship with a father and develop a sense of identity and connection with the other half of his or her family. Again, with a 77 percent denied visitation rate that doesn't happen. In 1993, United Way of Southwestern Indiana, the community needs assessment. Of the first 21 issues 11 of them have to do with fathers not being in the home, again, due to denied visitation. Breakdown of the family, drug/alcohol, violence in society, alcohol/drug abuse, child abuse, lack of parenting skills, etc., etc. So if you can...70 percent of the juvenile delinquents are in jail and grew up without a father and you can have a 90 percent enforced joint custody rate through you judges and by the prosecuting attorney enforcing Indiana laws on joint custody when fathers are being denied their visitation rights. Then if you can reduce the 70 by 90 percent that takes you down to a seven percent juvenile delinquency rate. Double it. A 14 percent. That's still a helluva lot better than 70 percent. I know it is going to cut into job security, but some of the shows I've seen on TV had said that between robbery, murders and rape...I mean, one in six women is raped in her lifetime. Now would you women rather allow visitation or would you rather take a chance on getting raped? That's 400,000 a year.

President Jerrel: Does this connect to the--

Roger Madden: Yeah, it's all got to do with--

President Jerrel: How do you feel about the--

Roger Madden: If you prevent juvenile delinquency by not destroying the family in the first place you can save a lot of money there and you can also get a whole lot of money back through additional child support. People, like I said, lack of productivity. Somebody is making \$10,000 or \$15,000 and they're on welfare versus somebody that has a good reason to work and they make \$20 or \$40,000 there is about five million fathers in this country being denied access to their kids. You take \$4,000 a head then that's a lot of money coming in.

President Jerrel: This particular though discussion really deals with just the public defender issue.

Roger Madden: Yeah, you need less public defenders if you've got less juvenile delinquents because juvenile delinquents turn into career criminals.

President Jerrel: Right.

Roger Madden: Just plain and simple.

President Jerrel: Thank you very much.

Roger Madden: Does that sound legit?

Tom Carusillo: Yeah.

President Jerrel: Alright, anybody else that wishes to...yes, sir.

Doug Knight: Doug Knight, a judge in Vanderburgh Superior Court. A few cases, if you could outline how the budget process works? How is it funded? Who is responsible for submitting the budget and whose department or entity does the budget come under?

Tom Carusillo: The budget process would depend on the plan that the county chose to adopt. If you're working in a public defender office system then your chief public defender would be responsible for preparing the budget and submitting it to the Council. If you are working under a contract system you would have a situation where the local board in consultation with the judges would prepare a budget and submit it to the Council. It's really a situation that like the rest of the program is flexible and can be determined by the county how it wants to make the budget process work.

Doug Knight: And in the instances where under the standards the public defender can signal to someone or somehow that he or she cannot accept additional cases or continue representation in previously assigned cases and needs some relief who decides to grant that relief?

Tom Carusillo: The determination again depends upon in part the type of system that you choose to develop, but ultimately the situation is one where the public defender, be it the chief public defender in an office situation or the public defender under a contract situation, who ethically feels that he is not able to handle additional cases would then take that matter before the judge and have a hearing to determine if it was appropriate for relief or not.

Doug Knight: On the indigent eligibility process determinations it sounded to me as if in reading the standards some rather detailed investigation was warranted in terms of net worth, cash flow, equity in homes, cars, tools and such as that. Do you have an opinion about where it would be more fitting to make that determination, in open court, probation department, compliance officer? How would you address that?

Tom Carusillo: In terms of the indigent determination it depends...I keep saying this, it depends on the county. In some counties open court is the place to do it. In some counties it's with an affidavit that the attorney helps the defendant prepare. In some counties it is through an independent officer who does the determination. You folks have to determine what will work best in Vanderburgh County. I can't really tell you that this will work for you because the system is one that you folks have to work with as a system that you become accustomed to in terms of how it works. In terms of what it will mean in terms of the detail it probably would be no more detailed than you already have in terms of perhaps an affidavit signed by the individual outlining the types of assets that they have available for hiring. Whether or not you choose to investigate that further would be a local determination that you would have to make.

Doug Knight: How are case assignments made under a system that complies with the standard that is not on a case by case assignment basis to an attorney, but salary, if you will, or P.D. office? Does the assignment go to the public defender's office or does it go to individual public defenders?

Tom Carusillo: In some counties they make the appointment to the office. In some counties they make the appointment to a public defender who is assigned to a particular court pursuant to his contract. In some counties the judges rotate from a list as to who they assign to cases. Again, it is something that the judges here in consultation with the public defenders would have to determine how they wanted that program to work in your county.

Doug Knight: Given the fact that there is some obvious...obviously some kind of requirement that we track the number of cases assigned and what the caseload is and when we're nearing the retirement point, if you will, and the record keeping that is involved, the supervision, doesn't this plan anticipate there would be at least one full-time public defender who would more or less be the chief?

Tom Carusillo: Not necessarily. The larger counties typically do have someone who is responsible for doing that. Marion County does have a chief public defender with a staff member whose job is to keep track of the records. In Madison County they have their court administrator keep the records of the appointments and provide that to the Public Defender Commission. In Fulton County one of the public defenders is given an additional stipend to their salary to provide them the incentive to serve as the administrator to keep track of the records. In some of the smaller counties it is done by the County Auditor because there is just not that much that they have to deal with. In a county of this size you would probably have a situation where either a chief public defender or a court administrator or someone on the staff would accept the responsibility for their compensation to include the preparation of the necessary documents.

Doug Knight: In reading the standards it appears that a non indigent accused could apply somewhere for additional funds to supplement his or her defense even though he or she has retained private counsel out of their own pocket. To whom would that application be made and then could that entity be sued for wrongful denial of the

application?

Tom Carusillo: The provision of indigent funds to a person who has private counsel is something that is available under the current Indiana law. If you are an indigent individual even if you have private counsel you can go before the court and request the court to make a determination of indigence. In most cases what that results in is the court having the paid attorney withdraw and appointing a public defender. You then start from square one with an attorney who knows nothing about the case and has to start all over. The Commission standard which is in effect provides that rather than starting all over from square one we simply provide that if the individual goes before the court and is able to establish despite the fact that they have hired an attorney that they are indigent for purposes of hiring say an investigator or other investigative tools that they might need then the court has the discretion of determining that they should be eligible for receiving funds just as a court would do now without the plan in place.

Doug Knight: One last question, could you give us more detail, Tom, in terms of whether or not it is contemplated under the standards that it is going to match the prosecuting attorney's budget to some degree? That's the last question I have and thank you for being here tonight.

Tom Carusillo: There is no requirement that the public defender budget match the prosecuting attorney's budget. The only requirement, as I mentioned earlier on, was that in terms of compensation the public defenders are to be compensated comparably to similar positions in the prosecutor's office. That assumes that similar positions exist. As I indicated earlier, in my travels throughout the state we find it very difficult to find similar positions due to the differences in experience, difference in duties that exist and that is why the Commission mostly relies upon this general guideline of a minimum salary of \$40,100 per year. If you did have a situation however where you had prosecutor...deputy prosecutor A who was comparable in terms of experience and duties to public defender B, then that's a situation where it would expect that the salary compensation would be similar. There is no reason if they are doing essentially the same jobs in the same court that they shouldn't be paid the same. Again, as I said, finding those similar situations are few and far between.

President Jerrel: At this time do the Commissioners have any questions?

Commissioner Tuley: Just to make sure I understand this, Tom, what you said earlier. Basically, probably, we may have a county public defender, but then all other public defenders could be basically part-time? Everything comes down to full-time equivalence based on the total workload?

Tom Carusillo: It you choose...you could have no part...excuse me. You could have no full-time public defenders actually.

Commissioner Tuley: They're all part-time.

Tom Carusillo: But if you do set up an office you would have then one full-time and the rest could be part-time of various natures. Either 75 percent of the time, 50 or one-third or whatever.

Commissioner Tuley: Okay. The other question, and this is as much for everybody sitting here as it is just you, but it sounded...what I gathered a little bit ago was that

you tried to give some estimates based on figures and stuff that you were able to glean.

Tom Carusillo: There are no guarantees.

Commissioner Tuley: Right, I understand that and I can appreciate that. But it sounded like the judges had maybe a little more factual information than you had. How do we get those numbers matched up?

Tom Carusillo: If...probably...well, I'm not sure. It depends on how the records are kept. If they are on a computer it might be easy to pull that information off the computer, but again it depends on how it was kept on the computer. It might require manually going through and keeping track of what appointments were made and getting a count that way in order to get an accurate number for the number of cases. The estimates that I've heard are somewhere in the ballpark. I think that if I remember correctly...I may not have that with me. In doing my estimates though I didn't have information from the courts regarding probation revocations and the like so I based those on estimates on statewide numbers. Your numbers obviously could be higher or lower. Probably because of the size of the county they could be higher, but even if they are higher you are still looking at a situation where you can spend a substantial amount of additional money and still have the county save funds over the long haul. It's something that I think that the courts, Council, and Commission would be interested in sitting down and getting those precise numbers so a more accurate examination and analysis can be made.

Commissioner Tuley: I guess that's what I am trying to get at. If we're going to pursue this or least look into this further than we need that exchange of information so we can get a better feel for what the true savings may be.

Tom Carusillo: Correct.

Commissioner Tuley: And then one other question. Everything is customized. It sounds like everything, you know, what works in your county, but is there a typical makeup of this three body board? I mean, an example like Marion County. What...who--

Tom Carusillo: Marion County is not typical.

Commissioner Tuley: Okay.

Tom Carusillo: Marion County has more than three members on their board.

Commissioner Tuley: Okay, Marion is a bad example then. Vermillion or Vigo or any of them that have it.

Tom Carusillo: It varies. Some have attorneys that sit on the board. Some of them have lay individuals that sit on the board. I was up in Fulton County that just one of the directors of one of the civic organizations was on the board.

Commissioner Tuley: Okay.

Tom Carusillo: It really is a cross section of the community in a lot of the counties. When I tell the local board members when they are concerned about how do we do this I basically tell them you're not doing it alone. You're doing it with Council, you're

doing it with the Commissioners, you're doing it with the judges, you're doing it with the public defenders. This isn't a total shot in the dark where you have to invent the wheel. You've got some idea by using these resources of what is going to work and just utilize those resources and you'll find something that eventually everyone is going to have to agree to. If the system that is developed isn't acceptable to everyone who works in the system it is going to fail.

Commissioner Tuley: Okay, thanks.

Commissioner Mourdock: I have several questions, Tom, and bear with me for a second. I want to go through these in the order as I go through my notes. It may seem I'm jumping around a little. Okay, now it will sound logical on tape if she didn't get the first part. You commented about the three types of systems that is out there. The public defender's office, contracts with attorneys and assigned counsels, that as a separate system. I understand that is devised or at least proposed locally. It is the Commission itself that approves it?

Tom Carusillo: The comprehensive plan that your county prepares comes to Indianapolis for approval by the Commission. If you have a plan that utilizes one of those three methods or a combination of those three methods it is going to be approved by the Commission.

Commissioner Mourdock: And define the Commission.

Tom Carusillo: Pardon me?

Commissioner Mourdock: Define the Commission, who are we speaking of?

Tom Carusillo: The Public Defender Commission in Indianapolis.

Commissioner Mourdock: Yeah, and who is that?

Tom Carusillo: Alright, the Public Defender Commission in Indianapolis consists of 11 members. The chairman of the Commission is Dean Lefstein of the law school in Indianapolis. The other members are Susan Carpenter, she is the State Public Defender. Judge Daniel Donahue, of the Clark Circuit Court, is a member. Les Duvall, a former legislator from Indiana...Marion County rather, is a member. Representative Ralph Foley, from Martinsville. Monica Foster, who is a private practice criminal defense attorney in Indianapolis. Mrs. Jerrel is on the Commission. Representative Robert Kuzman, from Crown Point, is on the Commission. Senator Timothy Lanane, from Anderson, Indiana, is on the Commission and Rebecca McClure, the Assistant Executive Director of the Prosecuting Attorney's Council, is a Commission member.

Commissioner Mourdock: So if we came up with some hybrid format that is the group that would have to be sold, if you will?

Tom Carusillo: Correct.

Commissioner Mourdock: Okay. The second question, and again these are just in the order as you spoke of them, the 125 cases you said on any 12 months is that something that is reviewed? You mentioned one time I think quarterly, is that a rolling type number?

Tom Carusillo: It's a rolling number. As I said, I provide the counties that are participating in the program with a disk that has a table on it that will calculate on a quarterly basis or however they choose to report the caseload number for the county on a quarterly basis and also provide a yearly number so that we know where we're at on each twelve month cycle.

Commissioner Mourdock: Okay, this question may seem rather cynical, but forgive me here. You said at one point, and I think I have these orders right, that a D felony may be based a rate up here and an A is something less than that, but if there was a compromise or a plea that went from a D to an A the original rate held?

Tom Carusillo: In terms of counting cases what I was talking about there--

Commissioner Mourdock: Maybe I can short circuit the question. You were just simply counting the case then not talking about any reimbursement type?

Tom Carusillo: Well, it relates to reimbursement. The Commission does not reimburse for misdemeanors so the question is someone is charged with a Class D felony, that's a reimbursable offense, but he enters into a plea bargain where he pleads guilty to a Class A misdemeanor. That's a non reimbursable offense. How do we count that? We count it as a D felony and it is reimbursed, so regardless of what he pleads to if it is a felony at the start it is going to remain a felony.

Commissioner Mourdock: Okay, we need to change the tape.

Tom Carusillo: Okay.

Tape change

Commissioner Mourdock: Okay, now the cynical part of the question, do you have public defenders...aren't they being put in a position to argue a case down simply for the higher rate?

Tom Carusillo: We have public defenders who always want to argue down to the lower charge for their clients, so regardless it really makes no difference to the public defender. Once it is charged as a D felony it is reimbursable. It's in his interest to have it plead as a misdemeanor to benefit his client.

Commissioner Mourdock: Okay, alright. You made the comment, I quote:

“Judges don't want to be involved in hiring public defenders.”

Well, that makes good sense. We have a number of judges here and I hate to have them being presumed to think something so I want to open it up to them if they want to respond to that. Is that a true statement?

Tom Carusillo: My comment was based on kind of a survey of judges I've talked to. It may not apply here. Go ahead and ask.

Commissioner Mourdock: Okay, well it was made on behalf of judges everywhere I just wanted to make sure that they have their chance.

Tom Carusillo: I didn't mean to say that if I meant judges everywhere.

Commissioner Mourdock: Judges care to comment? I guess one has left.

David Kiely: I'm not a judge, but I would like to address.

Commissioner Mourdock: Sure, David, go ahead.

David Kiely: Our Circuit Court--

Commissioner Mourdock: You need to go to the mike, please.

David Kiely: Our Circuit Court public defenders average 15 years of experience and it's nice to have an attorney that has that experience in front of me addressing me as opposed to the attorney that is going to receive \$41,000 a year, straight out of law school although I think by the Commission standards some of them would have to have three years experience on the A and B felonies.

Tom Carusillo: Correct.

David Kiely: Correct. To be quite frank I think you're going to have...we're going to have problems finding attorneys that will take a full-time position for \$41,000 plus perks.

Commissioner Mourdock: That's the minimum.

President Jerrel: Let me ask you, are you assuming that we would not keep your public defenders, that you wouldn't?

David Kiely: I'm not assuming anything. I don't know what you're planning on doing.

President Jerrel: No, you have the two appointments.

David Kiely: What I am afraid of--

President Jerrel: You have the two appointments. Why would you assume--

David Kiely: I'm not even addressing the appointments. What I am addressing...what I am afraid of is that our court is going to lose the experience and the attorneys that we have.

President Jerrel: Why?

David Kiely: Because they are excellent attorneys.

President Jerrel: No, why would we lose them?

David Kiely: They're the best attorneys in this state of Indiana.

President Jerrel: Why would we lose them?

David Kiely: As public defenders.

President Jerrel: Why?

David Kiely: Because if you bring them on as full-time attorneys--

President Jerrel: No.

Commissioner Tuley: We're not going to.

President Jerrel: No.

David Kiely: Well, we don't know what you're going to do.

President Jerrel: Why you're going to be part of the decision making, that's what this is about.

David Kiely: Well, I don't think we brought this up, I think we're happy. I shouldn't say that, but I know that I am happy with the public defender system and I'm not a judge, I'm a magistrate in Circuit Court and I know our public defenders are professional, they are excellent attorneys and we're not going to get better attorneys to represent the indigent people in Circuit Court.

President Jerrel: See I was correct earlier when I said I suspected the feeling was that we didn't want to keep our public defenders and nothing could be further from the truth. You're projecting something that wouldn't even be on the screen.

David Kiely: I don't know what has been on the screen, but I know one of the proposals is a possible full-time attorneys and I know that you're not going to be able to keep the attorneys that we have unless you're talking \$60 or \$70,000 a year.

President Jerrel: Well, that would be why...David, that would be why the two people appointed by the courts and the one here would want to decide that would not be something they would want to do. They would want to develop a hybrid perhaps.

David Kiely: Which I think would be great as long as we can keep our public defenders.

President Jerrel: Well, we--

Commissioner Tuley: All we want to do is get reimbursed for some of the costs.

President Jerrel: We're not--

Commissioner Tuley: That's all I'm after.

David Kiely: That's great. I think...personally I think the part-time public defender plan could work because you could keep our public defenders.

President Jerrel: That's exactly correct. Okay, anybody else?

Tom Carusillo: Mrs. Jerrel--

President Jerrel: Excuse me.

Tom Carusillo: --I'm not aware of any county that has joined the program that has lost their public defenders as a result of participation. Usually they tailor their plan in order to provide that those people that are already in the program are able to stay in the program.

Commissioner Tuley: To stay.

President Jerrel: To stay.

Commissioner Mourdock: Maybe what you just said fits my next question. Have any counties revoked the system once they have put it in place?

Tom Carusillo: No.

Commissioner Mourdock: Um, this is...oh, you've already answered that one. Okay, Mr. Shaw's question answered that one. Oh, Judge Tornatta, I thought, raised a interesting point on the gross cost versus net cost when he raised the issue that if in fact we had additional public defenders however we were doing it presuming we're getting more bang for the buck here, doesn't it logically follow that the prosecutor's costs are going to consistently track that? It seems to me that the prosecuting costs will eat up much of what would otherwise be the savings.

Tom Carusillo: Not necessarily. It depends on how the cases are being handled now. It depends on how the cases are handled after the system goes into effect. If you have additional jury trials as a result, then, yes there will probably be an increase in the number of prosecutors that you would need to handle that.

Commissioner Mourdock: Do you know in counties that have enacted this have you seen an increase in jury trials?

Tom Carusillo: I'm not aware of any counties that have reported increases in jury trials. I am not aware of any counties that have reported problems with their prosecutor not being able to obtain the funding that they need. No county has complained to me that, hey, this is costing us too much because our prosecutor needs additional funds. Whether or not that happens I don't know. It is a concern that other counties have had, but I haven't heard any reports that would indicate that has presented a real problem in the counties that are using the program.

Commissioner Tuley: I've got one final question.

Commissioner Mourdock: That was my last one.

Commissioner Tuley: I'm sorry. Tom, I know you've got a long list of counties that are participating, but could you kind of glance down there and by sight basically point out maybe some counties or are all the counties that you know using part-time public defenders just like we're doing now?

Tom Carusillo: Basically, the smaller counties are on an hourly basis with their attorneys, the very small counties. There are some counties that do have full-time public defenders. Marion County has full-time public defenders although all their public defenders are not full-time. I believe that Clark County has some full-time public defenders or has at least one full-time public defender. Other than that most are on a part-time basis.

Commissioner Tuley: Thanks.

President Jerrel: Anybody else?

Roger Madden: Just a quick question. Where is the money coming from? Is this

part of the \$30 billion dollar crime bill or state generated or what?

Tom Carusillo: The money that is appropriated by the Legislature comes from fines and costs that are collected in criminal cases. Additionally to that occasionally the Legislature has made additional appropriations which come from the General Fund. This year they have not made that additional, so it is all coming from fines and costs.

Stan Levco: Can I make a comment?

President Jerrel: Sure, do you mind coming up?

Stan Levco: Actually, it's more than a comment. It's a speech.

Commissioner Tuley: Get the timer out!

Commissioner Mourdock: I would like to make a motion!

Stan Levco: I have a few things I would like to say. Is this the appropriate time or not?

President Jerrel: Well, we'll enter your speech in the record, but I think--

Stan Levco: I think I can speak shorter than some of the questions were, okay?

President Jerrel: Sure.

Tom Carusillo: Probably shorter than some of the answers.

Stan Levco: I knew this was coming and as I was considering my remarks against it because I have been following this for the state for a few years now. I was trying to think of one succinct thing to say and what came to me and kept coming back to me is if it ain't broke don't fix it. I don't think we have a problem with public defense here in Vanderburgh County. I didn't research this specifically, but since I have been prosecutor I don't think we've had a single case reversed on incompetent counsel when it is a public defender. I can remember a case that was reversed on incompetent counsel when it was a private attorney, but I can't think of any with public defenders. I think this problem is the standards which I would call strings attached to this 40 percent. There are a number of them. A few of them eluded to, I won't speak long although I have them written out here. The standard for choosing an indigent is a little bit different under this. Also, the appointment of the experts, I think, makes it a little bit different. But I think what it essentially is this, I think right now we have a pretty good balance in Vanderburgh County between the prosecutors and public defenders. I think we should have a level playing field and I think we do have a level playing field now, but if you reduce their caseload by 50 percent and increase the public defender staff by 50 percent obviously the attorneys are going to have a whole lot more time to file I would say unnecessary motions. I think right now we have a very good discovery process now, but I think pretty soon with this we'll be getting depositioned to death and things like that. I think it will result in a burden to an already overburdened court system. If you want to know what happens when defense attorneys have unlimited resources just think of O.J. Simpson. I don't think in Vanderburgh County if this happens every case is going to be an O.J. Simpson case, but I do think they'll be...cases will take longer and there will be more unnecessary hearings as a result of it. I'm extremely skeptical of whether this is going to cost the county less in the long run. You know, I don't have all your figures.

My opinion though is it ultimately will cost more just for the public defenders. You said you didn't know the difference between Floyd and Clark County, which had what, but I know I have talked to the prosecutor in Clark County who is just very strongly against this and he has told me that his...that the public defender budget tripled since the time he has been prosecutor which would be less than eight years. Because of that his budget has also gone up dramatically. I don't think by that much. As Judge Tornatta said, you know, I don't know whether I'll be successful but if your public defender's staff increases, doubles, or increases by 50 percent I think it's a pretty good chance I am going to come in here very soon after that and say you need to increase my staff by 50 percent. Whether you will or not is going to be up to the Council, I guess, but I would think in fairness...unless it is grossly unfair now if you increase their staff by a large amount it seems that you have to increase my staff by a large amount. The only reason to do this would be if you feel it is grossly unfair now and I don't see that in Vanderburgh County. You may have that in other counties, but I don't see that here.

Commissioner Mourdock: Stan, may I ask you a question?

Stan Levco: Yeah, sure.

Commissioner Mourdock: Just an opinion, and that's all I can ask for. At one point Tom was talking about the situation up in Vermillion County with the very expensive case up there. I made the note that in a sense we would be buying a catastrophic insurance policy here. How do you respond to that?

Stan Levco: Well, that's one of the few cases that has happened in, you know, how many years? You can't say with absolute certainty it would never happen in Vanderburgh County. We had the Donald Ray Wallace case. When you had a judge in control of the purse strings and he said to the defender at that time, of course it would be a lot more money now, he said you take this case I'm going to pay you, and I don't remember the exact amount, but it was \$20 or \$30,000 which was a lot of money at that time. That public defender decided to use only the money he needed. If he had unlimited resources, if you know...take the John Stephenson case. If you know all you've got to do is ask and you can get hired your own private photographer, your own private secretary and all that you're going to ask for one.

Commissioner Mourdock: And that was under this, the Stephenson situation?

Stan Levco: That's a little bit different. That would be under the...but it's the same kind of thing where the state was reimbursing 50 percent on a death penalty. I guess what I would say to that Vermillion thing first of all I would assume they had a public defender system in place, right?

Tom Carusillo: Correct.

Stan Levco: So that a judge couldn't say to the person he appointed I am appointing you, but unless there is something just extraordinary your fee in this case is going to be \$100,000. I suspect you would get a competent defense attorneys to take even the most complicated cases for less than \$600,000. I mean, I guess that is theoretically a possibility, but even in that you're going to be reimbursed...you're not going to be reimbursed the whole thing.

Tom Carusillo: If I might just comment briefly on the Vermillion case, the \$600,000 I don't know what that includes. I assume that is more than just the attorney's fees

and includes the experts. The Vermillion case is interesting because the prosecutor in that case, as I understand it, has spent over \$1.6 million in preparation for that case and the defense has been allocated \$600,000 to prepare that case. So in terms of a level playing field you have to wonder whether or not that is a level playing field. In terms of what it will mean to this county, that's something that you folks will decide. If it isn't broke don't fix it. I don't know if it's broke. I'm not saying that it is broke, but it may be that you can make it run better and save the county some money in the process of doing it so it is something that you all will study and make a determination on. I am available to help your county sort through the process. I will be available to help draft an ordinance, help draft comprehensive plans, to work through the questions you might have, but the ultimate decision will be yours and I hope that after your determination that you choose to join the other counties that are beginning to come onboard with this program.

Commissioner Mourdock: I've learned a bunch here this evening and they can still write volumes about what I don't know about all the issues that are involved here. From purely the financial point of view, and Bettye Lou I need to compliment you here. I've said it before. I don't think anyone looks after the county's dollars, nickels and pennies more than you do and I know that is part of the motivation of looking at this. I think we just under good conscious have to move forward with this process to see where it leads. However, in saying that I also want to say my mind is still somewhat open to the latter parts of the discussion that just took place here. I really do...Judge Tornatta said it, Stan Levco said it a minute ago, I want to get a better handle before we make a final decision as to what the real cost might be beyond what we see as savings, but I would still at this point to start the process make a motion that we go ahead and begin the ordinance process to see if in fact this thing should be enacted.

Commissioner Tuley: I think you're right in terms that, you know, there is a whole lot that we don't know. Again, just as you indicated there at the end we got a different perspective, but I also have to agree that if you don't look into it we don't know what the possibilities are good or bad and we can always make a determination later that this is something that we don't want to do. Just by drafting an ordinance doesn't mean we have to do it because we are going to sit down and have all the parties involved that we've talked about and either come to an agreement that this is what the county wants and this is in the best interest of the county or it is not and it dies, so I'll second your motion.

President Jerrel: I'll say so ordered and look to see you all back here let's say that we would have an ordinance ready by the end of this month or the first part of August and then we'll open all this up for discussion and planning.

Commissioner Mourdock: One question that goes with that it occurs to me I skipped over, the courts...we would appoint one member to the three member body, correct, the Commission would? Who is it that is in the court, is it Superior Court appoints one?

President Jerrel: And Circuit Court.

Commissioner Mourdock: And Circuit appoints one?

Tom Carusillo: The judges collectively have two appointments, so they would sit down and collectively determine.

Commissioner Mourdock: The judges meaning all the judges within that court?

Tom Carusillo: Within the--

Commissioner Tuley: Vanderburgh County.

President Jerrel: All of them.

Commissioner Mourdock: Right, within the two courts. Okay, alright. Thank you. Obviously they have the final say in this since it's two to one.

Commissioner Tuley: Kind of like being in the minority.

Commissioner Mourdock: Been there.

President Jerrel: We'll send a letter to the courts and just advise you when the next session will be, but sometime the latter part of this month or early August.

Unidentified: Are you going to form a committee on this?

President Jerrel: No, it's--

Unidentified: It's public?

President Jerrel: Oh, it will all be public. Everything we do will be in the public sector. We've got three people here. You heard from Councilmen Hoy and Wortman, but we also have Betty Knight-Smith who is a Councilman and they are very important in this decision making.

Commissioner Mourdock: Russ Lloyd is here, too.

President Jerrel: Right. I'm sorry, Russ. He is back in the back, excuse me. Okay, if there is no further public defender we've got a long agenda that we'll move to. Tom.

Tom Carusillo: Thank you very much.

President Jerrel: Thank you very much. We appreciate your attendance.

Open bids - VC99-06-02, Virginia Street extension
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President Jerrel: We're going to proceed with our regular agenda. The next item on the agenda is the opening of bids for the First Avenue Bridge and also the Virginia Street extension.

Commissioner Mourdock: I'll move the opening of bids first for VC99-06-02, which is the Virginia Street extension.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Open bids - VC99-07-01, First Avenue Bridge embankment repair

Tony Greubel: The First Avenue Bridge is VC99-07-01.

Commissioner Mourdock: Okay, I'll move the opening of that bid also.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Ameritech - Enhanced 911 service agreement

President Jerrel: The next item on the agenda is the Ameritech Enhanced 911 service agreement and Dick White is with us. In your packet you have...I don't know whether you have the copy. Tony, did you make copies of the Ameritech contract?

Commissioner Mourdock: Yeah. At least I have it.

Commissioner Tuley: Yeah.

President Jerrel: Okay. Before you make a motion I have a question. Would you want to come to the microphone?

Dick White: Yes, I'm Dick White with Ameritech.

President Jerrel: This is for the new 911 system. We have Patti Wazny who is the director of the program. We have one question that is different than is in the contract which we want to ask you. I think I'll ask the Auditor to repeat that, but it deals with the request for an audit. Remember we talked about that when you were here?

Dick White: Yes.

Suzanne Crouch: Dick, I received a call from a woman from Ameritech Indianapolis about a week ago. She was, I guess, an operator or a claims person or something and she had a gentleman on the line who refused to pay his 911 surcharge and her comment was I have let this go by a number of times, but I don't think I should do that. I think you should have to pay. I requested of the County Attorney, how does that process work? He indicated that our ordinance that Vanderburgh County has stipulates that Ameritech collects on those surcharges that people refuse to pay and we know of several that are refusing to pay, but your contract, old contract, stipulated that Vanderburgh County does that, so I just wondered if Joe had a chance to look at the new contract and if it stipulates in there who is to collect on those?

Joe Harrison, Jr.: It didn't say anything about it.

Dick White: No, actually, and I don't have a copy of the state statute, but in the state statute it is very clear in there that, I believe, it is once a year you can request an audit of the number of people that refused to pay the 911. We can provide that information to you and I believe it is on an individual telephone number basis of those individuals who we have submitted the 911 charges on their bill and they have refused to pay them and then it is up to the county to then determine whether or not they want to take any kind of legal action. We are basically precluded from law of

being involved in any of that, but we can provide you that on an annual basis. I believe it is in January of every year you can request, let me know what happened in the last 12 months, how many people did not pay their 911 surcharge.

Suzanne Crouch: So we would have to wait until next January? We can't get what currently...those people who currently are not paying?

Dick White: If you have not requested an audit of that kind I will take your request today as an official request to go back and ask that we put that together. Unless for some reason we can't by law do that except once a year I would be more than happy to run that for you.

President Jerrel: Well, consider this an official request by this body to give us an audit of the past 12 months.

Dick White: Okay, I can do that.

Commissioner Mourdock: Just to make it official I move that we do make that request.

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered. Do you have any other questions regarding this? Our attorney has approved the contract as it was received. This is a...will result in a little over \$1.5 million that will extend this contract for eight years for the enhanced 911 system. Is there a motion to approve?

Commissioner Mourdock: I'll move approval of the Ameritech Enhanced 911 service agreement as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered. And will you follow through on the other for us?

Dick White: Yes, absolutely.

President Jerrel: Okay. Thank you very much.

Dick White: Thank you.

<p>Permission to advertise vacation of easement 2200 West Franklin Street</p>
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President Jerrel: The next item on the agenda is the County Auditor, permission to advertise for vacation of easement.

Commissioner Mourdock: I'll move the advertisement of the vacation of easement on behalf of First Federal Savings and Loan for a property at 2200 West Franklin Street and with the suggested hearing date of July 26th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Final reading - Vacation of easement
1301 Mortensen Lane**

President Jerrel: The final reading tonight is for 1301 Mortensen Lane, vacation of that easement.

Commissioner Mourdock: And I'll move on final hearing the vacation of the easement at 1301 as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I think we need--

Commissioner Tuley: Oh, we do need a roll call.

President Jerrel: Yeah, roll call vote. I'll ask for Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Any group or individual wishing to address the Commission

President Jerrel: Is there any group or individual that wishes to speak to this body?

Dennis Conwell: My name is Dennis Conwell and I'm with Emge/Citizens, the Commercial Department here in Evansville. Last week I came into the Board office, the Commissioners' Office, and talked to Tony here and asked him at that time what would be the procedure to be put on the agenda and he informed me that I needed to fax a letter to Bettye Lou Jerrel and request to be put on there. I did fax that. Unfortunately our age of electronics apparently didn't get through to you, but I did have confirmation on the other end which probably doesn't mean anything either. I did bring in the letter tonight because I was under the impression that I was on the agenda and I also invited the people from Owensboro to be here also. In that letter I informed the Commissioners that I had talked with Mr. Joe Harrison about the situation here. We have a piece of property and I'm not sure how far to go with this, but I have a piece of property that this group has purchased or has a purchase agreement. Anyway, he has a purchase agreement with Koester Contracting to purchase this property. This came up last year to be rezoned to a C-4 and in the middle of that there were some issues with Stahl Road about the use of that in Warrick County to access this property. At that time because of it not being stated what that C-4 usage would be Warrick County got very skeptical about the use of that road for heavy equipment and everything so they had said that they were concerned about that, so under that blanket Koester decided to withdraw the rezoning. That then places on that rezoning then possibly a one year moratorium being requested to have that withdrawn. Although I have talked with Joe and he said

he's not sure that's really what it states. As far as he is concerned with a new petitioner we could go in and actually refile our new zoning. The Area Plan Commission doesn't read it that way. They said they thought it went along with the property so what we felt that maybe we should do is bring it back to the Commissioners and take whatever action is necessary to withdraw or take that moratorium of a year off of that so that we can go back in for a rezoning application. We're kind of pressed into a time frame here in the fact that you don't have another meeting until after the deadline for the rezoning which is the 19th. You meet that night and the rezoning deadline is at 4:00 or 4:30 at that time, so that's why we were rushing to come to the Council...or to the Commissioners to get some kind of decision on this. I would tell you we're not going for a C-4 zoning. We're going for an R-4 which would be just for apartments and for assisted living. Of course, assisted living can be done even on agricultural zoning. So we're really just edging it up not very far here. Now I did meet tonight with Warrick County to talk to them about the road. I went in there in a fact finding posture asking them to tell me who I should work with and what they wanted us to do, so they gave me instruction tonight. They were very open to work with this new group that has made an offer and had it accepted on this piece of property so I would come to you this evening asking you if you wanted to ask questions or at least get guidance from you and hopefully to get this moratorium of a year set aside so they could reapply for a rezoning by the 19th of this month.

Commissioner Mourdock: Before there are any questions asked I want to just officially abstain from all these discussions since I work for the Koester organization and it's a great time for a restroom break.

(Commissioner Mourdock left the room.)

Dennis Conwell: If you would have any questions of the developers they are here. That's the reason I asked them to come in was in case you did have any questions.

Commissioner Tuley: My question is of Joe. What...

Joe Harrison, Jr.: They are seeking a waiver of the one year requirement that would prohibit petitioning of that property for a rezoning and that's what they're seeking this evening.

Commissioner Tuley: No, I understand that. I know what they want.

Joe Harrison, Jr.: Yes.

Commissioner Tuley: Do we have a legal right to do that? That's the question.

Joe Harrison, Jr.: Yes, yes.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: And the thing is apparently Area Plan has been taking the position that that restriction runs with the property as opposed to the petitioner. This is a different petitioner, obviously, from Koester, but be that as it may that is what Area Plan wants to see done and that is what he is requesting. I think that would be prudent. It may not be completely necessary, but if you're willing to go along with that request which he is just covering all bases in order to file for rezoning because apparently the Area Plan Commission will not consider such--

Commissioner Tuley: Without our approval?

Joe Harrison, Jr.: Yes.

Dennis Conwell: I would add that a couple of the issues also were the sewer. The easements have been purchased. The actual sewer will actually be provided by Vanderburgh County so there is additional monies. I think if we're ever going to get this piece of property rezoned it's going to have to be in that lower rezoning level. I think that now is the time. They seem to be very receptive to sit down and work with the developers because I think when I talked with Gentry over there, Gary Gentry, your economic developer, they are looking at this corridor back out to Epworth Road is really probably getting hot now and they're going to have to do something with the road anyway, so I think they're looking at well maybe we can get a little money here, a little money here and a little money here and get this road up to where we should, so I think they are really very open to it and I would like to see it happen.

Commissioner Tuley: Yeah, I have met with some other...maybe it was the owner or someone else representing the developers on this and saw the plans for this project and support it. I'm willing to go on record and grant your wish if, you know.

President Jerrel: Is that a motion?

Commissioner Tuley: I'll put that in the form of a motion.

Joe Harrison, Jr.: One thing before you vote. The proper wording as far as Mr. Mourdock is concerned--

President Jerrel: He has recused him.

Joe Harrison, Jr.: I would take the position that he has recused himself.

President Jerrel: Yes.

Joe Harrison, Jr.: As opposed to abstaining on this issue since he did remove himself from the room.

Commissioner Tuley: Okay, having said that I would move that we grant the request to waive the one year waiting period and allow them to go forward with their request for the rezoning.

President Jerrel: And I'll second that and say so ordered.

Dennis Conwell: Would that be notified then to the Area Plan Commission?

President Jerrel: Yes, we'll take your letter and it will be part of our minutes and they can check with the Recording Secretary. She'll have those minutes available at the end of the week.

Dennis Conwell: And I thank the Commissioners, thank you.

President Jerrel: You're welcome. You all learned a lot about public defense!

(Commissioner Mourdock returned.)

John Stoll - County Engineer

President Jerrel: Okay, the County Engineer.

Commissioner Mourdock: Any other of these folks here to talk to us?

President Jerrel: No.

Commissioner Mourdock: Okay.

John Stoll: First I've got a recommendation to award contract number VC99-06-03, the frontage road phase two to Gohmann Asphalt for the amount of \$210,000. They were the low bidder on the project.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Commissioner Tuley: Messed you up, didn't I?

Commissioner Mourdock: Before we leave that quick subject though, as of this moment that road is still unnamed, the frontage road?

John Stoll: Correct.

Commissioner Mourdock: Would you do some research for us, John, and check and see if we have anything named Wagner Road. I would think it might be appropriate given SIGECO's cooperation out there and their former chairman, Mr. Wagner, passed away recently and maybe we ought to name that Norm Wagner Road or something.

John Stoll: I'll check with APC and see if they've got it included on their list.

President Jerrel: Okay.

John Stoll: Next I would like to request to--

Joe Harrison, Jr.: Did you guys vote on that?

President Jerrel: Yes.

Commissioner Mourdock: Yeah, we made the motion.

John Stoll: I would like to go before Council and request an appropriation of \$300,000 to Road & Street Contractual. This would be to cover additional asphalt and concrete repair contracts.

Commissioner Tuley: While he is signing, I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a Notice to Bidders for contract number VC99-07-02. This is the repair and resurfacing of various roads. The roads we're planning on paving with this would be Cherry, Maple, Fairfield, Maxwell, Oak Grove, Whetstone, Heinlein and the widening of the curves out on Old 57 in conjunction with Warrick County development up in Elberfeld.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got two copies of an agreement with Bernardin Lochmueller & Associates for the design of Burkhardt Road between Interchange Road south and Lynch Road. This is for an amount not to exceed \$277,971. This agreement does exclude geotechnical work, right-of-way work and construction inspection. We know we will have to have a supplemental to address the geotechnical work and I spoke with Tom Bernardin of Bernardin Lochmueller today and he estimated that would probably be in the neighborhood of \$10,000. It wasn't included in this agreement because they weren't able to get a price from any soil consultants as of yet, but as soon as we do get that there will be a supplemental needed on this project.

Commissioner Mourdock: I'll move approval of the agreement.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: They did submit a schedule with that and a cost estimate with that as well and based on their schedule they anticipate a bid letting in July of 2000.

Commissioner Mourdock: That sounds funny.

President Jerrel: Huh?

Commissioner Mourdock: That sounds funny.

President Jerrel: I know it does.

Commissioner Tuley: It does.

John Stoll: Next I've got a letter from Bernardin Lochmueller in regard to the Lynch Road interchange project. Parcel four, the Durchholz Family Trust, we need to get some additional appraisal work done because a small portion of that property was rezoned commercial last December. In conjunction with that there is an additional fee for \$1,200 for new appraisal work and an additional fee of \$540 for review of appraisal work and I would recommend that this be approved so we can proceed with making the offers and possibly go into condemnation.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a set of street plans that are for the extension of Kotter Avenue north of Old Boonville Highway. This will be an extension of Kotter north of its current dead-end. The intent of this is to serve a basketball...indoor basketball facility that is being built up there. The right-of-way was dedicated as part of a parcelization rather than as a part of a subdivision, but I had Joe look at it and he felt the documents were proper in the way that they dedicated the right-of-way. So in conjunction with that plus the review of the plans showed everything was okay I would recommend that the street plan be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Sign anywhere on that paper copy. They didn't submit a mylar.

President Jerrel: Just any place?

John Stoll: Yeah. Next I've got another set of street plans. This is for Graceland Subdivision which was a replat of a few lots in Whispering Hills Subdivision. What the developer is proposing to do is to extend the road to the back line of the existing lots which is shown on there as Lot 46. He is going to have that as a concrete street and then as you go over across the crest of the hill he is proposing to extend it as a rock road privately maintained from that point on, so adjacent to the existing houses which there is an existing house on this lot here. This is a vacant lot. This is all of the currently recorded portion of Whispering Hills. He is going to run a concrete street to there, so he is going to eventually request that we maintain that portion and then he is going to have a private rock road from there on. It's not the way I would have done it--

Commissioner Tuley: As long as he is going to maintain it.

John Stoll: --but I have gone over this with Joe and the current regulations do allow for rock roads, so there is nothing that really specifically prohibits that particular layout. Since the concrete portion does extend over the top of the crest of the hill at least we won't have rock getting pushed down onto our concrete road, so in that respect it is okay.

Commissioner Tuley: Why in the world would he not go ahead and--

John Stoll: Money.

Commissioner Mourdock: That's usually the answer.

President Jerrel: That's a good answer.

Commissioner Tuley: Silly question.

Commissioner Mourdock: Yeah. I'll move approval of the street plan for...

John Stoll: Graceland.

Commissioner Mourdock: Graceland Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: I don't think I'll be around, but there will be some people in here later wanting us to take care of that road.

Commissioner Mourdock: Oh, yeah.

John Stoll: I agree.

Commissioner Tuley: We're not doing it.

John Stoll: We'll have them record some maintenance provisions that state (inaudible) rock road and somewhere along the lines--

Commissioner Tuley: Somebody sitting in these seats will be addressing it.

Commissioner Mourdock: They'll want a Barrett Law to pave that for four lots.

John Stoll: The developer of that subdivision has also requested a sidewalk waiver. That was on that letter that I just submitted. There are no other sidewalks out in that area and all the lots are large, so a sidewalk waiver would be appropriate. It is recommended that it be approved.

Commissioner Mourdock: I'll move approval of the sidewalk waiver for Graceland Sub.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a request for acceptance of Rusher Creek Drive in Elpers Industrial Subdivision. This is an extension of the current portion of Rusher Creek Drive which extends west off Highway 41 past McDonald's and Arby's. The street has been constructed in accordance with plans and it's recommended that it be accepted.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is an encroachment request from Mr. and Mrs. Gary Williams who live in Williams Ridge Subdivision. It's the corner of Schutte Road and Broadway Avenue. They have a discharge line from their septic tank that in order for that septic discharge line to access a sanitary sewer they put a privately maintained line within county right-of-way. This letter says that they agree to maintain that line and that the county will not be held responsible for any damage to that line. The intent of this is we will record this and cross reference it to that property so that way in the future everybody will hopefully know that the county is not

responsible for this line in any way, shape or form.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have.

President Jerrel: Okay, thank you.

Commissioner Tuley: I'll have to see you in the morning. I didn't get a chance..I just dropped those plans back off to the people today. They weren't there to look at them.

John Stoll: Okay.

Weekly reports

President Jerrel: There are reports from all of the rest of the department heads that we need to accept.

Commissioner Mourdock: I'll move approval of the Solid...of the Soil & Water Conservation District, the Ozone Office, the Burdette Park and County Garage.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

County Garage - Permission to lease vehicle

President Jerrel: One question is to grant authority to the County Garage to lease a vehicle to pull the paver based upon their best judgement or whoever is going to look at this.

Commissioner Mourdock: Yeah, you showed me the thing earlier they had gotten. Is that the only quote they have received?

President Jerrel: They've gotten two. There were two quotes there.

Commissioner Mourdock: Oh, okay.

President Jerrel: But I don't think that...maybe you could give them a call and talk to them.

Commissioner Mourdock: Okay. I don't have any problem with them leasing it. I just want to make sure they get the best rate possible and get a piece of equipment that is suited for the job.

Commissioner Tuley: I agree.

President Jerrel: Okay, so is there a motion to do it?

Commissioner Mourdock: I'll move the leasing of a piece of equipment to be determined by the County Garage.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under the consent items we've got employment changes, travel requests, County Auditor's financial and County Treasurer.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And we need to get a County Attorney report here.

President Jerrel: I know it, I'm going to go back up to that.

Commissioner Mourdock: Okay.

President Jerrel: And Superintendent of County Attorney, too.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: County Attorney.

Joe Harrison, Jr.: The bids.

President Jerrel: The bids.

Joe Harrison, Jr.: The first group of bids was from the Virginia Street Project, that's 99-06-02. There were five bids submitted. They are as follows:

Company name	Amount bid
NFH, Inc. Evansville, IN	\$86,919.51
Koberstein Trucking, Inc. Princeton, IN	\$97,607.40
J.H. Rudolph & Co., Inc. Evansville, IN	\$85,915.88
Phoenix Construction Company Evansville, IN	\$124,119.00

TD & O, LLC Evansville, IN	\$99,830.80
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I would ask that you take these under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next group of bids relates to the First Avenue Bridge No. 611, embankment repair project. That's VC99-07-01.

Company name	Amount bid
CCC of Evansville Evansville, IN	\$21,615.05
Deig Bros. Lumber & Construction Evansville, IN	\$19,865.75
Phoenix Construction Company Evansville, IN	\$24,020.00
Naas Brothers Trucking, Inc. Haubstadt, IN	\$15,832.00

I would ask that you take these bids under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The last item I have has to do with the billboard ordinance that was passed by the Area Plan Commission back in April. A public hearing has been scheduled for next Monday, July 19th, concerning any possible amendments to the billboard ordinance that was passed by the Area Plan Commission and, again, a public hearing is set for 5:30 next Monday with respect to the billboard issue. The last day for the County Commissioners to act at all whether it be...to act with respect to amendments is the next day, the 20th, so the Commissioners can do nothing which would in effect have the ordinance that was originally passed by the Area Plan Commission by the county go into effect in the county or it can propose amendments and if there are amendments that are proposed those amendments would go back to the Area Plan Commission for action like what the City Council did. They had a number of amendments in that particular ordinance for the city and then went to Area Plan and Area Plan Commission, I believe, acted last Wednesday, I think, on those issues.

Commissioner Mourdock: As a practical matter from the enforcement side if we do

something different from the city is there any reason to feel that's going to be difficult to enforce? If it causes any particular amount of problems?

Commissioner Tuley: That's the way it is now, it's different.

Joe Harrison, Jr.: Yeah, I mean--

Commissioner Tuley: The way it was before they made the amendments and they were already different.

Commissioner Mourdock: You're right.

Joe Harrison, Jr.: I believe that's all I have. There is one issue I will at least advise you on. The Miller Truck situation I am still waiting to hear back from counsel for Miller Truck concerning warranties that the county may expect to receive pursuant to the truck proposal that they have submitted. We have yet to respond to that proposal, but mainly because we want to hear what kind of warranties the county would be receiving, so after we receive that information I'll discuss it with you. The other issue that I wanted to bring up was the lawsuit regarding Gregory Court out there. The county has still not taken steps to improve the road. It may be that the parties that were sued may be doing that on their own subject to the approval by the County Engineer and I will advise you on the status of that. I think the County Engineer has been trying to get in contact with them, but that case is in the courts and if we can't get something worked out we'll let a judge decide what is going to happen. That's all I've got.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: Yeah, I received a request for appropriation. I think Area Plan is asking for permission to go before Council to ask for \$20,000 into their legal services line item.

Commissioner Tuley: That's understandable!

President Jerrel: That's understandable!

Commissioner Tuley: Yeah.

Commissioner Mourdock: I wonder why. I'll move approval of that Council Call.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's all I have.

President Jerrel: We took care of the frontage road under the item.

New business

President Jerrel: Under new business I would just like to because everybody is gone now, but it's pretty important, this new system that we just agreed to with Ameritech also results in us having the capacity for many, many more telephone lines coming into the facility. We're adding trunk lines and we are not financing this. That has been done in the past where we would finance whatever our shortfall was. We have right at \$1 million in our 911 collections and we're using that and I would like to go before Council and transfer the balance that we need which is about a half million out of our Fulton Street Bridge CCD account which we didn't need because the bids came in under the amount, so by using that money and not financing it we're saving ourselves \$200,000 in finance costs. I mean, this all went through very quickly but we're going to have not only a Y2K compliant system, but we're going to have a system with a lot more capacity, so could I have permission to go?

Commissioner Mourdock: Right, I'll move approval of the Council Call as requested.

Commissioner Tuley: How could you not second saving \$200,000? I'll second.

President Jerrel: Thank you very much. So ordered. Okay, any other business to come before this body?

Commissioner Tuley: A couple just real quick points.

President Jerrel: Oh, yeah, go ahead.

Commissioner Tuley: Next week I won't be here. I'm sorry, it is a fishing trip, but it has been planned for some time so I am leaving town Sunday and I won't be back till Tuesday. What I might ask though is I will submit any proposed changes maybe to the ordinance we talked about in reference to the billboards. If you would just take it under consideration and just enter those into the record.

President Jerrel: Sure, right.

Commissioner Tuley: I appreciate it. Also, I think you may have another appointment to this Southwest Regional Strategy Committee. I submitted a name to Tony that I would like to have added to who you guys are going to talk to.

Commissioner Mourdock: Okay, do them both at once.

Commissioner Tuley: Do them at once, if you don't mind. That's all I have got.

President Jerrel: We'll do it.

Commissioner Tuley: Thank you.

Commissioner Mourdock: Um, schedule items. I hate to say this one, but next whenever it is, the 22nd I think, is the Community Correction Advisory Board meeting. Is that right, Joe? The 22nd? Okay.

President Jerrel: I think Curt--

Commissioner Mourdock: I think it is and I'm on that board and my parents are moving and they have asked me to help them move and it's hard for me to say no to that.

Commissioner Tuley: Can't imagine.

Commissioner Mourdock: Will you be in town, either of you, that could sit on that?

Commissioner Tuley: On the 22nd?

Commissioner Mourdock: Yeah.

Commissioner Tuley: Yeah, I'll be here.

Commissioner Mourdock: Okay, if moving date changes I will certainly let you know.

President Jerrel: Okay.

Commissioner Tuley: Yeah, I'll just be gone from Sunday to Tuesday, so I'll be back in town Tuesday.

Commissioner Mourdock: Okay.

Commissioner Tuley: Do you want me to sit in on it? Do you want me to actually sit in on the meeting then?

Commissioner Mourdock: If you would, yeah.

Commissioner Tuley: Okay, well we both...I wanted to make sure you want me to just do it.

Commissioner Mourdock: Well, that is fine with me.

President Jerrel: Yeah, I'm going to go and sit in the audience. I didn't--

Commissioner Mourdock: Oh, okay.

President Jerrel: I was planning on going anyway, so--

Commissioner Tuley: It's the 22nd, I'm sorry, at what time?

Commissioner Mourdock: Um--

Commissioner Tuley: At 5:30?

Commissioner Mourdock: Three thirty, I think.

Commissioner Tuley: Oh, 3:30?

Commissioner Mourdock: Tony, would you check it please?

Commissioner Tuley: Just call me or e-mail me, Tony. Let me get the exact time.

Tony Greubel: Okay.

Commissioner Tuley: Yeah, I'll be glad to.

Commissioner Mourdock: And if my schedule changes I will let you know.

Commissioner Tuley: Oh, that's okay. Don't worry, I'll take care of it if you're not here.

Joe Harrison, Jr.: I had one more...I'm sorry, I had one more item when you mentioned Community Corrections. I have had some discussions with the Sheriff regarding his interest in taking over control of the Community Corrections program and he has indicated a willingness to undertake that task. I hope to have a contract for consideration by the County Commissioners on August 2nd, which will be a Monday, and also by the County Council on, I guess, the 4th. In connection with that I would also have an ordinance for consideration by the Commissioners on the 26th of July and the 2nd of August amending and repealing the language which now has jurisdiction in the hands of the Circuit Court and change that to jurisdiction by the County Sheriff and then that agreement with the Sheriff would then be signed following that action on the 2nd. The County Council would then consider the agreement on the 4th. If all that goes as planned, sometimes plans change, the Sheriff could then assume control of the Community Corrections program on the 5th of August. But, again, that is subject to change. I would ask for approval to advertise for a hearing regarding the...I would prefer to have a public hearing on the second reading which would be August 2nd of that particular ordinance. We could have a first reading just to introduce it, but a public hearing for the second reading. That would give us enough time, is that correct, Charlene? Advertising-wise? Yes.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. The other, did you want to...the ordinance for the public defender.

Joe Harrison, Jr.: Oh, as far as the public defender is concerned why don't we get permission to advertise as well although the dates would either be the 2nd or the 9th as far as a hearing on that. If that's okay. Maybe I can tell you next week which of those dates that it would be. It might be better that we have a public hearing on the 9th on that one.

Commissioner Tuley: Oh, yeah.

Joe Harrison, Jr.: If that is permissible.

Commissioner Mourdock: So you want us to go ahead and advertise it for the 9th?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. You better not leave the room any more! John, take a look and see where you think the signatures...I think they are on the third page. Is there any other business that needs to come before this body?

Commissioner Mourdock: Motion to adjourn.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:58 p.m.

Those in attendance:

Betty Lou Jerrel	Richard E. Mourdock	Patrick Tuley
Joe Harrison, Jr.	Suzanne M. Crouch	Charlene Timmons
Tony Greubel	Tom Carusillo	David Kiely
Allan Loosemore	Maurice O'Connor	Phil Hoy
David Shaw	Curt Wortman	Jeff Tornatta
Doug Knight	Roger Madden	Stan Levco
Dick White	Dennis Conwell	John Stoll
Others unidentified	Members of the media	

**Vanderburgh County
Board of Commissioners**

Betty Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
July 19, 1999**

The Vanderburgh County Board of Commissioners met in session this 19th day of July at 5:38 p.m. in the Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order and present to you the people you see before you. On my far right is Barbara Cunningham, the Area Plan Director; next to her is Joe Harrison, Jr., the County Attorney; Pat Tuley is unable to be with us this evening; on the far left, Charlene Timmons, is the Recording Secretary; Suzanne Crouch, next to her, is the County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like to invite you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes as submitted for the July 12, 1999 County Commission meeting.

President Jerrel: I'll second that motion and say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the summary minutes and show that those minutes discussed matters of pending litigation and also county personnel matters.

President Jerrel: I'll second and say so ordered.

Jerry Bryan - City/County Purchasing

President Jerrel: The next item on the agenda is the Purchasing Director.

Jerry Bryan: Tonight I would like to bring before the Commission to request permission to award bid 99-23 which is a new pickup truck for the county to replace one damaged beyond economical repair. Obviously, this is in addition to the one that I had a couple of weeks ago, Bettye and Mr. Mourdock. Suzanne, I'm correct in saying that the \$14,000 insurance settlement, the check is in our hands, correct?

Suzanne Crouch: Correct.

Jerry Bryan: Erik tells me that the balance of the truck of \$23,000 which would be about \$9,800 is in the Road Equipment Fund 216-4310, is that right?

Erik Bentle: That's correct.

Jerry Bryan: In the interest of brevity I have, of course, the summary here of what happened, but this truck is needed to balance out the fleet because they are in the heavy work schedule right now and we request that the Commissioners allow us to purchase this truck, please.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval of the awarding of bid VC99-23 for the new pickup as requested.

President Jerrel: And I'll second and say so ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

<p>Public hearing Ordinance amending Title 17, Off-premise advertising signs</p>
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President Jerrel: The next item on the agenda is the public hearing on the ordinance amending Title 17 concerning off-premise advertising signs. I do have a letter which I will include in the minutes from Commissioner Tuley who had some comments to make on the issue and we talked about how we could do that since he wasn't going to be able to be here this evening and so we're including it. His comments deal with the Highway Beautification Act and his feeling that we should keep the minimum standards set forth in this Act and he is recommending that the County Commissioners amend the current ordinance as per the following:

"For billboards along any state or federal highway we should follow the guidelines adopted by the State of Indiana as per the Highway Beautification Act and two, all other places not along a federal or state highway amend the ordinance as per the ordinance adopted by Evansville City Council."

We'll enter this into the record for Commissioner Tuley. To begin let me just make a comment that we followed...I know Commissioner Mourdock, and Commissioner Tuley and I followed very closely all of the hearings and discussions at the City Council level and we feel like we're reasonably well informed. We've asked people their thoughts and organizations, but we certainly would welcome any comments that anyone wishes to make at this time concerning the ordinance and any recommendations that may come forth, so if there is anyone here that would like to speak please come forward.

Steve Miller: Thank you. I'm Steve Miller and I am here representing Operation City Beautiful. We have been involved in the process with the City of Evansville and have become very familiar with the issues regarding off-premise signs and we would like to strongly recommend that the county adopt the same restrictions and the city has adopted and that we not follow the state recommendations. There is a considerable difference in the two as I understand it. We would like to recommend and hope that the County Commissioners would adopt the same restrictions as the city has. Thank you.

President Jerrel: Thank you. Is there anyone else that wishes to speak? Yes, sir.

Mick Murphy: My name is Mick Murphy, Tri-Out Outdoor Advertising. I also agree. We've put many hours in as far as the background and everything of what would work and what would not work. What the city has adopted I, as a member of the outdoor industry, would also recommend that we mirror the city in the county and I believe it will work out for all of us. Thank you.

President Jerrel: Is there anyone else that wishes to speak? Mrs. Cunningham, do you have any comments?

Barbara Cunningham: I can answer any questions that you might have. I think what you have before you tonight is the ordinance sent by the Plan Commission in May. You also have been given a packet that explains the comparison between the city and the county and the existing ordinance. If you have any questions I would be happy, and my staff is here, too, to answer any questions that you may have.

Commissioner Mourdock: Let me ask the question then jointly of Barbara and Joe. It is my understanding we can essentially do one of several things. We could either obviously not adopt any ordinance which would maintain the one that we presently have in effect. We could adopt the ordinance that has been proposed by APC. We could adopt the revised ordinance as done by the city or--

Barbara Cunningham: You have to amend it to do that.

Commissioner Mourdock: Right, yeah, okay, which I guess would be the same as what I was about to say the fourth option would be to amend. So we would amend either by adopting what the city has done or other amendments.

Barbara Cunningham: It needs to be done today though.

Commissioner Mourdock: Right.

Barbara Cunningham: Because your 90 days is tomorrow.

President Jerrel: Right.

Joe Harrison, Jr.: Yeah, if you wish to make any amendments they have to be done today.

President Jerrel: Well, for the purpose of initiating this discussion there are some areas that I think we can legitimately go along with that are exactly like the city, but I would like to make a recommendation that perhaps we look at a few of these other areas that are somewhat different.

Commissioner Mourdock: Yeah, I think certainly the efforts of the city and a lot of the advertising people and everyone else involved, I think there were some beneficial comments added from the original proposal that APC put forward, so I think many of those can be added in. I'll start through the list if you like.

President Jerrel: Okay, that would be fine.

Commissioner Mourdock: I guess we'll ultimately do this in total, but at least for the purposes of discussion I would suggest that under Section 17.27.010 of the

proposed April 21, 1999 that we add as the city did the language, off- premise signs shall not be included with on-premise signs in determining the total number of signs...the total number of...I'm sorry, let me start over.

“Off-premise signs shall not be included with on-premise signs in determining the total number or size of signs permitted on any site.”

President Jerrel: And that would simply be in addition to our current language.

Commissioner Mourdock: Right.

President Jerrel: Okay, do you want to do these or do you want to go through everything?

Commissioner Mourdock: Why don't we...yeah, that is probably the simplest solution.

President Jerrel: Is that in the form of a motion?

Commissioner Mourdock: Yeah, let me make that as a motion that we add that to the language of 17.27.010 Purpose.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: The second one would be under the Maintenance and removal section, which is 17.27.030. Under B 3 I would suggest a condition of dilapidation exists be amended to read:

“A condition of dilapidation or danger exists.”

President Jerrel: Right, I'll second and say so ordered.

Commissioner Mourdock: Under that same section I would add a subparagraph D:

“When relocation or removal of an off-premise sign becomes necessary due to construction, expansion or other development planned on the site where the sign is located the sign may be moved by the sign owner to another location on that same site within 20 feet of the location of the original sign providing the location within 20 feet of the original sign does not increase the nonconformity of the sign. Once the sign has been removed temporary approval shall be effective for a period of 90 days. During that time an off-premise sign may be erected after issuance of all required permits. Permit fees may be waived if the off-premise sign structure is the same configuration and erected in the same manner as the original sign, is of the same or smaller size than the original sign and documentation is provided from the owner of the site that the relocation of the sign is necessary due to construction, expansion or other development planned for the site.”

President Jerrel: I'll--

Barbara Cunningham: May I make...(inaudible) I thought it was in the city. And a valid permit for this construction has been issued instead of just a letter from the owner of the property. That there be a valid permit in hand that this is going to be

changed or a parking lot is going to be added or the building is going to be moved.

Commissioner Mourdock: Ah. I understand what you're saying with that, so I am trying to think where that would be appropriate.

Barbara Cunningham: Just at the end of the sentence, couldn't it be?

"And a valid permit for this construction has been issued."

It's implied, but I mean this really ties it down. It's implied in the city.

Commissioner Mourdock: I'll amend my motion to include that wording for that provision.

Barbara Cunningham: Thank you.

President Jerrel: Again, let me repeat that we just read in, except for that last sentence, the language of the city's.

Commissioner Mourdock: Right, and that would be from the city's paragraph D.

President Jerrel: Right.

Commissioner Mourdock: I think you need to do a so ordered there, I think.

President Jerrel: And I'll say so ordered.

Commissioner Mourdock: Under that same section then I would suggest we add a paragraph E that would read as the city's paragraph G reads:

"All off-premise signs must display copy encompassing the entire display face at all times. If copy is not displayed for a period exceeding 60 days the permit for the off-premise sign may be revoked. "

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Okay, my next comment is somewhat of a question that I think we need to discuss here. As submitted to us under Section 17.27.040 Prohibitions, the present paragraph I reads:

"Placement within 300 feet of the edge of the right-of-way along the Ohio River Scenic Route or within 300 feet of the center of the Greenway Passage."

My question, I guess for the County Attorney here, is what the heck does that mean given the Greenway Passage project seems to me to be an ongoing project? There has certainly been maps drawn that show the Greenway Passage to be more extensive than it presently is. Is this language as drafted...would it be comprehensive in the sense of those plans that have been submitted even though at this time there is no right-of-way acquired?

President Jerrel: Well, I think their language speaks to it over here.

Barbara Cunningham: It's H in the city.

Commissioner Mourdock: You're right, it does.

President Jerrel: Yeah, I think that speaks to it.

Commissioner Mourdock: I've read this five times and how I missed that I do not know.

Joe Harrison, Jr.: We do have a map of the Greenway.

Commissioner Mourdock: Yeah, and this is different than the map in that the city's language in their paragraph H says:

"Placement within 300 feet of the center of the Greenway Passage which has been purchased, leased or completed and a legal description of said Greenway is on record."

I'm comfortable with that language so I would move that language be a replacement for our language in paragraph I.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: I believe the...maybe Barbara would know. It was my understanding the city deleted paragraph D, is that correct?

Barbara Cunningham: That's right. Why they deleted it was kind of at my suggestion because I did not think it would be enforceable.

Commissioner Mourdock: Which paragraph D?

Barbara Cunningham: Placement where the sign blocks visibility of any existing on-premise sign on adjacent property.

Joe Harrison, Jr.: That was in the ordinance passed by the Area Plan Commission.

Commissioner Mourdock: Why would you argue to delete that?

Barbara Cunningham: Only because I don't think I can enforce it. I mean, how do I determine what blocks visibility?

Joe Harrison, Jr.: And the city did block that out.

President Jerrel: Well, we don't have any action to take because that was--

Joe Harrison, Jr.: That was in the one the Area Plan, so that will need to be deleted as well.

Commissioner Mourdock: Yeah, that is what they're saying. We need to take that one out.

Joe Harrison, Jr.: So the current D, it would be 17.27.040 D.

Commissioner Mourdock: Okay, so for the record I'll move that we delete the language in the section just referenced, paragraph D, placement where the sign blocks visibility of any existing on-premise sign on adjacent property.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Under paragraph 17.27.060 Requirements, I would move that we add language from the city ordinance that reads at the end of the paragraph as submitted to us by APC:

"The height of signs intended to be read from raised roadways and advertising in C-4, M-1, M-2 and M-3 districts located along raised roadways may exceed the height limit by an amount equal to the height of the raised roadway, but may not exceed 65 feet. This provision for height of signs exceeding 50 feet shall apply only to those off-premise signs advertising to the raised roadway and erected within 100 of the right-of-way of the raised roadway. "

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: The next addition to our language would be under the paragraph following B, Embellishments. We would add the sentence, again from the city ordinance:

"Aprons not exceeding two feet may be utilized as embellishments providing the total area of the sign does not exceed the maximum size permitted within the district in which it is located."

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Paragraph C should read, under that same section, distance...I'm sorry, Distance from certain districts and uses.

"An off-premise advertising sign may not be erected or placed within a 300 foot radius of a residential dwelling (excluding detached residential accessory buildings) or within a 300 foot radius of a property line of an undeveloped residential district. In no circumstance shall any off-premise advertising sign be erected within 60 feet of any residential property line. An off-premise advertising sign may not be erected or placed within a 300 foot radius of the property boundary of a public park, church, school or museum."

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: I believe that is all the additions of language that I have.

President Jerrel: That's all of the additional language and those items that were not included would be...the language would maintain the language of the APC, correct?

Commissioner Mourdock: Correct.

Barbara Cunningham: Was there not...can I say one thing real quick? Was there not a diagram added at the end that you have for an explanation?

Commissioner Mourdock: The diagram?

Barbara Cunningham: Who has got that. No, that's the chart, but then there was a diagram added as to how we...it should be in the ordinance packet. Was that added

at Plan Commission?

Unidentified: Yes.

Barbara Cunningham: Okay, well then it's okay. It's in your ordinance packet. The one how we were explaining how we did it.

Beverly Behme: Richard has it.

Barbara Cunningham: Okay, then it's there.

Commissioner Mourdock: Yeah, it's in the packet we received. With those additions I would move approval of the off-premise advertising ordinance.

President Jerrel: To be sent to the Area Plan?

Joe Harrison, Jr.: And then it will come back to this body after they enact it for a final reading.

Barbara Cunningham: No, unless it is different than it is in the county. It goes to the Plan Commission and Plan Commission can either approve it or deny it. If they approve it then it becomes...it comes back to you, you're right, just to sign it. It doesn't have to come back for a meeting if they approve it. If they deny it it comes back for you to reaffirm it.

President Jerrel: But we do everything in a public meeting, so it would come back.

Joe Harrison, Jr.: It will come back and we'll advertise the final reading of it just to be safe.

Commissioner Mourdock: We need a roll call.

President Jerrel: I'll ask for a roll call vote for that motion. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes and say so ordered.

DADS - Approval of contracts for services
--

President Jerrel: The next item on the agenda is the DADS program, approval of contracts for services.

Commissioner Mourdock: Do we have someone to speak on that one? I don't think we do, do we?

President Jerrel: I don't think there is.

Commissioner Mourdock: I will...well, let me--

President Jerrel: Wait until everybody gets out.

Commissioner Mourdock: Yeah. Joe, excuse me. As we resume here have you

reviewed the contract with the DADS program, Drug and Alcohol Deferral Service?
I presume you have.

Joe Harrison, Jr.: Yes, yes.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: It's fine.

Commissioner Mourdock: You give it your blessing?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Okay, then I'll move approval of the submitted Vanderburgh County Drug and Alcohol Deferral Service contract for services with the county.

President Jerrel: I'll second and say so ordered. The next is any group or individual wishing to address the Board.

Commissioner Mourdock: There was two of those, Bettye Lou.

President Jerrel: Oh, I'm sorry.

Commissioner Mourdock: I would also move approval of the Vanderburgh County Drug and Alcohol Deferred Service for the Youth Adult Program.

President Jerrel: And I'll second and say so ordered.

John Stoll - County Engineer

President Jerrel: We're ready to begin the reports. County Engineer.

John Stoll: The first set of road plans I've got up there is for Cambridge Subdivision. This is the large subdivision with the golf course up off Volkman Road. I've reviewed the plans and met with Bill Jeffers and he didn't have any additional changes. The consultant on the project has made all the changes we've requested at this stage of the game and I would recommend that the street plans be approved subject to two things. One, they've got to provide some agreements for the maintenance of the golf cart crossings that will pass underneath the road and also they've got some decorative bridge structures with some head walls on the bridge that is an item that we wouldn't maintain. Basically they've got three culverts that they're going to put a stone head wall on to make it look like a bridge, but since that's more decorative than it is functional we're asking them to maintain that as well. The other item, I met with Chris Weil who works with the developer and they're making one more revision to a detail on plastic pipe installation that they are going to fax to me as well. That may change some of the plastic pipe into being concrete, but we can work out which pipes will be plastic and concrete later, but the rest of it the street plans look fine. Bill Jeffers was okay with it, so it is recommended that those plans be approved.

Commissioner Mourdock: I'll move approval of Cambridge Phase 1 street plans.

President Jerrel: I'll second and say so ordered. I drove all over that last week. I

had a two hour tour of that area.

John Stoll: I can believe it.

President Jerrel: Whew, it's growing.

John Stoll: That's probably the biggest set of subdivision plans I've seen since I have been here.

President Jerrel: Yeah.

John Stoll: The next set of street plans is for Windemere Farms Section 3. This will tie into Section 2 of Windemere Farms which the whole Windemere development is located off of Kansas Road. Here again I met with Bill Jeffers regarding any changes needed as a result of us getting the drainage plan approved subject to final street plan approval. Bill was okay with all the changes that I had requested and he didn't have anything else, so on that basis it's recommended that these streets be approved as well.

Commissioner Mourdock: I'll move approval of Windemere Farms Section 3 street plans as submitted and recommended.

President Jerrel: I'll second and say so ordered.

John Stoll: The final set of subdivision plans I've got is for Bridlewood Subdivision. This is located at the corner of Fisher Road and Boonville-New Harmony Road. Here again, after some changes that were made by the consultant it is recommended that these plans be approved. There is one additional item that they are going to have to provide before the subdivision gets recorded and that is either an off-site easement or a letter from the abutting property owners where this whole site discharges. Basically they've got their retention pond in the northeast corner of this site. It's going to drain through a box culvert and then into currently vacant Fisher Road right-of-way and then tie into an existing ditch that eventually gets to Schlensker Ditch.

Commissioner Mourdock: But what is contingent? I know from the Drainage Board we had several neighbors who were adjacent who didn't like a lot of this. Are you making something contingent upon them?

John Stoll: No, this is the property to the north.

President Mourdock: Fisher Road, the Hornet's Nest is right there.

John Stoll: We've only got...there is only a quarter mile of pavement that actually exists out here on Fisher and according to our accepted road list and the INDOT road list they show .36 miles, so the pavement actually ends right here and from here northward there is just vacant right-of-way. They have since modified this. They are going to put a new culvert in underneath this driveway that leads back to this house and then cut a new ditch across the Fisher Road right-of-way and tie into a new ditch up...I mean, an existing ditch that feeds Schlensker Ditch out in this area. What the property owner needs to submit, and this is something I discussed with Bill Jeffers earlier today, was the two property owners on either side of this vacant Fisher Road right-of-way are going to either petition to vacate the right-of-way or they're going to dedicate an easement through here. If they petition to vacate the

right-of-way the thing that Bill Jeffers and I discussed was Bill had requested a letter from the property owners on both sides of this new ditch that they would acknowledge that they have maintenance responsibilities since this will be a private ditch running across private property. So it's not contingent on any of the people who were remonstrating against the project--

Commissioner Mourdock: Right.

John Stoll: --this is ground that is north of those remonstrators.

Commissioner Mourdock: Neither of these two people were remonstrators?

John Stoll: No. They were, according to what the developer's engineer said, they were leaning towards the vacation of the right-of-way and then either have an easement that defines who is responsible or submit the letters, but he said probably they would submit a letter saying they acknowledge maintenance responsibility of the new ditch.

Commissioner Mourdock: Okay. Having said all that, what is it they want? This is street--

John Stoll: Street plan approval.

Commissioner Mourdock: I'll move approval of the street plan for Bridlewood Residential Subdivision as submitted and recommended.

President Jerrel: And I'll second and say so ordered.

John Stoll: Next I've got the cover sheet for the Broadway Avenue Bridge No. 272 replacement. This is the timber bridge that has been under design for some time. This is the cover sheet. The plans are basically done. We've still got some coordination and some relocations to work out with the utilities, but hopefully we'll have this project ready to be out for bid within the next four to six weeks and it is recommended to approve the plans through signing the cover sheet.

Commissioner Mourdock: Funding all set and ready to go?

John Stoll: Pardon?

Commissioner Mourdock: Funding all set and ready to go?

John Stoll: Yes.

Commissioner Mourdock: I'll move approval as requested.

President Jerrel: I'll second and say so ordered.

John Stoll: The next two items are recommendations to award the two contracts we opened last week. The first one is for contract number VC99-06-02, the Virginia Street extension. It is recommended this be awarded to J.H. Rudolph for the amount of \$85,915.88.

Commissioner Mourdock: So moved.

President Jerrel: And I'll second and say so ordered.

John Stoll: And the second contract is contract number VC99-07-01, the First Avenue Bridge No. 611 repairs. It's recommended that this be awarded to Naas Brothers Trucking for the amount of \$15,832.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

John Stoll: Next I've got a street acceptance request. This is for MIB Subdivision. This is located at the northeast corner of Oak Hill and Lynch Road. The acceptance involves 676 feet of Mariner Drive. It's recommended this be accepted for maintenance by the county.

Commissioner Mourdock: So moved.

President Jerrel: And I'll second and say so ordered.

John Stoll: The next item is also a street acceptance. This is for 251 feet of Ridgeway Avenue. This picks up the 31 feet of Ridgeway that was built as a part of our connection and we also found that there was a gap in the previous acceptances and this picks up that gap of 220 feet, so it's recommended that this be accepted for maintenance.

Commissioner Mourdock: Are you saying the gap where there was no asphalt was 31 feet?

John Stoll: Right.

Commissioner Mourdock: I'm going to win the broad jump in the next Olympics because I swear I could do the broad jump over that.

President Jerrel: I know it.

Commissioner Mourdock: I'll move acceptance of the streets for Ridgeway as recommended by the County Engineer.

President Jerrel: And I'll second and say so ordered.

John Stoll: And the final item I've got is a change order on the Boonville-New Harmony Road bridge project. This is contract number VC99-06-01. This is where we installed some culverts adjacent to a bridge. The change order is for an increase of \$1,391.85. The contractor was TD & O, Limited Liability Corporation and it is recommended the change order be approved.

Commissioner Mourdock: That was the one just east of 65, between 65 and St. Joe Road?

John Stoll: Right.

Commissioner Mourdock: So moved.

President Jerrel: And I'll second and say so ordered.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: I have something, but I'll say it to you tomorrow. I've got a call to see about Campbell Road and I'll send it to you, just a question. Before we move onto the next just for the benefit of the audience and the media we did make some changes by omission on this new ordinance, on the billboard ordinance. They are in some cases somewhat more restrictive than the city's and we had proposed some amendments and they will make it somewhat in the area of development and the spacing primarily and the others were just cleanup language, but that just for the record so if someone is confused about what we did.

Commissioner Mourdock: Yeah, I think there is two main points there. One being the altruistic, if you will, best image for the community as far as having something other than just signs greeting folks and the other one, obviously, it's always the safety issue, too. We've got some intersections that are filling up with signs.

President Jerrel: We've...for those of you that have been to our meetings you know that we're experiencing a tremendous amount of growth in the county and we've been very, very concerned every time we take a step that we use the word planning. We've got northern Green River Road, North Highway 41 and, of course, the Burkhardt/Lynch and those corridors. We have tried to use planning for the future as one of these important goals that we're trying to meet and this fits in with what we feel is the best for the county growth.

Commissioner Mourdock: Before we leave the County Engineer for a second, John, would you make a note again and I think you've done this once or between you and Erik give the state highway people one more call on cleaning the trees out of the state right-of-way just north of Hillsdale at 41. The trees have grown up there in that ditch and it is impossible to see if there is a train coming through there. I have gotten three calls in the last couple of weeks about that one and if they don't do it let's run the risk of trespassing on state property and going out there with a chain saw and cutting down those trees because it is definitely a hazard.

John Stoll: We have also contacted CSX to have them look into it to get anything off their right-of-way as well.

Commissioner Mourdock: Yeah, I think the worst of it is on the state right-of-way though.

John Stoll: Okay.

Commissioner Mourdock: Yeah, please.

President Jerrel: You know, at the end of Green River Road where the I-164 exit is?

John Stoll: Yeah.

President Jerrel: On their right-of-way I don't think anybody has ever cleaned anything. It's just loaded with cans and bottles and anything else. I know that is out of the way and out of sight, but you know as long as you've got them on the phone.

John Stoll: Okay, I can give it a shot.

President Jerrel: Tell them we need a little cleanup out there.

Commissioner Mourdock: Tell them we're getting ready to send Bettye Lou to Indianapolis!

President Jerrel: That's right, immediately.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: Okay, County Garage.

Erik Bentle: Okay, as of right now we've got 54 percent of our paving done. We're still a little bit behind where I would like to be right now, but hopefully within the next couple of weeks we can get that caught up. We've got 66 percent of our ditching done. We're just about where we should be right there. You've got my weekly work schedule and the rest of the packet. I'm done.

Commissioner Mourdock: I did notice something came through the other day from Jack Crawford on the--

Erik Bentle: Remediation.

Commissioner Mourdock: Yeah, remediation. He referenced some samples that came back that were still, I think, over 25 parts per million or something.

Erik Bentle: I have had him tilling that stuff, turning it over and over and over and it just doesn't seem to be airing out any. We've actually got it mounded up now. He is moving the mound about every other day trying to air it out and it's just an ongoing process.

President Jerrel: Yeah, because we got the bill.

Erik Bentle: And it is outrageous, I know.

President Jerrel: Yes, it is.

Erik Bentle: It's like they're bleeding us to death out there.

Commissioner Mourdock: Which bill, (inaudible)?

President Jerrel: Yeah, and it's just...you know, we need...I mean--

Erik Bentle: It's something we are working on every week though.

Commissioner Mourdock: Yeah, I was just...it was odd--

Erik Bentle: The only way to do it that guy told us is to keep moving the dirt and airing it out.

Commissioner Mourdock: Yeah. Well, I had driven by there and made the mental note to bring it up and lo and behold that afternoon or that evening when I came in I found his write-up there, so I appreciate the update, but let's get that stuff out of there.

Erik Bentle: I know, it's a terrible thing. I wish we could just get rid of the whole thing

and get it over with.

Commissioner Mourdock: Yeah, absolutely.

President Jerrel: Okay.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing I have this evening has to do with action that will be needed by this Board concerning how the County Auditor will pay remaining construction payments that the county has to make in connection with The Centre project and I would ask that a motion be considered which would direct the County Auditor to pay remaining construction payments for the facility first from the county construction fund, secondly from the Aztar auditorium donation to the county and thirdly from the auditorium fund and I would ask that a motion be made to this effect. This is per the recommendation of the county and the Building Authority's financial advisor in connection with the bond issuance, H.J. Umbaugh & Associates.

Commissioner Mourdock: And as you're recommending it we would draw down in order each of those accounts down to zero?

Joe Harrison, Jr.: Yes, or there very well could be a remaining balance at the end.

Commissioner Mourdock: In the last one, right.

Joe Harrison, Jr.: But I doubt it seriously.

Commissioner Mourdock: I'll move that we use the accounts in the order as presented by the County Attorney and draw down those funds accordingly.

President Jerrel: And I'll second and say so ordered.

Joe Harrison, Jr.: I would add that it is my understanding that next month the county will be receiving the \$1.5 million donation from the Visitors & Convention Bureau and when that particular amount is received by the county I would also ask that those funds also be used to pay remaining construction payments in connection with The Centre project.

Commissioner Mourdock: So moved.

President Jerrel: And I'll second and say so ordered.

Joe Harrison, Jr.: That's all I've got. Thank you.

Commissioner Mourdock: One other question, Joe, under your docket there. Have you had any further meeting with the Sheriff regarding the contract and the SAFE House or how are you progressing?

Joe Harrison, Jr.: Yes, it is...I have forwarded a draft ordinance to the Auditor's Office for publication in the newspaper within the next several days concerning a first reading amending the county ordinance that deals with the current jurisdiction of the

Community Corrections program, amending that particular ordinance to put the control of that program in the hands of the County Sheriff. So a first reading on that particular ordinance will be on the 26th, but a public hearing and a final reading on that ordinance would be August 2nd, the final reading and public hearing. Following that particular reading on August 2nd this Board will consider an agreement with the County Sheriff concerning his operation of the Community Corrections program and I will have a copy of the draft agreement to you within the next several days. I have met with the County Sheriff and he is willing to undertake the task and also the County Council would sign off on the same agreement. They meet, I believe, August 4th. That's a Wednesday and he could then assume jurisdiction over the facility the following day, August 5th. So that's kind of the game plan right now.

President Jerrel: Okay.

President Jerrel: Superintendent of County Buildings is not here this evening. That was all you had to offer?

Joe Harrison, Jr.: Yeah, the only other thing is that I have drafted a model or a proposed ordinance for the County Public Defender Board and I need to get a copy of that over to you all and then to Charlene. I believe that you wanted to consider that for a first reading on the 9th of August, so I will need to get that to Charlene within the next several days, but I have drafted a proposed ordinance. I think you approved that at the last meeting as far publication of that ordinance.

President Jerrel: Right.

Joe Harrison, Jr.: That's all I have.

Weekly reports

President Jerrel: Superintendent of County Buildings isn't here and I spoke with Burdette today just as a little note. They had 4,000 from Deaconess on Saturday. They had 2,000 with Christian Life on Sunday.

Commissioner Mourdock: Christian Fellowship.

President Jerrel: Christian Fellowship, pardon me. And they were lining up trying to get in this morning early when I spoke with Gary, so this hot weather they are crowded. So they felt good about it, but they were needing to be there this evening, so that is the reason they are not here. We do have reports from Soil & Water and the Ozone Officer, so is there a motion to accept those, all the reports?

Commissioner Mourdock: Yeah, I'll move that we accept the report of the County Engineer, County Garage, Superintendent of County Buildings, Burdette, Soil & Water and the Ozone Officer.

President Jerrel: And I'll second and say so ordered.

Consent items

President Jerrel: Under consent items A through D...I would like to add--

Commissioner Mourdock: Yeah, I'll move approval of the consent items with the one deletion that I know you pulled one pink slip there.

President Jerrel: Yes.

Commissioner Mourdock: And then also I would like to add in a travel request for Commissioner Jerrel to go to Indianapolis later this week.

President Jerrel: Okay, I am going Friday for the purpose of speaking to the legislative authors of the bill that is going to cause us some more problems with our jail by letting them send down people, so that's what the purpose of my trip is. And then when you get to the Auditor has submitted Form 144's for the year 2000 budget and has done some additional information. Would you want to speak to that just a minute?

Suzanne Crouch: Oh, sorry. I speak so seldom, I get so excited.

Commissioner Mourdock: I think actually I stole yours if you need it.

Suzanne Crouch: No, I think that's fine. We have submitted for you the projections on what the additional employees that are being requested from the county departments. There are 17 additional employees and what that translates to within the budget requests that have been submitted, the 17 new employees with their salaries and their benefits add an additional \$618,755 to the General Fund budget if those were all fully funded and that does not include the \$250,000 request by the Sheriff for a salary adjustment in regards to the proposed SAFE House changes, so that is a significant amount of money. There have been, I don't have the exact number before me, but \$41 million plus in budget requests submitted that Council will have to address and our budget this year is funded at \$39--

President Jerrel: I thought there was \$43.

Suzanne Crouch: Forty-three, I'm sorry. You're absolutely right.

President Jerrel: It's \$43,909,000.

Suzanne Crouch: It's \$43 million and the County Council will have...is currently funding about \$39 million, a little over \$39 million for the General Fund. Actually I think it's \$39.9.

President Jerrel: Just an observation. I appreciate this.

Suzanne Crouch: Uh-huh.

President Jerrel: I'm no longer on Council and obviously we don't have anything to say about this, but I would think that you could probably reduce this by about eight hundred and something thousand if they want to get that \$800,000 reduced from the...in the neighborhood of their \$39 million that they currently have. That would get them down more into the ballpark figure.

Commissioner Mourdock: It's \$868,000 right here.

President Jerrel: Uh-huh, right. Well, do they have copies of this?

Suzanne Crouch: No, that will be submitted in the budget overview packet that we will be sharing with them later, but I thought since this pertains specifically to those 144's that you're recommending...making recommendations to County Council on this information might be helpful.

Commissioner Mourdock: Just to clarify something so that this isn't misread, under The Centre it has five new employees, but that is not truly five new employees. That is positions that were previously defined there, correct?

President Jerrel: They weren't in the '99--

Suzanne Crouch: They weren't in the budget, that's correct.

Commissioner Mourdock: Yeah, they were in and came out and now they're back in.

President Jerrel: Right. Those five were in the '98, but not the '99. The others are all just new positions. Okay, thank you very much. Is there a motion to accept this?

Commissioner Mourdock: I move that we accept the Auditor's reports for the additional employees in the consent items and, again, the consent items as filed with the one deletion and the one additional for travel.

President Jerrel: And that includes the Treasurer too, so I'll second and say so ordered.

Old business

President Jerrel: Is there any old business?

Commissioner Mourdock: I don't think so.

President Jerrel: Commissioner Mourdock's laptop died.

Commissioner Mourdock: Yes, I am in mourning.

President Jerrel: He doesn't know when I said old business he could--

Suzanne Crouch: Is this new business?

Commissioner Mourdock: I don't know. I had the calender in advance. I think I may be the first victim of Y2K.

New business

Commissioner Mourdock: Under new business, one item that we do need to deal with is for the Indiana Regional Economic Development Commission. We have two new appointments. One would be to appoint Jerry Ramsey to represent labor to that Board and Ms. Donna Bergman of Ferro Plastics has agreed to serve also.

President Jerrel: Good.

Commissioner Mourdock: So I would move we make those two appointments.

President Jerrel: I'll second and say so ordered. Is there any other business to come before this Board?

Commissioner Mourdock: Motion to adjourn.

President Jerrel: So moved. Second and so ordered.

The meeting was adjourned at 6:28 p.m.

Those in attendance:

Bettye Lou Jerrel	Richard E. Mourdock	Joe Harrison, Jr.
Suzanne M. Crouch	Charlene Timmons	Barbara Cunningham
Jerry Bryan	Steve Miller	Mick Murphy
John Stoll	Erik Bentle	Others unidentified
Members of the media		

Vanderburgh County
Board of Commissioners

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

**Vanderburgh County
Board of Commissioners
July 26, 1999**

The Vanderburgh County Board of Commissioners met in session this 26th day of July at 5:40 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda, I would like to introduce to you the people before you. On my far right is Tony Greubel, our Superintendent of County Buildings; Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; the far left, Charlene Timmons, our Recording Secretary; Bill Fluty, Deputy Auditor; and Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: Thank you. The first action item on the agenda is the approval of the minutes of the last meeting.

Commissioner Mourdock: I'll move approval of the minutes of July 19, 1999.

President Jerrel: I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: And I'll move approval of the summary minutes of today's Executive Session which commenced at 5:00, ended at 5:30 and dealt with county personnel matters.

Commissioner Tuley: I'll second for the portion that I was here from about 5:15 to 5:30.

President Jerrel: And I was also here for that length of time and I'll say so ordered.

**Joe Coleman
Appraisal service contracts/permission to seek title work services**

President Jerrel: The first item on the agenda is Item C, Joe Coleman and this concerns our appraisal services.

Joe Coleman: Good evening. The contract for appraisal services is for the FEMA/SEMA flood mitigation program. The two low bidders were Larry Farmer and Crane Appraisal. This was originally approved April 10th and they are ready to start the work. At this time I would also like to request permission to seek title services and those services would be the title search, the legal opinion, the preparation of title insurance, preparation of the deed and handling the closing on the properties.

President Jerrel: Are there any questions of Joe?

Commissioner Mourdock: I'll move approval as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Eric Williams - Perceptics final procurement agreement Criminal justice management system</p>

President Jerrel: The next item on the agenda is the Sheriff.

Eric Williams: Eric Williams, Chief Deputy, Vanderburgh County Sheriff's Office.

President Jerrel: Do you want briefly...or would you briefly tell us what the...this is the issue you brought up the other day. Would you want to just refresh everybody's memory?

Eric Williams: What we've presented before you is the final contract agreement with Perceptics Corporation who is the selected vendor when we released bids for the jail management computer system. After several drafts and back and forth between the County Attorney and their corporation, their attorney, I think we've reached a suitable contract that is well within the budgeted funds providing all the services and things that we had sought in the new computer system. The timetable that they have set aside for us will get us done before the Y2K deadline which we are anticipating completion sometime mid October with this project. My staff and everybody is pretty excited about seeing this get under way and get moved to a more up-to-date technologically advanced jail management system. I can answer any specific questions you might have about it.

President Jerrel: We'll have an opportunity for a dry run and everything after the October installation?

Eric Williams: Right, Perceptics actually had a very good test break in period, training period. They were very good in that area so we're real comfortable with that. They're going to load up a whole set of test data from one of their other sites for our people to practice and work with to make sure it's going to function the way we need it to before we physically go live. We intend when we go live with their system to continue with our current manual system that we've had running all along with the current jail management system because we've never been overly confident with its ability to maintain those records, so we'll continue in that form for a period of time until we're extremely confident that we can discontinue that process.

President Jerrel: Do you have any questions?

Commissioner Mourdock: Joe, you do? You have looked at this?

Joe Harrison, Jr.: Yes, I've had an opportunity to make numerous recommendations and consulted with Eric Williams and have received correspondence back from Perceptics and pretty much everything we requested be changed in the original draft has been made and I think it's going to work out fine for them. Hopefully they can get it going soon.

Eric Williams: They've given us a 90 day timetable from the point that they have that in their hands and their president signs off on it from finally turning it over to us, so it's a pretty rigorous schedule, but--

President Jerrel: And you have enough money? I thought \$150,000 is what we--

Eric Williams: We had \$365,000 budgeted.

President Jerrel: Okay. And the \$150,000--

Eric Williams: We're anticipating maybe a return of about \$150,000 on this year's budgeted account.

President Jerrel: Okay. Have to ask.

Eric Williams: You should get it back.

President Jerrel: Okay. Alright, is there a motion?

Commissioner Mourdock: Just before I do that, one question. Is this system, Eric, part of what we can use to keep a better handle on who is in the jail?

Eric Williams: Certainly, it is.

Commissioner Mourdock: And by that you know what I mean, demographically.

Eric Williams: Based on the discussions that we've had with the Blue Ribbon Commission and the questions that have been asked repeatedly in that group, who is there, why are they there, how long have they been there, what kind of sentence are they under, this system is much more user friendly and the data is easier to get to. Even the reports they don't provide, we have people that are competent on staff to be able to write the kind of reports in this data. It also will make use of our current mugshot imaging system, integrate with that and report the pictures over so now when we bring up an inmate we'll get a live...you know, a recent photo of him for release purposes and those kinds of things. It's just another check to make sure we've got the right person and we're dealing with the right people.

Commissioner Mourdock: Okay.

President Jerrel: Sounds good.

Eric Williams: We're pleased with it. It is not, like we said earlier, it is not the Rolls Royce of systems, but it is going to be a very dependable system and accomplish what we need.

Commissioner Mourdock: With that, I will move approval of the contract with Perceptics for the criminal justice management system as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Eric Williams: Thank you.

President Jerrel: The other one is the whistle and bell one, right?

Eric Williams: The other one was what I called the Rolls Royce.

President Jerrel: Yeah.

Eric Williams: This is more the Chevy.

President Jerrel: Yeah, guaranteed.

Eric Williams: It's easier to get worked on and I know people that can fix them.

President Jerrel: The parts are cheaper.

Eric Williams: Right.

President Jerrel: Okay.

First reading - Ordinance amending Chapter 2.36.010
--

President Jerrel: Alright, the next item on the agenda is the first reading of the ordinance amending chapter...that was an interesting way of describing this. Chapter 2.36.010. Does everybody know what that is?

Joe Harrison, Jr.: They probably will now!

President Jerrel: Okay.

Commissioner Mourdock: With the first reading, I would move approval of the ordinance amending Chapter 2.36.010 of the Code of Ordinance of Vanderburgh County which is in effect dealing with the Community Corrections program in the county and giving jurisdiction for that program to the County Sheriff's Office.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Joe Harrison, Jr.: You might want to have a--

President Jerrel: Roll call?

Joe Harrison, Jr.: --roll call and I think the Sheriff is here if you want to speak with him.

President Jerrel: Okay, I'd like to call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Commissioner Mourdock: And just to clarify, that is obviously on first reading.

President Jerrel: Yes, first reading only. There is a copy for you. And after you read if it you have serious questions, otherwise we'll expect you to solve the problems--

Brad Ellsworth: How long do you have?

President Jerrel: --shortly.

Brad Ellsworth: I'll sit back here and read diligently.

Charles Malinowski - DMG-Maximus agreement for services
--

President Jerrel: Alright, moving on. Mr. Malinowski.

Charles Malinowski: Yes. Thank you Commissioners for inviting me to attend your meeting tonight. As I hope you're aware in your packets you have a proposal that we've made via the County Auditor's Office to provide a computation for computing a daily rate for housing federal prisoners in the county jail.

President Jerrel: Before you go through this and explain it let me just say I apologize that we've abbreviated everything, but DMG is David Griffith, David M. Griffith Company, that handles the review of all of our accounts to see if we're actually getting our full money reimbursements on various things that we're eligible to get it on. Is that kind of layman's--

Charles Malinowski: Yes. We've had an ongoing relationship for 15 to 20 years, if I am not mistaken, with the county to provide cost accounting services on a number of state and federal grants that you have. That has been very productive, very beneficial to both the county and ourselves. Currently we are recovering monies on the child support enforcement program, operating in the Clerk's and Prosecutor's Office, and we do recover some costs on the welfare operation, county welfare, and at times we do get some additional funds from the state civil defense emergency management operations.

President Jerrel: Okay, so now if you don't mind, I apologize for interrupting, but that helps everybody know.

Charles Malinowski: No, that's good. And to clarify also, yes, like many firms in the late 1990's we used to be David M. Griffith & Associates. Now we're DMG-Maximus. That merger occurred a year ago and little change has happened in our operations and certainly none other than what you folks see is a change in the letterhead.

President Jerrel: It was interesting, and I know Pat and Richard probably know a lot more about it than I do, but I used to look at that David M. Griffith and it was \$10,000 and I think it's \$15,000, is that correct, I believe it is?

Charles Malinowski: I believe our fee for the cost allocation plan is \$19,500.

President Jerrel: Well, this was back in '92 or '93, so I was off \$4,000, but that was what the contract was and I thought who is this David M. Griffith that we're paying this money to and why are we paying? And then I started looking into it and I realized that perhaps you would recoup for us maybe over \$100,000.

Charles Malinowski: And that particular contract, similar to what we're proposing this evening, is contingent. We will do all the work and if the county doesn't get the money we don't get paid. The county is not obligated to pay us for any of our services or any expenditures that we have on that particular service and that's the way we've structured this same proposal and contract.

President Jerrel: Okay, would you want to explain to us what you're going to do?

Charles Malinowski: Sure. Currently, to bring you up to speed, the county houses federal prisoners. You recover a daily rate for those prisoners. I believe the rate now you're recovering about \$41 a day. That rate was based in some negotiation between the Sheriff's Office, the county and the US Marshals Service who administers this operation to all local units throughout the United States. What we see the problem that you have is you don't know what your cost is. You have negotiated a rate based on something that sounds reasonable and \$41 a day for a prisoner may be reasonable, but we don't know. Your rate per day could be \$50 a day and if that is the case the taxpayers are subsidizing the federal government \$9 a day to house a federal prisoner. I might add, too, that this new system that the Chief Deputy was just talking about will help very much in this particular area whether or not you use my services or not to guarantee that you identify those non county inmates that you can charge back that daily rate on. It's very encouraging to hear that. So what we're proposing is to look at the rate and negotiate a new daily rate with the US Marshals Service and guarantee that you're going to get more money back than you are presently receiving or basically you don't have to pay us our fee. All of the services that we're talking about in this is very similar to working with the Auditor's staff. I would come in for a couple of days as needed and I would personally do all the rolling up the sleeves and pulling out the numbers and talking with the staff. Basically, I need the cooperation of the Auditor's Office and the Sheriff's Office to generate some statistical information, some financial information and then the negotiation part with the federal government would be handled by myself. If representatives from the county wanted to be included in that dialogue that is certainly welcome, but it's not required on our part.

President Jerrel: What do we receive from the state at this time?

Brad Ellsworth: Thirty-five.

President Jerrel: Thirty-five.

Commissioner Mourdock: And is that \$35 that we receive from the state, is that a negotiated rate as you did with the feds or is that something that comes out of Indy to all counties?

Brad Ellsworth: The state sets that across the state. From the time that they are adjudicated as guilty or whatever to the point where you transport them to prison.

President Jerrel: That may be something that we...would it be valid to assume that what we spend on a federal prisoner in a day is the same as we spend on a state prisoner in a day?

Brad Ellsworth: For us there wouldn't be hardly any difference between the two. The only ones that I am aware of, and Mr. Malinowski may know this, is that Marion County in their jail provides GED and some other services and I think they pay them at the federal rate or maybe close to \$50, but Marion County provides several

different services. The DOC has negotiated with them a little bit higher rate than the rest of the state.

Charles Malinowski: Just to add to that I am presently performing this same service and the same contractual arrangement with Marion County and they do receive a higher rate, but the way the US Marshals Service looks at a cost you treat all of the inmates the same so basically you look at 100 percent of the population and use that to compute the cost per inmate. There are some costs that we can include and some that we can't include, but it really...it's irrelevant when you get down to it, the difference between one inmate and another.

President Jerrel: Does the state rate hold true for all state prisoners?

Charles Malinowski: Yes.

Brad Ellsworth: It's set by the DOC.

President Jerrel: Yeah.

Charles Malinowski: Yeah, statewide. What would be interesting is to have Marion County and Vanderburgh County cost based information based on criteria set by the US Marshals Service that we can compare and we can say to the state that you're woefully under funding these too.

President Jerrel: I like this idea.

Charles Malinowski: It may be a stepping stone to eventually looking at raising the state reimbursement across...for all counties.

President Jerrel: I like that idea.

Brad Ellsworth: We were just talking back here, actually federal prisoners may be a little less expensive because of medical. The feds do pay the medical expenses of their prisoners.

President Jerrel: Yeah.

Commissioner Mourdock: Let me ask the devil's advocate question, though. It would seem to me in looking at the costs that we have at the jail, we have a fairly high number of fixed costs and a fairly low amount of variable costs. As opposed to contracting with DMG-Maximus to do this, isn't this simply a matter of total budget or total spent cost during 1998 divided by the total number of prisoner nights?

Charles Malinowski: That's a very valid question and what we bring to the table is our ability to identify the indirect cost portion. Those indirect costs...certainly you could look at the jail budget and go through it. I supplied the county with the eight pages that is required to get approval from the Marshals Service. It's not a complex...you don't have to be a rocket scientist to fill out that form. Our expertise is in identifying the uncovered costs...the covered up costs like the Auditor's Office, their support through the cost allocation plan we flowed the Auditor's Office, Treasurer's Office, Building Authority costs down to the Sheriff administration and then the Sheriff administration costs we distribute that among the different divisions trying to load up as much administrative...eligible administrative overhead costs to the jail operations as we can apply for under the standards and certainly negotiate

those with the feds for approval. So that's what we bring to the table and certainly you could do this. Many other counties do it. We do not...nationwide I'm sure it's a very small percentage that's using our services, but in those cases that we're doing that we're getting the most that you can get out of this program and that's what we're trying to do with this proposal is making it guaranteed, if you will, that you're going to win. We wouldn't make that guarantee if we didn't think that the funds weren't there for the recovery.

President Jerrel: Okay, I'm not clear. We have a deletion for the '99.

Charles Malinowski: Yes, the contract that I have this evening has just the 1998 and I'll explain where we stand in our proposal. Originally, we included an option to do a 1999...do the '98 rate and do the '99 rate. We're going to take it one step at a time in our proposal in that we're going to look at the fiscal year ending December 31, 1998. What we'll do with that is go back and renegotiate the rate. We get approval of the rate based on 1998, take that rate and apply it to what you've already recovered for 1998. Our fee won't be based on recovering those funds for the county. Our fee is going to be based on recovering 1999...the first half of 1999 recoveries based on the higher rate.

President Jerrel: And that will be up to...?

Charles Malinowski: Basically, we're saying for the first half of 1999 the county will receive \$39,000 in additional funds from the US Marshals Service and at that point our fee will be satisfied. We will share in that \$39,000 up to our \$19,500 contract amount. Anything beyond the \$39,000 that the county gets is all yours for those six months and that's it. We're not going to look at the 12 months of 1999 or go back to 1998 and use that for collecting our fee. We're going to negotiate that for the county and we're going to base our fee based on what you did in 1999.

President Jerrel: Okay, are there any other questions?

Commissioner Tuley: The only other question I would have is this something that would be ongoing that we would have to look at every three years, two years, five years, annually?

Charles Malinowski: The proposal I have is that you could do it annually. I've reduced the fee down to \$15,000 and structured it in such a way that we wouldn't get paid fully until the plan was completely negotiated by the feds. It's not necessary that you do it every year. Probably, and the biggest reason unless you have some kind of major reorganization, you build a new jail or put a new addition on, there is a new agreement reached with the Sheriff, the employees, either your wage cost or you change your facility cost. Looking at that, that would be a time to look at revamping it, so maybe in two years it would be a good idea to do that. We'll get the one year done and look at where we go from there especially giving you a document that is an agreement that has been negotiated with and you know exactly what the costs are. If it turns out that the rate is too low, if the rate comes out \$40, well we just won't tell the Marshals Service about that.

President Jerrel: Did you have any questions? Is there a motion?

Commissioner Mourdock: I'll move approval of the contract with DMG-Maximus to provide professional consulting services for Vanderburgh County relating to jail costs.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Charles Malinowski: Thank you, Commissioners.

President Jerrel: Thank you.

Public hearing - Vacation of easement 5115 University Drive
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President Jerrel: The next item on the agenda is the public hearing for the vacation of the easement at 5115 University Drive. Is there anyone here representing First Federal Savings & Loan.

Charlene Timmons: He is out in the hallway.

President Jerrel: Oh, okay.

Commissioner Mourdock: Do you want to come back to that, Bettye Lou?

President Jerrel: Well, we could.

Commissioner Mourdock: Oops, here he comes.

President Jerrel: Oh, here he is. Hi, Jim.

Jim Morley: Hi there. My name is Jim Morley and on the Lowe's Store on the west side of Evansville we needed to purchase...Lowe's purchased from the bank an additional amount to widen University Drive which is shown in that widening there to make a four lane road into Lowe's with turning lanes. What the bank wanted just in trade was equal footage up here, so Lowe's deeded them that, but this easement was on the old property line so now that sticks that easement in the middle of it, so this easement...it was a public utility easement with nothing in it. I think you've got letters from the utility saying that they don't have anything in it, but that's how come. It encumber that lot at the bank, so there is nothing in it and that was the purpose of the easement to enable the exchange of property to widen University Drive.

President Jerrel: And we have seen this before. Are there any questions concerning this? Is there anyone else that is here that wishes to speak to it?

Joe Harrison, Jr.: The only question I had, Jim, was this to go to the Drainage Board as well?

Jim Morley: No.

Joe Harrison, Jr.: Okay.

Jim Morley: It was...well, technically it said on the plat seven and a half foot public utility and drainage easement on each side, so technically yeah. We don't have any drainage in it and it's on the high part of the ground, but when it was a subdivision we allowed contingencies in case there would be something, but now it is Lowe's there is no use for it at all.

Joe Harrison, Jr.: Well, why don't we do this, we've got a Drainage Board meeting this evening and we can bring this up.

Jim Morley: Yes, that would be fine.

Joe Harrison, Jr.: And have them...are you going to be here this evening?

Jim Morley: Absolutely.

Joe Harrison, Jr.: Okay.

Commissioner Mourdock: We still need to act on it on this Board?

Joe Harrison, Jr.: Yes, twice.

Commissioner Mourdock: Yeah. I'll move approval of the vacation of the easement at 5115 University Drive.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: We'll have to have a second reading next week on it. I'll tell him.

Weights & Measures - Pager contract
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President Jerrel: The next item is Weights & Measures and you do have a letter here from Loretta Townsend concerning their contract.

Commissioner Mourdock: I'll move approval of the execution of the contract for pagers for Weights & Measures as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

DADS - Contract for services

President Jerrel: The DADS program is next. This is for the contractual services for Spanish speaking clients.

Commissioner Mourdock: I was going to try to do the motion in Spanish, but I thought no I better not.

President Jerrel: Well, go ahead.

Charlene Timmons: No!

Commissioner Mourdock: That's alright, it has been too long. I'll move approval of the contract between Vanderburgh County and Connie Grubstein for the translating services for the DADS program.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission
--

President Jerrel: At this point on the agenda if there is anyone here that wishes to speak to this Board?

John Stoll - County Engineer

President Jerrel: Okay, seeing no one rise I'm going to move on to the County Engineer.

John Stoll: First I've got a street acceptance request. This is in Eagle Crossing Subdivision, Section 3A and 3B. This is for 765 feet of Clubhouse Drive, 2,006 feet of Duffers Lane, 1,362 feet of Short Drive, 2,608 feet of Driver Drive, 165 feet of Flagstick Boulevard and 436 feet of Championship Drive.

Commissioner Tuley: Where is that at, John?

John Stoll: Eagle Crossing.

Commissioner Tuley: Oh, Eagle Crossing.

Commissioner Mourdock: I'll move approval of the street acceptances as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I've also got a storm sewer request...storm sewer acceptance request for Eagle Crossing Section 3A and 3B. This is for 12 inches of...544 feet of 12 inch concrete pipe, 409 feet of 15 inch concrete pipe, 677 feet of 18 inch concrete pipe and 44 feet of 91x58 elliptical concrete pipe. The total fee for this at the \$2 linear foot charge is \$3,348. We did receive the check. The storm sewers have been inspected and everything is okay and it's recommended that these be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I have two copies of the agreement between the county and Morley and Associates for the design of Mt. Pleasant Road. This is for an amount not to exceed \$93,750. This is for design services for the portion of the road between Old State Road and the west side of the railroad tracks adjacent to Highway 41. We had omitted the intersection of 41 and Mt. Pleasant originally because we figured that once INDOT had defined the scope of work for that project we would do a supplemental agreement to address that design, but last Friday I was informed by

INDOT that they are now proposing that they will hire a consultant rather than utilize our consultant, so there will probably be some additional delays associated with the construction of their project and their project would basically entail just the intersection of 41 and Mt. Pleasant from the railroad tracks east.

Commissioner Mourdock: And we cannot physically do any of our project until they do theirs, correct? I mean, we can go ahead with the engineering that Morley was going to do for that portion west of the tracks.

John Stoll: It all hinges on what the railroad approves. As it stands now what I had thought we could do and this is something we can coordinate with Morley's office, but it would be build everything up to the west side of the tracks. We might be able to just provide temporary striping that still provides just two lanes, two travel lanes, across the tracks and that way we can go ahead and pour our curbs three lanes wide, but it would just be striped for two lanes so that way maybe the railroad would allow us to proceed, but we would have some sort of temporary connections that will result in the fact that the state project and county project wouldn't be going at the same time, but we're going to try to work it out to where we can at least get as much as possible built in spite of what the state does.

Commissioner Mourdock: Do you know, is it their decision to do their own work on this as opposed to having us do the engineering for the intersection, is that made out of the Vincennes office or is that an Indianapolis decision?

John Stoll: Indianapolis.

President Jerrel: Is there any reason?

John Stoll: I don't really know what their intent is. We had proposed that we would pay for the design and they would cover all the construction costs and when that was originally proposed to INDOT they had said that the scope of their project had not been totally defined as of yet, so the Vincennes district had requested that the central office define the scope of the project and then when they defined the scope of the project that is when the central office told Vincennes not only had they defined the scope, but they would hire the consultant.

Commissioner Mourdock: So let's get this right. We have a project that we see is time critical. We've offered to pay for the portion the state would do. They're saying, no, we don't want your money, we'll spend the state money and instead of doing it on your schedule we'll do it on ours which is always slower than ours? Is that pretty accurate.

John Stoll: On the basis of what I was told--

President Jerrel: Could you put that in the form of a letter to Dale Lucas? Isn't that the person that you spoke with?

John Stoll: I spoke with Dale.

President Jerrel: And copy...who would Dale have been dealing with?

John Stoll: That I'm not sure. I can try and get Dale to send me something that summarizes why they've done it this way for starters if you would like.

Commissioner Mourdock: Well, in the letter ask him in real bold type why they don't want our money. I mean, the state is always trying to find ways to save money and here we are offering to do this work to speed the project along and they want to say no. I'd like to know why they want to say no.

President Jerrel: And what is their timetable? I'm very interested in that being in the letter.

John Stoll: Dale did say that no matter what whether we paid for the design or whether they were paying for the design that the construction wouldn't take place in 2000. Now whether--

President Jerrel: Now that is ridiculous.

John Stoll: --that means 2001 or what I don't know.

Commissioner Tuley: No matter who pays for it?

John Stoll: Right.

President Jerrel: You mean they can keep us from paving?

John Stoll: No, this would just be--

President Jerrel: Well, we're going to pave.

Joe Harrison, Jr.: No, it's just their part.

President Jerrel: I know.

Commissioner Mourdock: Yeah, but we can pave up to the railroad tracks.

Joe Harrison, Jr.: Right.

Commissioner Mourdock: We can have basically four lanes up to the railroad tracks and then it would all come back together so that we've spent the money for the extra two lanes to no purpose until they get their act together and get done what they want to get done.

Joe Harrison, Jr.: And that's probably what will happen.

Commissioner Mourdock: Yeah, it's going to be Lynch Road again. They're going to find reasons not to get it going.

President Jerrel: As long as this is a public meeting, do you concur?

Commissioner Tuley: Yeah.

President Jerrel: Okay, well I meant I think we need to send them a clear message. We're not in the business of doing roads--

Commissioner Tuley: For them.

President Jerrel: Right.

Commissioner Tuley: And allowing them to turn us down.

President Jerrel: Yeah, and we're not in the business of doing roads that go on indefinitely before they're completed. He has heard me say this. We don't want those plans gathering dust on the cabinets. We want them being poured. Will you? I know they get mad.

Commissioner Mourdock: I mean, we've got the funding together. We're ready to move to get this thing done in a timely basis and the state wants to say no and someone at the state ought to be required to explain why they want to say no to our project especially when we're offering to pay for their portion.

Commissioner Tuley: They can contribute their portion to another project.

Commissioner Mourdock: Yeah.

Joe Harrison, Jr.: But again we were going to pay the design costs, is that correct?

John Stoll: Right.

President Jerrel: Right.

Joe Harrison, Jr.: For their portion and they were going to pay for the construction part of their portion.

Commissioner Mourdock: I understand.

John Stoll: Right.

President Jerrel: But it would likely happen at the same time.

Joe Harrison, Jr.: Right, hopefully.

John Stoll: Or closer together.

President Jerrel: Our consultant is designing that, that makes the whole thing flow. So let them know.

John Stoll: Based on the traffic volumes it looks like for the most part the road will be a three lane section rather than four lanes, so rather than like you're saying, Richard, four lanes, I mean, that doesn't really matter at this stage of the game, but that's what we're looking at is a three lane road basically throughout that whole stretch. Yeah, I can draft a letter. I'll run it past you before I send it.

Commissioner Mourdock: Use wording that could only be interpreted as truculent.

John Stoll: Well that agreement with Morley does not do anything east of--

Commissioner Mourdock: Oh, yeah, we haven't made the motion yet. I'll move that we approve the motion for the engineering with Morley for Mt. Pleasant Road as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Thank you for reminding us.

John Stoll: If something would change we could always do a supplemental.

Joe Harrison, Jr.: Sure.

John Stoll: The next item I've got is an agreement between TransMontaigne Terminating Incorporated and the county for the installation of a pipeline under Dixie Flyer Road. We were contacted several weeks ago from this company. They were requesting to install a pipeline to carry diesel fuel from one side of Dixie Flyer Road to the other side. Over the course of the last few weeks we finally got an agreement that Joe has reviewed and TransMontaigne's attorneys have reviewed. Everybody is comfortable with the agreement. It basically says that they're allowed to put the pipeline under the road but they're responsible for maintenance, for any spills, anything like that.

Commissioner Mourdock: Are they boring under the road?

John Stoll: Yes. On the basis that everybody has reviewed and approved the agreement, I would recommend that the Commissioners approve it.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a letter from Three I Engineering. This is in regard to the construction inspection on the Daylight Sewer. They submitted this letter to me that said that they have overrun the original estimates of the amount of time and money it would take to inspect the Daylight Sewer construction. They estimate that they currently have overrun the current agreement by \$3,300 and they're estimating that it will take about another \$4,000 to complete the inspection through the end of the project. The project was originally slated to be completed late June. It now looks like it will be completed in late August and that's the primary reason why there is this overrun in their inspection services. Given the fact that we need to still have somebody out there on site to make sure everything is built properly I would recommend that we proceed with getting a supplemental agreement with Three I to have them continue their inspection services through the completion of the construction.

Commissioner Mourdock: Is this cost at all recoupable through the contractor, John? I mean, really what it comes down to is why are we eight weeks behind?

Commissioner Tuley: Was it through changes that we requested and made over the course of this project? Is that why the delay in the actual construction?

John Stoll: No, not entirely. Part of it the contractor has just not gotten some of the work done as quickly as they probably should have. Part of it is the delays associated with getting the power service to the pump stations. When we originally thought the Sewer Department would take care of that with no problem there was several weeks involved there that slowed them down. I'm not sure ultimately what

we can pinpoint to the contractor's fault and what would be the county's fault, but I guess that would be something I would have to get with Joe on and then as far as the liquidated damages go whether or not that would make up some of this overrun in the inspection fees.

Commissioner Mourdock: I would request that the two of you get together and talk about that because while usually the quick response...not from you, I don't mean it that way, but the quick response is, oh, well it rained. Well, we always start out projects with rain contingencies in them anyway so that shouldn't really be a factor here without having something real unseasonable which we haven't had.

John Stoll: That contract was originally set up for 180 days and due to the time of year it was finally awarded after all the delays associated with the remonstrators there was a request for 90 additional days and that was granted, so it was bumped up from 180 to 270 days right when it was first awarded, so that was to take into account some of the poor weather that you would see in the spring months.

Commissioner Mourdock: I'll move approval of the change order as requested, but also request that the County Attorney and the County Engineer get together and see if these costs might not be recoupable.

Commissioner Tuley: You want to go ahead and approve that prior to their discussions?

Commissioner Mourdock: Yeah, I think we're going to owe that to Three I. It's just the question is are we going to be able to get the money back.

Commissioner Tuley: I'm sorry, you're right. Second.

President Jerrel: So ordered.

John Stoll: I'll get Three I to formalize that with a supplemental agreement and bring it back to a meeting sometime in the next couple of weeks. That's all I've got.

Commissioner Mourdock: Yeah, Oglesby Court or Oglesby Road. The other day I was looking at that and my first assumption is, and maybe Erik knows, too, was that accepted by the county, Oglesby? If it was...if it wasn't this is a moot question, but if it was it might be helpful for one or both of you to drive up there and take a look. It's a concrete street. There is a lot of paving joints in it and a lot of those paving joints have just kind of weathered away and there is going to be a whole bunch of moisture with this hot weather the expansion joints are just disappearing and there will be a bunch of moisture that gets down under in the next rain.

John Stoll: So it just needs resealed?

Commissioner Mourdock: It needs to be resealed real badly if in fact the county has taken it over. Otherwise, we're going to more than pay to make up for that when the water gets under it and the frost and freeze gets that.

John Stoll: I believe that is our road.

Erik Bentle: I think it is, yeah.

Commissioner Mourdock: I think it is too. Please check.

President Jerrel: You've been running.

Commissioner Mourdock: I was walking when I noticed this, but yes, I do run that route.

President Jerrel: Thank you.

Erik Bentle - County Garage

President Jerrel: County Garage.

Erik Bentle: Okay, so far we've got 66 percent of our ditching done and 56 percent of our paving, which that should be going up considerably as of Thursday, probably, when we finish up Boonville Highway and County Line East on the north end. So everything is moving right along.

President Jerrel: Can you refresh my memory or do you have a note there that tells you how many contracted miles and how many garage miles are we doing this summer?

Erik Bentle: We're doing 33 garage miles, I think it is. I think it's right at 30. It's right at 30. I'm pretty sure it's 33. Contractual I'm not for sure.

President Jerrel: You don't remember what we're doing? That many or not that many?

Erik Bentle: Oh, no. It's nowhere near that many.

President Jerrel: Well, I meant are we doing 12 miles, 15, nine?

John Stoll: I would guess five to ten.

President Jerrel: Five to ten? So we're going to be finishing 43 miles this summer?

Erik Bentle: Right at, yeah.

President Jerrel: Or in that neighborhood? Okay, I was just curious.

Erik Bentle: That's a pretty good figure right there. You've got the rest of my report. Do you have anything for me?

Commissioner Tuley: Are you guys going to that summer schedule with this intense heat trying to get them in there at 6:00 and get them out of there by 2:00 or anything like that?

Erik Bentle: We were talking about that, but we've got to change that Kronos system and everything else if we do that.

Commissioner Tuley: Oh.

Erik Bentle: So everybody just agreed to stay where they're at right now.

Commissioner Tuley: Tough it out? Okay.

Erik Bentle: It was a lot easier to do when they were just punching in and out with the regular time clock.

Commissioner Tuley: I wanted to commend you for your prompt response anytime I have ever called you about any problem when someone has called me or wrote me a letter because the last one I called you on, I think it was Bergdolt and Oak Hill, I got a very nice letter from the lady who had written the letter so she said she had called a few times and didn't get anything done. She called me and I called you and it was taken care of immediately. That makes me feel good that I was able to help them, but I can't help them unless you help and I appreciate your effort on that.

Erik Bentle: No problem. Anything else?

President Jerrel: Thank you.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: We've got three things. One is the Pigeon Creek Greenway Committee would like to have some of our surplus, a typewriter, file cabinet and a chair that we have in the basement that have already been declared surplus if we want to transfer them to the Pigeon Creek Greenway. They are getting a new office somewhere on the Greenway right now and they could use that.

Commissioner Mourdock: I'll move approval as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: The other thing, on Friday Steve Utley contacted me. In the auditorium on the stage that they're renovating right now they have old curtain rods still hanging and I'm not sure if they were supposed to be taken down last year or whenever we shut down the auditorium, but anyhow those have to be taken down so that we can put up the new ones and the question is what to do with the old curtain rods. So I called up the coliseum, I talked to Mark Acker, and he is in need of some curtain rods right now and those would fit on the coliseum stage and then the rest of them he says that we can store there until we figure out what to do with them. If that sounds like a good idea to transfer them to the coliseum for the moment.

Commissioner Mourdock: Steve...I take it for granted he is working with Industrial Contractors on that and knows what was in the contract and what wasn't so--

Tony Greubel: Yeah.

Commissioner Mourdock: --yeah, I'll move that we transfer the curtain rods from the auditorium to the coliseum.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: And then the other thing, for several months now we've had a board appointment open for the Four Rivers RC & D and we contacted Bill Harty this afternoon and he is willing to serve on that board if the Commissioners would appoint him. That's just a suggestion.

Commissioner Tuley: I don't have a problem with it.

Commissioner Mourdock: Okay, I'll move the appointment of Bill Harty of 4112 Cort Street to the Four Rivers RC & D Committee.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: Okay. That's all I have.

Steve Craig - Burdette Park

President Jerrel: Let's see. I lost my agenda, where did it go? Okay, Burdette Park.

Steve Craig: I'm just trying to get my voice back so if it goes on me, it goes on me. We're running at full capacity right now and we're basically receiving a lot more compliments than complaints and that pleases me because people are more acceptable...or to give you a complaint than it is to give you a compliment. It's like to old police syndrome. You can drive perfect for ten years and they'll never pull you over and tell you how good a job you did, but you make one little mistake and they pull you over and make a big deal out of it, you know.

Commissioner Mourdock: You had to say that just seconds after the Sheriff and the Chief Deputy left.

Steve Craig: No, an old sheriff told me that once, you know, and it's pretty well true. Overall we're having a successful summer and by this I mean a safe summer. We just met with our insurance man and went over some stuff with him and I think we're heading the right direction. He seemed pleased with everything we had done and he was impressed with our EMT staff at the pool and our first aid shack that we got because it is kind of unique to a pool. Not many of them have it. Overall he said we was doing a really good job. Other than that we're about as busy as you can get.

President Jerrel: What's the temperature of that water?

Steve Craig: About 92.

Commissioner Mourdock: The water temperature is 92? Oh, my.

Steve Craig: We're adding water every day, you know, because of the splash out

and that and in the morning it's probably about 88 but by afternoon it's 92 or 91.

Commissioner Tuley: Mine is miserable. It's not worth swimming in.

President Jerrel: It's like going to take a steam.

Commissioner Tuley: My hot tub is cooler than my pool.

President Jerrel: Well, I know you're busy, but we've just had good comments so that's what we want more of.

Steve Craig: We've been getting a lot complaints...or complaints...compliments on my staff and that, you know. They're under a lot of pressure. I mean, they've been...you know, it's hard to sit out there in that sun and be lifeguards and even to do the ground maintenance and that in the kind of weather that we've got and they're pretty well holding together.

Commissioner Mourdock: Speaking of the water temperature with the lake out there do you get much of an algae bloom? Is that...I mean, you don't treat that at all do you?

Steve Craig: We put cooper sulfate in it.

Commissioner Mourdock: Oh, you do?

Steve Craig: Yeah, we use bluestone in it. That's what Ulrich, you know the chemical company, said that we should. We add a little bit at the beginning, but I'll tell you what the fountain that we put in is keeping it aerated a lot better and we've hardly used any bluestone this year because of the fountain.

President Jerrel: The BOD gets so high.

Commissioner Mourdock: I'll bet.

President Jerrel: Huh?

Commissioner Mourdock: I'll bet.

President Jerrel: Yeah, it really would so that fountain has been--

Steve Craig: Yeah, everybody likes that.

Commissioner Mourdock: I know at one point we had some discussion about when the time will come and I think it will in the very near future when you might want to consider dredging that out because it's just so doggone shallow and your water temperature there is probably warmer than the pool.

Steve Craig: Yeah, well the pool because of our baby pool in that one area where it is only a foot deep, you know, that water can heat up to extreme heat during the day, you know, but the lake I would say the deepest part of it right now is probably four to five foot. You can walk across it because it has got three different valleys that feed it and the sediment over the years just keeps filling it in.

Commissioner Tuley: The deepest portion is how deep? Four to five foot?

Steve Craig: Yeah. There may be a hole out there somewhere that is deeper than that, but you know as far as when we've had to get it and people has got in it you can jump out of the boat and it's like chest high.

President Jerrel: Okay, well we got your report and thank you very much.

Steve Craig: Thank you all.

President Jerrel: Anybody else have anything? Okay, thank you.

Steve Craig: Thank you.

Weekly reports

President Jerrel: We do have reports from Soil & Water and Ozone Officer.

Commissioner Mourdock: One question before we go. Tony, you had called me about that plaque issue the other day. Did you take care of it?

Tony Greubel: Yeah.

Commissioner Mourdock: Okay. In that case I'll move approval and acceptance of the County Engineer's report, County Garage, County Attorney, Superintendent of Buildings, Burdette Park, Soil & Water and the Ozone Officer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: You had one late travel request, I believe, from Al Folz.

Commissioner Tuley: From Al Folz.

President Jerrel: Yeah, Al Folz in Knight Township. If you'll include that in your packet.

Commissioner Mourdock: With the addition of that travel request I would move acceptance of the consent items as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Is there any old business to come before the Board?

New business

President Jerrel: New business?

Commissioner Tuley: It's already been taken care of.

Commissioner Mourdock: The only issue.

President Jerrel: Well, I think...no, Shirley James sent us that letter.

Commissioner Tuley: Oh, wanting that--

President Jerrel: She wanted that appointment.

Commissioner Tuley: Yeah.

Commissioner Mourdock: I would move the appointment of Mr. John Kuhn to the Pigeon Creek Greenway Passage Advisory Board.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I have no other new business.

Commissioner Tuley: I have none.

President Jerrel: Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:30 p.m.

Those in attendance:

Bettye Lou Jerrel	Richard E. Mourdock	Patrick Tuley
Joe Harrison, Jr.	Bill Fluty	Charlene Timmons
Tony Greubel	Joe Coleman	Eric Williams
Brad Ellsworth	Charles Malinowski	Jim Morley
John Stoll	Erik Bentle	Steve Craig
Others unidentified	Members of the media	

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
August 2, 1999**

The Vanderburgh County Board of Commissioners met in session this 2nd day of August at 5:38 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners to order please. The first item on the agenda, I would like to introduce to you the people before you. My far right is Tony Greubel, who is the Superintendent of County Buildings; next to him is Joe Harrison, Jr., the County Attorney; Commissioner Pat Tuley; my far left, Charlene Timmons, is the Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first action item is the approval of the minutes of the July 26th meeting.

Commissioner Mourdock: I'll move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: The next item is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the summary minutes for the Executive Session of August 2nd. That meeting began at 4:30 and ended at 5:30 and involved county personnel issues.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bids - VC99-07-02, Repair and repaving of various roads

President Jerrel: The first item under C is opening the bids. Is there a motion to approve the opening of those bids?

Commissioner Mourdock: I'll move the opening of bids VC99-07-02 for the repair and repaving of various county roads.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Public hearing and final reading Ordinance amending Chapter 2.36.010, Community Corrections</p>
--

President Jerrel: The next item on the agenda is the public hearing and final reading for the ordinance which is the ordinance that is amending the code that deals with the Community Corrections facility. Would you want to hit the highlights of that for those people present?

Joe Harrison, Jr.: Essentially this particular ordinance amends county code Section 2.36.010 which places and shifts the responsibility of operating the county Community Corrections program from the Vanderburgh Circuit Court to the Vanderburgh County Sheriff. The County Commissioners are responsible for the operation of the county Community Corrections program and in the past the County Commissioners have delegated that responsibility to the Vanderburgh Circuit Court. This particular ordinance effective Thursday, August 5, 1999 would shift the responsibility from the Circuit Court to the Vanderburgh County Sheriff. Again, this is a public hearing. Before the Commissioners vote for the final reading of this ordinance there may be some questions from the public.

President Jerrel: Is there anyone here today that would like to speak for or against this ordinance?

Phil Hoy: Good evening. My name is Phil Hoy. I'm a County Councilman and I'll shock everybody by being brief, even the Auditor!

Commissioner Tuley: Sounds like particularly the Auditor.

Phil Hoy: Yeah. I simply am here to commend you on the direction in which you are taking Community Corrections. I fully support what you're doing and just came to lend my support to this direction. I will take a little liberty and commend you on something else and that is I think you did a good job with the billboard ordinance also. Thank you.

President Jerrel: Is there anyone else that would like to speak to this issue? Any questions from Commissioners?

Commissioner Mourdock: On final reading I'll move approval of the ordinance amending Chapter 2.36.010 of the Code of Ordinance regarding the Community Corrections program.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. It's a final reading, so I would like to call for a voice vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Sheriff's salary agreement for Community Corrections program

President Jerrel: The next item on the agenda is the Sheriff's salary agreement for the Community Corrections program. Counsel, will you review that?

Joe Harrison, Jr.: What I'll do is read quickly, if you'll permit, into the record the nature of this particular agreement.

"This agreement effective as of the 5th day of August, 1999 is entered into between the Board of Commissioners of Vanderburgh County, the Vanderburgh County Council and Brad Ellsworth, the Sheriff of Vanderburgh County.

THAT WHEREAS the County Commissioners have established a Community Corrections program in Vanderburgh County pursuant to IC 11-12-1, et. seq.

WHEREAS the County Commissioners are responsible for the operation of the county Community Corrections program.

WHEREAS in the past the County Commissioners have delegated to the Vanderburgh Circuit Court the responsibility of operating the county Community Corrections program.

WHEREAS the County Commissioners are now willing to delegate to the County Sheriff the responsibility of operating the county Community Corrections program.

WHEREAS the county Community Corrections program is funded in part by the State of Indiana and by the Vanderburgh County Council.

WHEREAS the County Commissioners and the County Council are willing to pay additional compensation to the County Sheriff for his services relating to the operation of the county Community Corrections program.

NOW, THEREFORE, in consideration of the promises, terms, covenants and commitments contained herein the County Sheriff, the County Commissioners and the County Council hereby agree as follows:

1. The County Sheriff will begin operating the county Community Corrections program on August 5, 1999 and will continue operating the county Community Corrections program until midnight on December 31, 2002 unless earlier relieved of such duties by the County Commissioners upon sixty days prior written notice or by the County Sheriff's vacation of his elected office.
2. The County Sheriff shall consult with the County Community Corrections Advisory Board regarding the operation of the county Community Corrections program.
3. The County Sheriff shall submit monthly reports to the County

Commissioners and the County Council setting for the number of participants in the county Community Corrections program, the fiscal condition of the county Community Corrections program and any other information requested from time to time by the County Commissioners or the County Council.

4. The County Commissioners and the County Council agree to pay the County Sheriff an additional base salary in the sum of \$35,000 a year for operating the county Community Corrections program. For the County Sheriff's services from August 5, 1999 through December 31, 1999 the Sheriff shall receive an additional salary in the sum of \$14,000 for operating the county Community Corrections program.

5. The additional salary received by the County Sheriff for operating the county Community Corrections program shall be included in the County Sheriff's pension calculations.

6. Notwithstanding anything contained herein the compensation to be paid to the County Sheriff hereunder shall be subject to annual appropriation from available funding by the County Council."

Again, this document will have to be signed not only by the County Commissioners, Sheriff Ellsworth, but the County Council should they choose to do so at their meeting on Wednesday at 3:30 p.m.

President Jerrel: Are there any questions of the attorney?

Commissioner Mourdock: Just to make one point, and Joe and I spoke of this earlier, just to clarify something here. This contract is with Brad Ellsworth who is obviously the Sheriff of Vanderburgh County and should Brad Ellsworth not finish his term for whatever reason then this contract is not assignable to the successor no matter who that sheriff would be. There would have to be a renegotiation at that point.

Joe Harrison, Jr.: That's correct.

Brad Ellsworth: Do you all know something that I don't?

Commissioner Mourdock: No, Brad.

Brad Ellsworth: I'm a little nervous now!

Commissioner Mourdock: You haven't been out to the facility...no, never mind!

Brad Ellsworth: My heart did jump!

President Jerrel: Well, I'm just going to say, and we'll take this vote, we're pleased to have you onboard and I know that it's going to be a period of time when all of us are going to become acclimated to this, but we'll be looking forward to your reports and I would like to welcome your staff also.

Brad Ellsworth: I don't know if this is the appropriate time and I probably should have stood up last time, but I do appreciate working with the Commission on this. As I said in the meeting at the SAFE House is that Community Corrections is a great idea and it's a great concept and we've all talked about that. The judges are all in

agreement. The Commission is and I believe the Council is also. That complex has probably been traveling with a dark cloud over its head for quite a while. I think it's time to get rid of that dark cloud and I hope that I can be instrumental as well as my staff in getting rid of that cloud by working with you on that. Like I said, it concerns me a little bit that not finishing. I hope this doesn't kill me. I've had a lot of people ask me why you would want to take on a headache like that and I don't really look at it as a headache, I look at it as challenge and I'm looking forward to it. So thank you all very much.

Commissioner Mourdock: Just to clarify, Brad, and I echo what Bettye Lou said. I mean, I think this is the very, very right thing to do and I think you and your staff are going to do a great job and I look forward to working with you on getting reports and maybe even setting some goals as to how we progress. Call me a legalist here, but to me this still seems to be a strange agreement. It seems to me it ought to be with the Sheriff regardless of who that is, but counsel tells us it is individually with you, so don't be offended. I'm not wishing you ill with that question.

Brad Ellsworth: That's alright.

Commissioner Mourdock: It just seems to me it's the Sheriff's responsibility, not Brad Ellsworth. But we look forward to working with you.

Brad Ellsworth: We'll work through whatever it says.

Commissioner Mourdock: Okay.

President Jerrel: Is there a motion to approve?

Commissioner Mourdock: I'll move approval of the Sheriff's salary agreement as proposed.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

First reading - Public Defender ordinance
--

President Jerrel: Okay, moving right along. We have a first reading of the Public Defender ordinance. The public hearing is next week, not tonight. Are there any questions on first reading?

Commissioner Mourdock: On first reading I'll move approval of the Vanderburgh County Public Defender ordinance.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Final reading - Vacation of easement 5115 University Drive

President Jerrel: There is a final reading on the vacation of an easement at 5115 University Drive.

Commissioner Mourdock: Looking for any comments here, I don't see any. I'll move on final reading the vacation of the easement at 5115 University Drive as requested by First Federal Savings & Loan.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Award bid - Razing of 2940 South Red Bank Road

President Jerrel: The next item is award bid for razing structure at 2940 South Red Bank Road. Tony, is there anyone here to speak to this or is it just...?

Tony Greubel: No, I was going to cover it. Floyd I. Staub, Incorporated was the low bid for \$4,840 and their bid specs were responsive to the request.

Commissioner Mourdock: I would note that Roger Lehman recommended the bid be awarded, so I will move that we do that.

Commissioner Tuley: Second.

President Jerrel: So ordered.

County Assessor - Request for State Tax Board rehearing
--

President Jerrel: The County Assessor has requested a rehearing and this is in your...on property at 3415 North Green River Road. It has to do with lower level and apparently this is something that could come up again and would like to have it sent back.

Commissioner Tuley: What action do we have to take? Just agree with it or do we have write a letter?

Joe Harrison, Jr.: I don't know.

President Jerrel: She has an attorney, does she not?

Suzanne Crouch: Yes.

Commissioner Tuley: She does? Okay.

President Jerrel: And the attorney would simply file an appeal.

Joe Harrison, Jr.: With the State Board of Tax Commissioners. Who would be the appealing party though? That's what I am wondering about.

President Jerrel: Well, it may be us.

Commissioner Tuley: I was going to say it probably would be us. I would hope by virtue of the fact she sent it to us.

President Jerrel: Yeah.

Joe Harrison, Jr.: I had talked to her about this issue.

President Jerrel: Uh-huh.

Joe Harrison, Jr.: And had a different opinion of whether or not an appeal was warranted.

President Jerrel: Is this what...in answer to your question on the next to the last sentence or the third from the last:

“In addition the Indiana Court case Clark vs. State Board of Tax...”

It has to be the county that files unless it's an individual.

Joe Harrison, Jr.: I think it could be the township, Knight Township, I believe could. It's possible that the Board of Review, I think, could as well. She has spoken to you about this since I spoke to her about it?

President Jerrel: Yes, and she sent it to us. I have no...I mean, I'm going to have to depend on you and on her for a recommendation.

Joe Harrison, Jr.: Well, my recommendation was no. That was my recommendation.

President Jerrel: Well, perhaps you need to--

Joe Harrison, Jr.: I didn't know that this was still an issue.

President Jerrel: Yeah, well it is. Perhaps you would like to speak to her again.

Joe Harrison, Jr.: I will.

Commissioner Tuley: And bring this back next week maybe.

President Jerrel: Okay.

Commissioner Mourdock: Yeah, and the letter was sent to us on June 3rd.

Joe Harrison, Jr.: And I have talked to her since then. I sent her a letter.

President Jerrel: Well, maybe talk to her again.

Joe Harrison, Jr.: Okay.

President Jerrel: You know, she apparently feels strongly about it.

Any group or individual wishing to address the Board

President Jerrel: Okay, we're back up to road bids.

Commissioner Mourdock: No, any group.

President Jerrel: Well, we have to go back up.

Commissioner Tuley: Just let him go ahead and do that when he gets his report maybe.

President Jerrel: Okay, is there any group that wishes to speak to the Commission?

John Stoll - County Engineer

President Jerrel: Okay, hearing none you want us to continue while you get that written? Alright, County Engineer.

John Stoll: First I've got an acceptance request for the storm sewers located out of right-of-way in Eagle Crossing Subdivision Sections 1 and 2. This is for 699 feet of 12 inch pipe, 258.6 feet of 18 inch pipe, 130.5 feet of 21 inch pipe, 262.9 feet of 24 inch pipe, 27.07 feet of 27 inch pipe and 207.3 feet of 76 by 48 inch elliptical pipe. We did receive the \$2 per foot fee for that and they have been inspected. It's recommended that they be accepted.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second item is the supplemental agreement that we discussed last week for the inspection services on the Daylight sewer. This is a supplemental agreement for \$7,300 to cover the additional costs associated with the project running past it's original completion date and I would recommend that it be signed.

Commissioner Mourdock: That was one with Three I?

John Stoll: Yes.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And then a question on that. Did you go back, John, and take a look to see if any of those monies are recoupable from the contractor?

John Stoll: I talked to Joe briefly about that. He said that we probably need to wait until the project was complete to assess how many days of damages might be involved here and tentatively they've said that the project might be done by the end of this month, so we'll see. That's all I've got unless you've got any questions.

Commissioner Mourdock: I have a letter here that I think is worthy of the group's signature I would like to include into, oh I guess formally include it into the consent file, a letter to SIGECO regarding the moving of a line over on the Fulton Street project, so I would move we add that to the consent items.

Commissioner Tuley: I'll second your motion.

President Jerrel: So ordered. Do you have the original? Who has the original?

Tony Greubel: You do.

Commissioner Mourdock: I don't have the original.

President Jerrel: It's in there? Okay.

John Stoll: I spoke to Phil Rainey at SIGECO about an hour ago about that and he said that he would work with us in trying to get everything relocated. He just wanted to make sure that whatever was relocated that it would not have to be relocated again and I said that's fine with me. We just need to get the contractor to pinpoint what location that is because I know they don't want to keep moving things and I don't want the county to have to pay for relocations and the contractor and SIGECO...I mean, the contractor should have to pay for it if he does tell us ultimately it is an acceptable location.

Commissioner Mourdock: It's good to hear him say we don't want to move it again and again.

John Stoll: Right. It has been moved enough already.

President Jerrel: Okay, thank you.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: County Garage.

Erik Bentle: The first thing I have is we're starting a project over on Mt. Pleasant and Virginia Street by Mi-Jack, Sternberg, back in there. There is a pipe that crosses the road there that we're having a few ideas about having to replace. In order to do that we would have to shut down traffic back through there for a couple of days probably, so I got with the County Engineer and we decided that we was going to try to slip line it instead of shutting the traffic down. This project itself just for the pipe is going to be around \$5,165. So I wanted to get your approval on that before we start on it this week.

Commissioner Mourdock: That's to keep from shutting down Mt. Pleasant or Virginia?

Erik Bentle: Virginia.

Commissioner Tuley: Is it Kentucky?

Erik Bentle: It's Kentucky, I'm sorry.

Commissioner Mourdock: What size pipe are you looking at?

Erik Bentle: A 32 inch.

Commissioner Mourdock: I'll move approval of the request.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: You have my work schedule for this week and our percentage for our ditching right now is 83 percent and we're at 63 percent of our paving done.

Commissioner Mourdock: Erik, I noticed the intersection that I had mentioned to you a couple weeks ago at Mt. Pleasant and 41 there was some trimming done out there. Did we ultimately do that or did the state do it?

Erik Bentle: The state did it.

Commissioner Mourdock: Okay, good. On Millersburg Road it was recently repaved and I got a couple of calls on that. Do you know what the schedule is to have the striping done?

Erik Bentle: We put temporary striping down on it.

Commissioner Mourdock: On the centerline only, yeah.

Erik Bentle: I don't know what their schedule is.

John Stoll: I'm not sure what their schedule is, but we have contacted the Traffic Department to reaffirm the striping.

Commissioner Mourdock: Okay. I was coming across there at night recently, too, and the point several folks made to me, it kind of slumps off and there is not real delineation there on those shoulders so it would be helpful. Yes, Steve.

Steve Craig: Yeah, is Red Bank on that, too, because we've had a couple of people that complained to us about Red Bank. It's needs striping also.

Erik Bentle: Yeah, he's got temporary striping on it also. It's just a matter of when they get to it.

Commissioner Mourdock: We contract all that?

Erik Bentle: Yes, it's all contracted out.

Commissioner Mourdock: Well, give them a call. Maybe we can spur them along a little bit.

Erik Bentle: Okay.

Commissioner Mourdock: Thanks.

Erik Bentle: That's all I have.

President Jerrel: Okay, thank you.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Okay, ready for the County Attorney.

Joe Harrison, Jr.: Yes, I have the bid numbers regarding VC99-07-02, repair and repaving of various roads in Vanderburgh County.

Company name	Amount bid
Gohmann Asphalt & Construction, Inc. Clarksville, IN	\$430,700.00
JH Rudolph & Co., Inc. Evansville, IN	\$359,999.50
E & B Paving, Inc. of Evansville Evansville, IN	\$348,167.80

I would ask that you take these bids under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I don't have anything.

Steve Craig - Burdette Park

President Jerrel: Burdette Park. I'm sorry, did you have additional?

Joe Harrison, Jr.: No.

President Jerrel: I didn't...excuse me. I didn't mean to move so quickly.

Steve Craig: I don't have much, but the one was about the job opening out there. If anybody knows anybody that is interested in it please have them apply for it. It's Terry's old job.

Commissioner Mourdock: What position is that? I know it's a union position, but what is it they would do, Steve?

Steve Craig: She does the payroll and she does the job interviewing on all the employment and takes care of the paperwork on all the employees.

President Jerrel: Needs to know the computer to use Kronos.

Erik Bentle: I believe it is slated as Office Assistant, is that what it is?

Steve Craig: Right, but it breaks down to a lot more than that, but basically they cover all the jobs in the office for whenever the other girl is off she works for those two days and she is responsible also for the money on those two days. Did you

receive our worksheet from this week?

Commissioner Mourdock: It's not in here.

Steve Craig: I apologize for it. I didn't realize it wasn't done until I went to my box to get it, but Terry, we gave it to her, and her last day was Thursday and we couldn't find them so I'll have both of them next week.

President Jerrel: Okay. How are your crowds holding up?

Steve Craig: Pardon me?

President Jerrel: How are your crowds holding up?

Steve Craig: They're fabulous.

President Jerrel: Good.

Steve Craig: Yeah, we probably had one of the busiest if not the busiest July that we've had. I haven't got the tally up, we're trying to get all that stuff figured up. I mean, I don't think it could get too much hotter for a 30 day period than what we had.

President Jerrel: Well, we'll be really dropping off probably next week.

Steve Craig: Yeah, next Tuesday is our last weekday that we're open. We will be open on Friday evenings for family nights before 10:00 and then every Saturday and Sunday through Labor Day to the public. The week after that we do stay open for Bristol Meyer's picnic and Berry Plastics is tied onto the backside of that on the Sunday so that helps.

Commissioner Mourdock: What day does school start?

President Jerrel: School begins--

Commissioner Tuley: The 11th.

President Jerrel: Next week, the 11th. Okay, thank you.

Steve Craig: Does anybody have any questions?

Commissioner Tuley: No, but I have a comment though, Steve. We were out there, as you're well aware of, Saturday, I guess it was, for a family reunion.

Steve Craig: Yeah.

Commissioner Tuley: We had about 50 people out there and the park really looked good.

Steve Craig: Thank you.

Commissioner Tuley: They made a lot of nice comments about the park.

President Jerrel: Thank you.

Weekly reports

President Jerrel: You have Soil & Water and the Ozone Officer. Is there a motion to accept all the reports?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under the consent items are there any questions? If not, is there a motion?

Commissioner Mourdock: Motion to approve.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have your meetings. How about old business? Is there any old business.

Commissioner Mourdock: Before we go to old business, on meetings just opening up for thoughts the Tuesday after Labor Day isn't that far off, if we're going to do anything different.

Commissioner Mourdock: I thought we already did it, did we?

Suzanne Crouch: I thought you did.

President Jerrel: We did. We're not going to have a meeting that night.

Suzanne Crouch: Are you sure? Maybe it was just the fourth.

Commissioner Mourdock: Well, I'll go with the flow.

President Jerrel: Well, check and see will you?

Suzanne Crouch: Well, just do it anyway.

Joe Harrison, Jr.: Do it anyway.

Commissioner Tuley: Yeah, because if we've done it before we just won't have to do it.

Commissioner Mourdock: I'll move then that we not have a meeting on September 7th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: That is the Tuesday, right?

Commissioner Tuley: Yeah, it should be.

President Jerrel: Okay, if we did it just otherwise it's a double deal.

Commissioner Tuley: A double cancel.

President Jerrel: Any new business or old business either one? Is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:02 p.m.

Those in attendance:

Betty Lou Jerrel
Joe Harrison, Jr.
Tony Greubel
Erik Bentle
Members of the media

Richard E. Mourdock
Suzanne M. Crouch
Brad Ellsworth
Steve Craig

Patrick Tuley
Charlene Timmons
John Stoll
Others unidentified

**Vanderburgh County
Board of Commissioners**

Betty Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
August 9, 1999**

The Vanderburgh County Board of Commissioners met in session this 9th day of August at 5:31 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Commissioners' meeting to order. The first item on the agenda I would like to introduce to you those before you. On my far right is Tony Greubel, the Superintendent of County Buildings; next to him is Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; on my far left is Charlene Timmons, our Recording Secretary; Auditor, Suzanne Crouch; Commissioner Richard Mourdock; my name is Bettye Lou Jerrel and I would invite you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda today will be the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of August 2, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Convention & Visitors Bureau - Present funds for The Centre

President Jerrel: The next item on the agenda is sort of interesting. I opened the envelope and Commissioner Tuley will present it. Is there anyone here from the Visitors & Convention Bureau? I didn't believe they were, but this was an unusual envelope just lying on my desk, so I would like to now call upon Commissioner Mourdock to present that to us and you might show the audience.

Commissioner Mourdock: You said Commissioner Tuley a moment ago.

Commissioner Tuley: I'm over here looking for a check and I don't have it.

President Jerrel: Pardon me.

Commissioner Mourdock: And it's a check for a million and a half dollars, Pat, what did you do with it?!

Commissioner Tuley: And I don't have it!

President Jerrel: I showed it to him earlier.

Commissioner Tuley: That's why I've got a shocked look on my face. Where did that check go?

President Jerrel: He did give it back.

Commissioner Mourdock: You were responsible and now it is missing. Actually, we have two checks. One is from the Vanderburgh-Evansville Convention & Visitors Bureau for the sum of \$1,500,000. The other is from National City Bank of Evansville...I'm sorry, pay to National City Bank of Evansville. What is this one?

President Jerrel: I don't know what that is.

Commissioner Mourdock: That is a receipt. Disregard this one.

President Jerrel: Well, at any rate for the record I would like to thank the Visitors & Convention Bureau for their assistance. This is for the new center and there are a number of items that will be able to be included because of this money and we deeply appreciate it. Do you want to hand that to the Auditor? I think she gets to keep it.

Joe Harrison, Jr.: You might want to accept it.

Commissioner Mourdock: Yeah, I formally move that we accept the check from the Visitors & Convention Bureau.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Final reading and public hearing - Public Defender Ordinance

President Jerrel: The next action item on the agenda is the final reading/public hearing for the Public Defender ordinance. Mr. Harrison, if you would want to touch upon a couple of the high points again and then we'll see if there are any questions. We do have a special guest. Dean Norman Lefstein, IU School of Law in Indianapolis, is with us and will make a few comments.

Joe Harrison, Jr.: Again, this is a second reading and in connection with the second reading of this Public Defender ordinance is a public hearing with comment from the public concerning the consideration of the final reading of the ordinance. Essentially the ordinance would establish a Vanderburgh County Public Defender Board consisting of three members. Those members would be appointed, one by the Board of Commissioners and two by the county judges. In addition, the statute or the proposed ordinance sets forth the duties of the board in drawing up a comprehensive plan in connection with a Public Defender program for Vanderburgh County. The ordinance for the most part tracks the state statute. It's IC 33-9-15-1 et seq. which sets forth the duties and parameters of a County Public Defender Board and the program to be established thereunder if the county so desires to go in that direction. Last week, again, was the first reading and it did pass and this is the second and final reading and a public hearing at this time.

President Jerrel: Before I call for comments from the public if there are any here that wish to speak, I would like to introduce to you and ask Dean Lefstein to come forward and perhaps he will do us the honor if there are some questions of helping us respond.

Norman Lefstein: Thank you, Madam Chairman. Good afternoon. I guess you may be unclear as to why the Dean of a law school is here to talk about this particular

ordinance. What you did not mention is the fact that I chair the Indiana Public Defender Commission which was established in 1990 by legislation of the Indiana Legislature and signed by the Governor and I have been a member of the Commission since 1990 and I have been the chairman of the Commission since the Commission was established in 1990. I happened to be in Evansville this evening. In fact, I just arrived around 4:30 just by coincidence and since the chair of this Commission is a member of the Indiana Public Defender Commission by appointment of the Chief Justice of the Indiana Supreme Court she happened to be aware and learned that I was going to be in town this evening and asked me to come by and make a few comments respecting the Commission and the ordinance which is before the Commission. There was a lengthy hearing respecting this matter and you sent me a copy of the transcript, Madam Chairman, Chairperson, I should say. I read the transcript and Mr. Carusillo, who is the staff person who works with the Commission and devotes nearly all of his time to Commission business, was here that evening in July and both described the reason for this ordinance and answered a number of questions from the Commissioners and from the audience. What I thought I might do, however, since you have kindly recognized me is to make a few comments about the Indiana Public Defender Commission and its jurisdiction in the state and if there are questions I will be pleased to try and answer them although Mr. Carusillo is more familiar with some of the details that were reviewed at that hearing in July than I may be. The goals of the Indiana Public Defender Commission are really twofold. In a very broad sense one is to enhance the quality of defense services for the indigent accused in the state of Indiana and the other is to provide some assistance to the counties in deferring the cost of public defense. Until 1990 and the creation of the Public Defender Commission all of the costs of indigent defense were borne by the counties in the state of Indiana. There has been a movement nationally, however, to shift some of that expense to the state government itself. Here in the state of Indiana, as in most states, the judiciary and the prosecution receive very substantial financial assistance in the millions of dollars whereas until recently with the Public Defender Commission statute none of the cost of public defense was borne by the State of Indiana. Actually, right now there are only six states left in the United States that provide no assistance at the state level for indigent defense and Indiana was one of the last states to move in the direction for providing some assistance at the state level. The Commission authorizes funds for the assistance of counties in defraying the cost of indigent defense in two areas. One is in the area of capital cases where in a capital case in Indiana we provide reimbursement of 50 percent of the cost of indigent defense in capital cases and, of course, there is a guideline in the way of Criminal Rule 24 of the Indiana Supreme Court with which there must be compliance. In the area of felony cases and juvenile delinquency cases outside of the capital area the Commission has developed guidelines for providing representation and we provide that if the county's system is in compliance with our guidelines that 40 percent of the costs of felony cases and juvenile delinquency cases will be reimbursed. Those guidelines are aimed, that is the guidelines adopted by the Indiana Public Defender Commission, are aimed at improving and enhancing the quality of defense services in criminal cases for the indigent accused. The guidelines were drafted after a very protracted study and in reliance upon national standards that have been developed for the delivery of defense services in criminal cases. Probably the preeminent set of standards are contained in standards of the American Bar Association dealing with providing defense services. They were consulted in some considerable measure as the Commission developed its own guidelines for reimbursement in non-capital cases, that is felonies and juvenile delinquency cases. Anyone who has only casually observed the news during the past several years and especially even just during the past year is aware of the fact that there is a reality in our society of wrongful

conviction of the innocent. There have been some celebrated cases from Illinois, in the capital area, as well as throughout the country one of which I just happened to notice was reviewed in some detail from New Jersey on an NBC national program just recently. The reality is that if innocent persons are not to be convicted of crimes wrongfully a strong defense is necessary to protect persons who may in fact be innocent of crimes with which they are charged. Indeed, it is I think the genius of our criminal justice system that we have an adversary process that requires a strong prosecution as well as a strong defense. I might say incidentally that my own personal background includes both public defense as well as prosecution. I served in the United States Department of Justice as an Assistant United States Attorney and also in the Deputy Attorney General's Office as a Main Justice some years ago and I was also the public defender in Washington, DC so I have been both a prosecutor and a defense lawyer and I believe that both prosecution and defense need to be well represented in the criminal courtroom. One of the functions of our statutes in Indiana as well as the Commission's guideline is to secure the independence of the defense function and to make consistent with the standards of the American Bar Association that the supervision and oversight of the defense function be controlled in no greater measure by the judiciary than it would be if a person were to be represented by a privately retained attorney. One of the unusual circumstances of public defense is that you have prosecutors who are really independent of the judiciary but in some respects in some parts of Indiana as well as in a few other places in the United States the defense function is sometimes controlled by the judiciary in a way which is really quite extraordinary in the sense that you want an adversary process where both prosecution and defense are wholly independent of judicial oversight or supervision which is why the standards of the American Bar Association on which both our guidelines and Indiana legislation is modeled provides as follows: the legal representation plan for a jurisdiction should be designed to guarantee the integrity of the relationship between lawyer and client; the plan and the lawyers serving under it should be subject to judicial supervision only in the same manner and to the same extent as are lawyers in private practice; the selection of lawyers for specific cases should not be made by the judiciary or elected officials but should be arranged by the administrators of the defender assigned council and contract for service programs. Although that is a cornerstone of the Commission's guidelines as well as legislation in Indiana the Commission does not, and I emphasize that, does not seek to dictate to Vanderburgh County or to any county the exact structure for the delivery of defense services. It could be done by a full-time public defender office. It could be done by part-time public defenders and perhaps a full-time chief public defender. It could be done by contract representation or some combination so that the ability to determine how it ought to be done in Vanderburgh County rests with the county and rests with the board to be created under the proposed ordinance. I said that there were two functions of the Public Defender Commission in general. One was to enhance the quality of public defense, but another is to provide relief to the counties from the cost of indigent defense in their respective counties and the reality is that the Public Defender Commission has done a good deal of aiding the counties in that respect. The largest county in the state of Indiana, for example, has now for several years received reimbursement for 40 percent of their costs in felonies and misdemeanor cases. I'm sorry, for felonies and juvenile delinquency cases now and I refer to Marion County and the reimbursement to Marion County has been in the millions of dollars. It is true that Marion County and the other 19 counties that have come under the Commission's program for reimbursement in felonies and juvenile delinquency cases have increased their expenditures for public defense, but in every single county the net effect has been that the total expenditures has been reduced because after the reimbursement of 40 percent of the expenditures is made every single county has

had a net decrease in their total expenditures for public defense. That is really what I mean by providing relief to the counties to some degree. I know Mr. Carusillo worked through some numbers. They were preliminary, they were tentative, but they were consistent with what we have found in other counties and depending upon the structure that is adopted there is every reason to believe that Vanderburgh County would realize a net savings while at the same time we believe enhancing the quality of defense representation. Let me stop at that point and see if there are questions either by the Commission or others that might be present tonight. I appreciate the opportunity to come by and to share those observations with you.

President Jerrel: Thank you, Dean. Questions from members? Are there any questions from members of the audience? We have judges and public defenders. Are there any questions? County Council representation. Yes.

Tim Dodd: My name is Tim Dodd, I'm a public defender.

President Jerrel: Would you mind stepping up to the mike because we do verbatim minutes.

Tim Dodd: First of all I--

Commissioner Mourdock: State your name please.

Tim Dodd: My name is Tim Dodd. I'm a lawyer in private practice and also a public defender in Superior Court. You remarked you happened to be in Evansville at 4:30 this afternoon. I read about that in the paper this morning which I thought was sort of coincidental.

Norman Lefstein: I haven't seen the papers. I don't know what it said.

Tim Dodd: First of all, IC 33-9-15-3 does that exempt Vanderburgh County?

Joe Harrison, Jr.: Yes.

Tim Dodd: Then if this ordinance authorizes a Public Defender Board pursuant to 33-9-15-3, it can't.

Joe Harrison, Jr.: Marion County has done the same thing. They were exempt too and created a similar Public Defender Board in that county.

Tim Dodd: Even though they are exempt by--

Joe Harrison, Jr.: They are participating in the program. They're the biggest participator in the program. I think...I don't know what the reasoning was. The Dean may know the reasoning behind why the larger counties were originally exempted, but it probably had something to do with fear by the Legislature that they would be spending too much money. I have no idea.

Tim Dodd: I'm having some trouble understanding how we can create a Public Defender Board under a statute that exempts this county.

Joe Harrison, Jr.: Well, obviously there is Home Rule and this county can do whatever it wants essentially and if the State Public Defender Commission is willing to recognize Vanderburgh County's participation in the program and is willing to pay

40 percent which they are according to the Dean and the Executive Director just like they've been doing in Indianapolis, I think that is good enough.

Norman Lefstein: Our guidelines provide that the Public Defender Board is to be created either under the statute or in a way that is consistent with the statute. We have the power under our own statute to approve guidelines which is what we have done. We recognize that some states or some counties were exempt under the Indiana legislation and we simply said that if you are in effect exempt under the legislation you can do something comparable and be in compliance with our guidelines.

President Jerrel: Does that answer your question, Tim?

Tim Dodd: It doesn't. It's not a satisfactory answer to me, but my opinion isn't particularly important.

President Jerrel: Well, it is.

Tim Dodd: If it's valid or not. I would still question the validity of this ordinance where in the preamble it says this statute authorizes and therefore we're going to do it when in fact the statute doesn't authorize it, but if your County Attorney is comfortable with that--

President Jerrel: Well, you're going to be seeing Lake County, they were exempt. They're getting ready to come onboard. They're working on their plan now and Marion County has been on for several years. The option for them to be able to comply with the same rules and regulations under the Home Rule ordinance we couldn't refuse to let them participate. So we're eligible just like...I mean, Marion County gets a lot of things. We're just as eligible as they are.

Tim Dodd: When you say we couldn't refuse, you're talking about your position as a Commission?

President Jerrel: No, I meant in terms of the statute and in terms of the Public Defender Commission. They couldn't deny participation to Marion County and I am sure if Lake County follows all of the guidelines and establishes an ordinance and a board they will be eligible also. For that matter, St. Joe and Allen, the other counties that were--

Norman Lefstein: Lake is, St. Joe isn't.

President Jerrel: Lake is to the point they're ready and I think in September they'll be ready to submit theirs. Did you have a--

Norman Lefstein: I just wanted to make the observation that this process of having counties join this program has been a slow one, but in part it has been slow because it was only about a year and a half ago that the Commission retained full-time staff who could then meet with County Commissioners and attend meetings of this kind. Obviously, my principal position is not with the Commission and I do this on an uncompensated volunteer basis, but Mr. Carusillo, since he has come onboard there has been a marked increase in the number of counties that have joined the program.

Tim Dodd: One other question. Public Defender Commission is different from the Public Defender Counsel?

Norman Lefstein: Yes.

Tim Dodd: And also different from the Indiana Public Defender?

Norman Lefstein: Yes.

Tim Dodd: So there are three separate offices?

Norman Lefstein: And we all have very similar names.

Tim Dodd: Each of which has the phrase "public defender" in it?

Norman Lefstein: Yes.

Tim Dodd: But they are different offices?

Norman Lefstein: Yes.

Tim Dodd: For example the Public Defender's Office over in Circuit Court right now attacking the Public Defender system in Vanderburgh County.

Norman Lefstein: I know there is a post conviction hearing over there.

Tim Dodd: A post conviction hearing. But that isn't you guys?

Norman Lefstein: No, that's the State Public Defender. There is the Indiana State Public Defender headed by Susan Carpenter. There is the Indiana Public Defender Council, C-o-u-n-c-i-l, headed by Larry Landis and there is the Indiana Public Defender Commission of which I am the chair. It has no staff other than Mr. Carusillo who is under the Division of State Court Administration which is under the Indiana Supreme Court.

Tim Dodd: Does your office or the Public Defender Commission go about representing people?

Norman Lefstein: We represent no one.

Tim Dodd: Okay. Didn't Mr. Carusillo represent Renauldo Rondon in the (inaudible) Supreme Court trying to upset the Lake County public defenders?

Norman Lefstein: I have no knowledge about it. He represents no one since he has come on the staff of the Division of State Court Administration for the State of Indiana.

Suzanne Crouch: His comments are all going to be inaudible.

President Jerrel: Well, we'll just do the best we can. If anybody else wishes to make a comment if you could come to the mike because our Recording Secretary tries to get them all on the record. Is there anyone else that would like to ask a question or make a comment? Yes, Judge.

Jeff Tornatta: Yes, thank you. My name is Jeff Tornatta and I am a Vanderburgh Superior Court judge. I don't have a question so much as a comment in that it's my feeling and a feeling of a number of the judges that the county's expense will also

go up. That is not necessarily...I don't like to pay taxes anymore than anyone else. That's not necessarily bad, but here is the concern. We have, and I remember Magistrate Kiely at one of your prior hearings spoke about how satisfied Circuit Court was with its public defenders and from top to bottom our public defenders are exceptional. As your statistics indicated our public defenders carry far, far more cases than they should and that is a problem, but to my knowledge, and I have discussed this with a number of attorneys, never has anyone's conviction been overturned in this county because of incompetent counsel. What we have now in my opinion is a Cadillac public defender and a public defender is not an office, it's independent public attorneys, but we have a Cadillac and we're getting it for the price of a Chevrolet and that's only because of the diligence and the hard work of the public defenders. My concern is if we adopt the system we're going to have a Porsche and that's fine because having competent counsel in a criminal proceeding is a fundamental constitutional right. There are few things that are more important and that's great, but I want...first of all, I don't want you to be naive in thinking that the county's costs are going to go down because this has been a hot topic for some time. I don't know of anybody that works in the system that thinks that county's expense will go down. Again, that's not necessarily a bad thing if you are willing to make the commitment and not later question and say why is the state now paying 40 percent of this but our expenses have gone up because the expenses will go up and I could give you a number of reasons why. I want you to understand if you have a Porsche it is going to be more expensive to maintain and as I have predicted and Mr. Levco pretty much told you he is going to come and ask for more prosecutors. Again, that's fine because our number of felonies in this county has skyrocketed and we need to devote more resources to the criminal justice system. That's fine, but one thing I do think is unfortunate is this is extremely complex. It doesn't only affect the criminal system, but in our court most of our docket is civil. If we devote more resources to criminal cases that is time we take away from civil cases. We've already been in discussion with a number of you about how we don't have enough courtrooms and we need more court reporters and just as Mr. Levco comes and says he is going to need more prosecutors, which he will and he'll have to when he is suddenly faced with almost twice as many public defenders, we're going to be coming also. So I hope that you'll make the same commitment to Mr. Levco and to us even though there is no reimbursement from the state. I do think more judges would have been here tonight. I don't know if any others are here, but again this has moved very quickly and I think it's unfortunate that it has moved so quickly in that it's of critical importance to our systems. I think most of the judges...first of all, that last meeting we thought was an informational meeting. We had no idea you were going to pass a motion to adopt an ordinance and perhaps that is our fault and our ignorance. Also, I don't think the judges felt this was going to be the final vote tonight because I discussed it with several of them last week and asked if they were going to be here and they thought there was yet another meeting after that. Again, that might be our ignorance, but again it's unfortunate. I personally think that all of us need to sit down and look at this much more carefully, have the prosecutor's input, have the input of people like Mr. Dodd who is in that court every day and knows and can have a better prediction, with all due respect, than somebody in Indianapolis. Looking at part of the problem in the gentleman's statistics last time were our statistics weren't good and I'm sure they vary greatly from county to county. Also I want to dispel the notion that what we're fearful of is giving up our...I don't know, it's almost like because we won't be able to make the appointments and Mr. Carusillo, I'm sorry if I am mispronouncing his name, noted that most of the judges that he talked to didn't mind giving it up and I can tell you from my standpoint I don't mind giving it up because if we haven't...we have an opening for magistrate now and there are 24 some applicants and only one person is going to get that job. That's

going to make 23 people upset and one person is going to be tickled. I would just as soon not have to do that because you're going to make far more people mad than happy. What you do have a concern about giving up is how this is going to be set up. If they adopt a system that consists of relatively inexperienced full-time public defenders we're going to have a great concern. That's what we're giving up. It's not that you're rewarding somebody politically or giving the job to your friend or something like that, it's you're concerned about the competency. That's why I feel that really before you pass this tonight there needs to be more studies. I think ultimately it's probably the way to go, but I don't think it is something that you should rush into quickly. I truly appreciate the opportunity to speak to you tonight and in the past. Thank you very much.

President Jerrel: Judge, before you leave let me just see if I can answer a couple of questions. What we have before us is the initial step to a study that could take six months, it could take a year on developing a comprehensive plan. This is not a plan. This is simply establishing that Vanderburgh County is going to come up with a comprehensive plan to permit us to be able to qualify by following the state's guidelines and be able to receive 40 percent. You heard the Dean say, but I want to repeat again, nobody has had a net gain in cost.

Jeff Tornatta: I did hear him say that.

President Jerrel: Nobody. You don't get 40 percent back...for instance, you all have asked for additional public defenders in the 2000 budget. If we don't have any of this later on in place there will be no reimbursement. You follow me?

Jeff Tornatta: Yes.

President Jerrel: So you are already asking for increases. Also I had research done about the prosecutors throughout the state and there has been no increase in prosecutors because of public defender participation. The two...the cases are going to be filed regardless. I mean, I understand your concerns and I certainly appreciate them, but I would be remiss if I didn't make those comments because I took every argument and had it researched because I don't want to make any rash decisions and we've looked at this for over six years. Over six years and that is not rushing into it. What we're going to do even if it passes or doesn't pass tonight is look some more and as long as we want to look. As long as you're...until you're comfortable. If you choose to participate, as long as it takes to make this be the flavor for Vanderburgh County that's what we'll do.

Jeff Tornatta: Well, that is reassuring because my fear was that the ordinance would be passed, you would make your appointment and then Judge Heldt wouldn't make an appointment, the Superior Court judges wouldn't make an appointment and it would look like we're dragging our feet and we don't intend to drag our feet, it's just we want to be very careful with this. It's a major change.

President Jerrel: Well, I think you have a lot of public defenders who want to be involved in the decision making.

Jeff Tornatta: I think so, too.

President Jerrel: I mean, this is...you have the County Council.

Jeff Tornatta: As Mr. Loosemore pointed out, if he can make the same amount of

money, which according to Mr. Carusillo's figures he would, and handle 60 cases versus the 110 to 125 he is going to be delighted. Again, that is not necessary a bad thing you understand. I hope my analogy made sense.

Commissioner Mourdock: Let me ask two follow-up questions to that though. Under the statute once an ordinance is passed is there any time wires, time limits established, trip wires out there that we have to have certain things done in 18 months, 20 months, 24 months?

President Jerrel: No.

Joe Harrison, Jr.: Especially since the ordinance or the statute doesn't mention anything, but we technically are exempt from the statute.

Commissioner Mourdock: It's nice it goes both ways, I guess.

Joe Harrison, Jr.: Plus the judges could take...I mean, unless the judges go along with appointing two people nothing ever begins anyway.

Commissioner Mourdock: The second question, since the time of its enactment when did the first Indiana county enact this legislation and start down this road? Has that been six years, seven years?

President Jerrel: It's been more than that.

Norman Lefstein: Five.

Commissioner Mourdock: Five years ago?

Norman Lefstein: Approximately five.

President Jerrel: There is no rush and a plan has to have approval, too.

Commissioner Mourdock: I asked the latter question simply from the point of view of wondering and I have much the same question Judge Tornatta pointed out despite what Dean Lefstein said. It would seem to me there would be a gross increase of cost and maybe I am wondering if that just hasn't come through the pipeline enough yet. If those counties haven't been into this process far enough that they've started to see that increase. In five years we may not be seeing it, I don't know.

Commissioner Tuley: I would like to see some more detail on the information that they are gleaning those figures and so-called facts from. Based on our overcrowding already and everything that has been pointed out by the judges we are already currently looking for extra space. What I would like to know is when they said they had a net decrease what all factors were included in that? Was it just the cost of adding the defenders or did any of them have to add more space?

President Jerrel: Well, now you're eligible for all sort of...any reimbursement--

Commissioner Tuley: The 40 percent is? Okay, go with that then.

President Jerrel: If you've got rent, if you have investigators, if you've got secretaries you get 40 percent of all of that.

Commissioner Tuley: I'm thinking more of the physical structure side of that, if that's reimbursable?

Norman Lefstein: Yes.

President Jerrel: And you don't...I mean, we don't have to have a separate stand-alone. This is truly clay and you are very much a part of the construction process.

Jeff Tornatta: Okay, if I can have, and I don't know, assurance might not be the right word. Just that an ordinance isn't passed, you make an appointment and it doesn't look like, gee, the judges of this county are costing the--

President Jerrel: No.

Jeff Tornatta: --taxpayers 40 percent because they haven't made their appointments. I think that's a very naive way of looking at what we're looking at.

President Jerrel: No, I don't think that would ever enter anyone's mind.

Jeff Tornatta: Okay.

President Jerrel: Because it has to work. If it doesn't work that's the worst thing you could do is rush into something that you're not really sure is going to be successful.

Jeff Tornatta: Alright, thank you very much.

Commissioner Mourdock: Somebody else had a question.

Phil Hoy: I'm Phil Hoy. I'm a member of the Vanderburgh County Council and I come tonight to encourage you all to take the next step in this process. From what you've discussed with the judge and other folks here and with some of the public defenders, should we do this? There is not going to be any harm done, certainly to the wages of the current public defenders. In fact, they may benefit more by having a lighter caseload. We're going to get 40 percent reimbursement. Those are our tax dollars that we pay to the State of Indiana and we deserve to get those tax dollars back just as much as any other county. I also speak in favor of progressing and it looks like you're going to take deliberate steps and not do anything in a hurry. That is with the constituency, not as a Councilman, but as the Food Bank that I represent I don't know that we'll move from a Cadillac to a Porsche. I would rather have a Cadillac to drive. I usually don't use automobile comparisons when I talk about government because of the kind of cars I prefer to drive are made here in the United States. It's a commitment I've made. I don't mean any harm, Judge, by saying that. I hope you understand that. Last week Mr. Levco said, well, if it ain't broke don't fix it. We're not talking about something that is broken. We're talking about currently according to this morning's paper something that is getting bent pretty badly because of the overload and we could face some serious problems with overloading our public defenders. So why not start the process now and not wait until we're in trouble? My final point is I'll go back to wearing my Food Bank hat or my clergy hat or whatever hat you want to put on me, I don't really care. You can label me a bleeding heart for the poor and I hope that's put on my tombstone. There are very few advocates left for the disadvantaged folks in our community. I'm everyday seeing the result of welfare to work and things like that. It's not working for people. It just simply isn't and people who don't have a lot of money need as much help as they can get. I talked to one of the public defenders and what he said to me was first

of all I am glad to be a public defender because I like the benefits. Everybody likes the county benefits, \$9,500 worth of benefits is nothing to sneeze at for goodness sakes. A lot of people would like that. His load would decrease and he would still make as much money so what is the problem with spreading this out and getting some state money back and doing a better job of administering justice. I think the system is good, but I have never seen a system yet that could not be improved, so I would encourage you to take the next step to make the deliberate steps that you said that you wish to make and to move ahead. Thank you.

President Jerrel: Thank you. Yes, sir.

Rob Faulkner: My name is Rob Faulkner. I'm an attorney here in Evansville and I have some observations on the subject. Although most of my practice is on the civil side of the docket, I do a fair amount of criminal work, so I see how the system works. With respect to Commissioner Mourdock's comment a while ago about the numbers I would urge the Commission to look very closely at those numbers if and when the study is done to make sure that the assumptions on which those numbers are based are plausible. I think that when the numbers come in that it will turn out that there will be an increased cost overall in the net and, again, if the county is willing to do that that may be the way to go. In terms of whether it is a cost saving measure I'm not sure that is going to turn out to be the case. With all due respect to Dean Lefstein he indicates that all of the counties who have implemented this have had a net savings and anecdotally I've heard otherwise and what Dean Lefstein...there may be some confusion there, but anecdotally I've heard Clark County has had a substantial increase in net costs and that is something also that the board or the Commission may wish to check in to. There is a couple of things that were implicit in the remarks of Dean Lefstein which I don't think was an intentional putdown of anyone, but I kind of heard a subtle indication that indigent defendants in Vanderburgh County are getting substandard representation and I have observed...I have known folks who have been indigent and utilized the services of the public defenders and they got excellent results. I have observed in every day court our public defenders in action and I can tell you that they are not getting ineffective...they are getting effective assistance and counsel, in fact. In fact, most of these practitioners handle private representation as well and I would challenge anybody to look and tell which case is a PD case and which case is private representation because I can assure you they get their full efforts. Also there was somewhat of an implication that perhaps the judiciary had some undo measure of influence on the public defenders. Also I can assure you there is nothing further from the truth because one, I know of no judge over there in the courthouse that would seek to bring any improper influence to bear on the public defender or any other lawyer and the public defenders that I know if that did happen they would probably resign, so it's just not something that is a factor and the system works rather well. Again, I'm not saying that this is necessarily altogether a bad thing, but we should ought not go into it with our eyes closed.

President Jerrel: Thank you. Any other comments? Dean, did you have a response to any of this that you care to make?

Norman Lefstein: Well, I could make a couple of comments.

President Jerrel: Alright.

Norman Lefstein: Let me preface my comments by saying that I'm not a lawyer in Vanderburgh County and I cannot speak nor do I undertake to speak about the

situation precisely here in Vanderburgh County although I have been involved in this entire area of indigent defense services for virtually my entire professional life at a national level and I did a study on behalf of the American Bar Association on criminal defense services for the poor that was published as a book in 1982. I also have been involved in the preparation of standards for public defense that were adopted by the American Bar Association House of Delegates in years past. This has been very much an area of my specialization which is how I wound up chairing the Public Defender Commission since its inception in 1990. I thought the judge who spoke initially, and forgive me, Judge, but I don't know your name and I'm afraid if I pronounce it I'll mispronounce it. He began by making the observation that public defenders carry far more cases than they should and that is not simply a phenomena of which the judge speaks here in Vanderburgh County, but it's really a phenomena in the United States that caseloads of public defenders and sometimes assigned counsel who handle a number of cases often have outstripped their capacity to do everything possible in providing representation. I'm not here to indict lawyers who serve with dedication as public defenders, as I understand it they are part-time here in Vanderburgh County, but the most talented lawyer has difficulty doing all that is possible sometimes in a criminal case in defending the accused when the caseload is very high. What actually brought me down to Vanderburgh County is a hearing that is taking place in the court, apparently that was the article to which somebody referred earlier which I have not seen, but I was asked to come down here to talk about some Commission standards and guidelines of the Indiana Supreme Court in capital cases because factually it appears that a lawyer, part-time public defender, or I think actually two of them, in a capital case here in Vanderburgh County were far in excess of the number of open felony cases that the Supreme Court under Criminal Rule 24 said was appropriate to be handled. This has become an issue in this post conviction case and I am simply here to explain the nature of Criminal Rule 24, how it was prepared and what its purposes are because the Commission was involved in drafting Criminal Rule 24 which was ultimately adopted by the Indiana Supreme Court. The further comment that the judge made was that there was the potential for having inexperienced full-time public defenders. Well, there are experiential requirements involved for the assignment of lawyers in felony cases that are part of the Commission guidelines. There isn't even the possibility under the guidelines of having really inexperienced lawyers, but there isn't really anything to prevent the county from adopting substantially what you have now except to control better the caseloads of the lawyers who are actually providing the cases...that are providing the representation. In the particular case in which I am supposed to testify tomorrow the lawyers, and this is simply a factual matter, a matter of record that I don't think is in dispute, had pending cases as part-time public defenders that were in excess of 50 which I think supports the judge's observation that lawyers may be carrying too many cases. I can tell you that when I was the Director of the Public Defender program in Washington, DC and we had a staff of about 45 lawyers and none of our lawyers who were full-time in felony cases were allowed to represent more than 30 to 35 defendants in felony cases. So when I hear these gross numbers it leads me to believe that the judge is correct in his observation that the lawyers may on occasion be carrying more cases than would be appropriate. One other observation, the last speaker made the comment about judges would not bring influence improperly over public defenders and if that were to be done the lawyers would resign and I hope that is true on both counts. I again emphasize I am not speaking of any personal knowledge here in Vanderburgh County, but I can tell you that in national studies and indeed in Marion County where testimony was taken by a Commission prior to the creation of the Marion County Public Defender we had defense lawyers come in and testify that the system for appointment in Marion County was very inhibiting of what lawyers would do in the representation of their

clients. Because of fear, nothing ever articulated or expressed, but out of fear if something were to be done of which the judge might disapprove they might in fact not continue to be appointed. That is a phenomena that has existed in the area of public defense in the United States which is one of the reasons the standards of the American Bar Association takes such a very strong position about the independence of the public defense function. Lastly, simply the observation that I believe was made earlier and that is that even with the adoption of the ordinance nothing is going to change because there would have to be a plan that was drawn up, a comprehensive plan, for the delivery of public defense in Vanderburgh County and that plan would have to be submitted to the Commission and if in the preparation and the adoption of that plan it were to be determined that the gross costs as well as the net costs were going to increase I suppose it is always up to the board not to commit to the plan, not to submit the plan at all. I simply can tell you and Clark County it is my information that the expenses on a net basis have not increased in Clark County nor in any of the other 19 counties in which the program has been adopted, but the adoption of the ordinance will not change anything until the preparation of a comprehensive plan which would be a function of study as you suggested.

President Jerrel: Thank you. Anybody else? Members of the board?

Commissioner Mourdock: I'm ready to vote.

President Jerrel: Okay.

Commissioner Tuley: I'm ready.

Commissioner Mourdock: I will...do you have the number, Joe, the ordinance number? I don't have it here in my packet.

Joe Harrison, Jr.: I don't think it has been numbered yet.

Commissioner Mourdock: Okay, well let me do this then. I'll move approval of the Vanderburgh County Public Defender ordinance as sited in Indiana Code 33-9-15-3 as presented to the board this evening.

Commissioner Tuley: I'll second.

President Jerrel: I'll call for a voice vote. This is a final reading on an ordinance. Commissioner Tuley?

Commissioner Tuley: Just let me say real quick that I don't think anyone sitting on here, and you two can do a very good job of speaking for yourself, are looking at this as any question of the ability of the judges to appoint the public defenders. It's not a question of do we have quality public defenders. I think all of us would agree we do. Personally, for myself as a full-time manager for the School Corporation, a part-time County Commissioner, I was trying to work at one time here recently on my master's degree in public administration and I have a wife and a child. There is only so many hours in a day. You only have so much energy. If you put the caseloads on these folks so heavy as what we have had to do something has got to give. I think the only way we can look at this and I think I'm willing to move forward and take a look at it and see if there is not a better way to do what is already being done good. I think we need to at least look at it and I'll say...excuse me, I'll vote yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Having been on this board now for I guess almost five years I think probably this particular ordinance has caused me more time to think and ponder, you know, the "what ifs", the implication of this vote than any other over the past five years. Just before this meeting County Councilman Wortman asked me how I was going to vote this evening and I told him quite truthfully I don't know. Sitting here listening to the arguments on both sides, and I think they're well thought out on both sides, I started, if you look at this you would probably say it is scratching, but started to make my notes here on the page and I started out on one side putting the pluses and on the other side putting the minuses. On the pluses, as Pat just mentioned, I think we have a good group of public defenders now. As he also said I think even with a good system it can always be improved. Our caseload on public defenders is high. Certainly as Dean Lefstein reported a minute ago there are cases where they are excessively high. On the one hand I see what this could be with the potential for a big-time multimedia type of case that happens in some counties. I think in the previous meeting Mr. Carusillo or Carello--

Norman Lefstein: Carusillo.

Commissioner Mourdock: Carusillo, thank you, referred to a case in Park County that the county was just totally unprepared for. In a sense this funding worked as an insurance policy on behalf of the county. Yet I look at tax money from the state. When we talk about costs I think we have to talk about gross costs not just net costs because all tax dollars have this in common, they are tax dollars. While it's nice to get our fair share from Indianapolis I hate just to cost shift. On the one hand I guess that is the conservative in me. I hate to spend more and more tax dollars and I will predict outstanding cases or outstanding counties aside in the end I think this will lead to higher costs and I'll come back to that in a minute. I also worry with state money that, and Bettye Lou you've taught me this well, what the state provides the state can take away and there are certainly cases where the state has provided funding under grants or whatever and we in the county get comfortable with that money and all of a sudden it's not there any more and somehow we have to find a way to come up with it and that's difficult. Dean Lefstein mentioned something that is very much of concern to me and Judge Tornatta mentioned it. When judges appoint public defenders there is something that strikes me as wrong about that. I did not know until tonight that in fact the ABA recommends that there be an independent group other than just the judiciary involved with that process and I think that's a good process. All that having been said, I ended up as I drew this in the center it says justice for indigents question mark. That's really the question. It is of less importance to me that the costs go down. It is of less importance to me that the costs goes down and that the level of justice goes up. Can we come closer to meeting that phrase in the Pledge of Allegiance we said a little bit ago about having justice for all? I'm not certain that this system will move us there totally, but I think it is a part of a system that we have to employ. In the last two years working with the Blue Ribbon Jail Commission I will tell you I've learned more about the criminal justice system than I ever imagined I would learn as a County Commissioner. The most important thing I've learned is that we cannot just look at the jail as the problem. It is the total criminal justice system that we have to continue to improve. That's not to say that there is anything grossly wrong with any one part of it, but every part of it needs to be worked on and corrected. I hope in working with the judges on this, and Judge Tornatta, you have my word, we're not looking to sandbag the judges to come out tomorrow and say, well, have they scheduled a meeting yet for their part of the review because a final part of my consideration here and I always

try to be, and, Pat, you can say word with me--

Commissioner Tuley and Commissioner Mourdock: Consistent.

Commissioner Mourdock: When I get into an issue on this board and I don't realize and I realize that I don't realize every nuance of understanding, every bit of the fact, I look to whom this board employs as technical experts. Whether it is something with the park system we have or the County Garage or any number of areas we have experts far more informed than I am and I think the judges who can appoint members to this panel can serve this community well in moving this process forward. So having looked at both sides I will vote yes.

President Jerrel: Thank you. I also will vote yes and to those of you in the audience who are part of the judicial system, the Prosecutor's Office, the public defenders and the judges, I'll do whatever kind of grunt work is necessary. I'm on the Public Defender Commission for that very reason. The Chief Justice put me on because I know numbers. Everyone else was either a judge, a prosecutor or a public defender or an attorney and I am not, but I can guarantee you I have great respect for the taxpayer's dollars and I will help so that when we make a plan it is one that will work for everybody and if we can't get it done and it takes a longer period of time there is nobody looking over our shoulders except I think this is a very, very courageous move to begin in the county and I would like to have everyone's cooperation. With that I would like to say the motion has carried and thank all of you that are here for this purpose and for those of you that are not here for this purpose we will move on into our developer's meeting. Thank you very much and, Dean, thank you very much for attending.

<p>Bob Woodward Conveyance of real estate and relocation of billboards</p>
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President Jerrel: The next item on our agenda is the County Attorney on an agreement on Lynch Road real estate.

Joe Harrison, Jr.: This particular agreement relates to the right-of-way that was necessary for the Burkhardt Road and Lynch Road improvement areas. This agreement sets forth the payment amount to be made to Robert Woodward and Woodward, LLC for the relocation of two billboards that are on the real estate that was donated to Vanderburgh County, an amount not to exceed \$20,000 for the relocation of such billboards. The agreement has not yet been signed by Mr. Woodward, but it needs to be signed by the County Commissioners this evening. It will be signed by him within the next several days.

Commissioner Mourdock: You used the phrase not to exceed \$20,000. In fact, it is \$20,000 is it not? Could it be less?

Commissioner Tuley: Yes.

Joe Harrison, Jr.: It's possible that it could be less. I doubt very seriously if it will be, but it's not to exceed \$20,000.

Commissioner Tuley: According to the ordinance I read he is supposed to provide all receipts as related to the actual relocation.

Joe Harrison, Jr.: And then the county would have 60 days thereafter to pay such payment. This is hopefully the last step for that area and the County Engineer has been diligent in working on getting us to this point and I'm assuming that Mr. Woodward will also sign the agreement in the next several days. He was comfortable with the substance of the agreement when we met last week.

President Jerrel: Are there any questions? Call for a motion.

Commissioner Mourdock: I'll move approval of the agreement for conveyance of real estate for Lynch Road and Interstate I-164 Interchange and relocation of billboards as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Final reading - Ordinance amending Chapter 17
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President Jerrel: The final reading tonight for the ordinance amending Title 17 that we did pass and it was sent to Area Plan and they did approve it. The final process now is for us to make that final approval.

Commissioner Mourdock: Anyone for discussion? I don't think so.

President Jerrel: Is there anyone here that wishes to speak to the final billboard approval?

Commissioner Mourdock: Seeing none, I will move approval of an ordinance amending Title 17 of the Zoning Code of the Code of Ordinance of Vanderburgh County regarding billboards as submitted in our packets this evening.

Commissioner Tuley: I will second.

President Jerrel: And I will call for a roll call vote. This is a final ordinance. Commissioner Tuley?

Commissioner Tuley: There are parts of it that I don't agree with, but I have to say for the record I was on the committee that was on it. It came out of committee with a lot of the stuff that is in here. I was at the Area Plan meeting Wednesday night and it was voted on and supported wholeheartedly by the Area Plan Commission. Again, I'll just state there are certain aspects of it I don't like, but this is called the art of compromise and that is what a whole lot of what government is and therefore I will vote yes.

President Jerrel: Thank you. Commissioner Mourdock?

Commissioner Mourdock: I'll vote yes.

President Jerrel: And I'll vote yes. Okay, the ordinance has passed.

<p>Public hearing</p> <p>Interconnection and access points for residential subdivisions</p>

President Jerrel: The next item is the public input hearing on county policy on interconnections and access points for residential subdivisions. Yes, we have with us Rose Zigenfus, Director of Urban Transportation, and Barbara Cunningham, Area Plan, and a number of developers. I appreciate those of you that are here for this, both residents and that you sat through the other things, for no other reason than it's part of what we do and it might have been a good educational...but I apologize that you've had to sit through two long areas.

Rose Zigenfus: This is going to be quick. Thank you for the opportunity to discuss the issue of access and interconnection for residential and commercial subdivisions within the county. I think your willingness to hold a public hearing and invite the affected parties, engineers, home builders, general public, is a step in the right direction and an opportunity to put together some guidance for the Plan Commission. The Evansville-Vanderburgh County Plan Commission expects to develop or change their current ordinance and hopefully what will come out of tonight's meeting will be something to address access and interconnection, something that EUTS has been trying to be consistent on. Let me begin by saying that we recognize that there is a need to establish some type of conformity or uniformity in determining what that access and interconnection will be and that's not an easy task. We have to meet the needs of the developers and the property owners, the affected parties, as well as the general public and we also have to meet the transportation needs of the county. Currently access and interconnection ordinances do exist in Indiana in some of the counties, and I have given you that information, and they are similar to what we are proposing tonight. I've attached a list of the counties and the excerpts from those ordinances. And then there is a short list of transportation engineering publications that we've referenced as being the sound transportation engineering technics to give guidance to planners to provide for access and interconnection. Then I would just ask that you keep in mind that Vanderburgh County has been designated as a maintenance area for ozone and that we should all do our part to try and reduce the number of vehicle miles that we travel each day from one subdivision to another. One way to accomplish that is to travel through interconnecting subdivisions if we want to make contact with that other subdivision or to access another major street. So if nobody has any questions of me I am interested to hear what the public and the engineers have to say.

President Jerrel: Is there, yes, please. After you have something to pass out--

(Inaudible comments made away from mike.)

Carla Hynes: My name is Carla Hynes and I live in Evansville. You'll have to bear with me because I am definitely not as eloquent of a speaker as you've had here tonight. I'm just a member of a neighborhood and a parent. When I heard of this public hearing concerning interconnections and numbers of access points for residential subdivision I was very excited because I have been here before. I thought this is great. Here we have a chance to discuss policy before it is too late. I have learned through experience that by the time subdivisions and neighborhoods come up for specific review by the Area Plan Commission it is generally too late. Plans have already been engineered and designed, it's difficult and expensive to change things. Also, I have learned that there is not a policy or an ordinance in place. If there is not a policy or ordinance in place we cannot require these additions

to subdivisions. We can't ask them to change something if we don't have a rule governing it. I was also made aware of this public hearing...I was only made aware of this public hearing approximately one week ago. My neighbors and I felt a petition would demonstrate to you the many persons who have strong feelings towards this issue who may have not been able to be here tonight. If we would of had more time I feel we would of had many more signatures. We would like to present this petition to you as a voice of the community. It has over 125 signatures on it. These are signatures from people who live in Vanderburgh County and a few who work in Vanderburgh County who wanted to sign it because they are here every day. I would like to discuss each of the recommendations we have made to you on our petition. Number one, bike paths be required along all county roads adjacent to new development as a means of connecting neighborhoods. Why? Because when there are bike paths there is less potential for vehicle and pedestrian conflicts. Paths encourage a healthy lifestyle, a friendly community feeling. Roads are always unsafe for walking, bicycling, jogging, always in all instances. Paths make the entire community more desirable to potential home buyers and to employees of local industries who we wish to have come to our county. Bike and walking paths are the perfect connectors for neighborhoods through interconnections between residential subdivisions, parks, ball fields and especially schools. I feel that schools should be brought up independently, as my neighbors and I have noted a severe lack of walkways and bike paths in our communities that connect schools to the neighborhoods that they serve. Bike paths and pedestrian walkways can also serve as a reducer of automobile traffic and are dependence on cars which Ms. Zigenfus already brought up. I think that is really important in Vanderburgh County. I would also like to mention that in numerous places in the Vanderburgh County Comprehensive Plan the urgent need for bikeways and trails in the city and the county is mentioned. It also discusses the unsafe interactions caused by the lack of the these bike paths and pedestrian trails. Second, mandatory widening of existing county roadways adjacent to new developments to promote safety and avoid vehicle and pedestrian conflicts. Why does a public hearing and community petition on access points and interconnections for residential subdivisions include a request for mandatory widening of roads? Because as development occurs the existing county roads become the interconnections between these subdivisions. They become the collector pathways for the new subdivision roads, so if we have bike paths do we need wider roads? Yes. The two definitely work together to enhance safety and link neighborhoods. Presently the width of many or most of our existing county roads is at an absolute minimum according to national standards. The current subdivision code requires a road within a subdivision to be approximately 11 feet wider than many of our existing county roads. Why within a new subdivision, but not on the outside of these connector roads? If the roads are widened safety is enhanced greatly. It also encourages interaction between neighborhoods. If you have to traverse a narrow and unsafe road to go and play with your neighborhood friends or other children you're probably not going to do that. You either are going to stay in your own neighborhood or stay on your own property. Wider roads also provide safety vehicles such as fire engines and school buses safer access to the communities that they serve. I've learned much from the local school bus drivers and fire stations that I spoke to. They state that narrow roads are always a great safety issue for them. I do not allow my own children, and I'm sure a lot of my neighbors that are here tonight will tell you the same thing that they're pretty afraid to walk or run or even bicycle, so that stops people from visiting neighbors in interconnecting neighborhoods. Narrowness and safety issues on roads isolate and confine people to their own property. Third on our petition, predetermined number of access sites for subdivisions for safety vehicles, school buses and ease of traffic flow. This is an important issue that Ms. Zigenfus already brought up. This is similar

to the reasons for widening roads. Safety vehicles such as fire engines have difficulty getting to homes on the other end of a subdivision that only has one access road. The same goes for school buses. Children either have to walk further or school buses have to drive further into a neighborhood that has only one or few access points. There is also the problem of Mother Nature. What if a tree falls across the only access point to a subdivision or we have to do roadwork? Last, encouraging interconnecting roads, bike paths and sidewalks between new and existing subdivisions. This is pretty self explanatory for all the reasons we've already discussed and I think for all the reasons that some of us are here, but we need to require this so that developers, engineers and architects look for and produce designs that enhance these interconnections. I would also like to add a few other points. I realize the Greenway project is well under way and this is a large bike path. We feel that although the Greenway is wonderful it should be looked upon as a starting point and that if we implement some of our ideas maybe the Greenway eventually can be connected to all the neighborhoods of Vanderburgh County. We also realize that these recommendations could be expensive endeavors, but this is why we are asking you to add them to county policy, ordinances and subdivision codes. The shifting of the expense from the taxpayers to business and private industry is very important. After all, most of the issues brought up here are health and safety issues that we cannot ignore. I feel personally, and so do many of my neighbors, that developers and industry can be our allies. We presently have few if any policies, ordinances or incentives that urge or require developers and industries to incorporate these neighborhood enhancing objectives of the Comprehensive Plan into our subdivisions. When development is planned and designed we should be asking ourselves what positive effect will it have on our community. After all we are the ones who will be left when all the bulldozers leave. One of Evansville's assets is the small...is that it is becoming a rather large city, but it still has the feeling of a small close community with neighborhoods rather than subdivisions and projects. But I believe unless we closely monitor the spirit through well planned communities it will be lost. I have had the pleasure of reviewing Vanderburgh County's Comprehensive Plan at length. It's a wonderful plan with many positive ideas and recommendations in it. I believe the spirit of this plan is why we are here today. We all want to see positive community enhancing development occur. I would like to read to you a quote from our Comprehensive Plan. It's not very long.

"The most critical step in the planning process is plan implementation for converting your plan to action. This involves routinely referring to the plan for guidance and community development decisions and taking actions that are consistent with the plan. Only diligent adherence to well thought out and coordinated public policies that are supported by the community can successfully achieve the desired goals. Ultimately, a comprehensive plan is only as good as its implementation."

I appreciate your time and urge you to listen to your community's wishes and pass ordinances and policies which compliment your Comprehensive Plan and include our recommendations as soon as possible as development is occurring rapidly we've already missed many opportunities. We hope that this will be the first of many public hearings on many related issues to this. Thank you.

Chuck Meny: My name is Chuck Meny. I live on Seib Road in the county. At the present time we have nine subdivisions going in within three miles of my home. My wife and I have lived there for 15 years now and there is not really...there hasn't been a single facility built for the sake of any of those subdivision. There is at the

golf course, Eagle Crossing, but that is...I do not think that would be specifically for children or would particularly be for families. My wife and I watched a marvelous program on public television just about three weeks to a month ago and they were presenting sort of an exceptional subdivision and the way to build subdivisions. They went and they showed the pictures of how the children were able to get around. They showed that there were green spots between groups of homes so that the parents could come and bring their children there and they could sit and talk and they could supervise their children at the same time and the children had a place to play. They showed the interconnect being bike paths and the sidewalks and so on. They showed that the streets were laid out in a way so that the children could go from one place to another without having to cross any main roads or busy streets. Then I was waiting for who has finally come up with this? The presenter said this was done in Oregon in the 1920's. It's not that we don't have experience. It's not that we don't know. The problem is how friendly do we want to make the new building projects to children and to families? It seems to me and I hope this is not too harsh, but it seems to me that when...what we do is buy up farmland and level it off, plot it out and build homes and leave. We can do a lot better than that. These nine subdivisions I am talking about there is no facilities, there is no interconnection and this program also made the point that suburbs are no longer if they ever were a good place to raise children because if you want to go any place from one of these suburbs you have to get into the automobile. So the children generally speaking, or at least in many places, do not have other children the same age to play with, at least not close enough to walk to and so the children in these new subdivisions are left pretty much in their own yard. I really am happy that you are doing this. I think this is marvelous. I'm glad you're having this hearing. I hope that you will continue this. I hope that there can be some real development along these lines and I just want to thank you and to encourage you to continue this. I think we need it very, very badly.

Jim Morley: My name is Jim Morley. What I would like to bring to this is not so much an objection to what Rose is giving you as a proposal of an interconnection, but a request that you understand all of the gray areas that are involved in interconnection. What most of the developers that we've worked with as I've talked to are terribly set against is an arbitrary lot, a number. That 50 lots is okay not to interconnect, but 51, you know, play the numbers game. The numbers game can essentially be defeated. You'll never again see anyone bring a master plan in. Why should they show you there is going to be 300 lots. They'll just show you 25 if that is what your standards are. So it has to go beyond that as we deal with this. It seems that those developers who create some of the largest and finest subdivisions in the county often wind up with a lot of remonstrators showing up, a lot of discussion, and a small development that goes in that perhaps should of had some modification to it just sails right on through and nobody pays any attention and we go after and look at the large developments and I don't think that's what we ought to be doing. From a planning standpoint we shouldn't make it any harder on a guy doing a big project than on somebody doing a small project. We should understand what we want. One of the things that people want today as they search for a new house is most new home buyers are people just moving out of an apartment wanting to raise a family. I certainly would take issue with his comments about the adequacy of our subdivisions within this county. What you find is these young homeowners who want to raise this family seek out cul-de-sacs, seek out a street that winds in and out that cannot have a straight line interconnection between this subdivision and that subdivision carrying 1,000 cars a day. They want slow traffic. They want dead-end roads. They want a place because they know they can't always keep their children in the yards. The children do go outside of the yards. They like the sense of community. Other things

happen when you have a reasonably limited number of entrances. One of our apartment developers, Paul Neville, has 500 units with one entrance. What do the people like about it? Security. People can't wander in. They come past an entrance. There is not a lot of ways to get in and out. So the people that live there feel safer. When you create a grid system like downtown Evansville where we have 300 feet of cross street, 300 feet of cross street, everything is going everywhere and you don't have the same kind of sense of community. The town has tried to work on community neighborhoods, but it's kind of hard to draw the line on a pure grid system. A pure grid system also doesn't always take into account the natural things that occur, the streams, the steep hills and other things that don't fit with good planning and good design. I think we have another thing that we need to talk about. Carla mentioned a need to have a way for our children to get from one section of a subdivision to an adjoining subdivision and currently we don't exactly...we have vehicle to maintain county roads. No developer is forever and perhaps they would like to be, but you know at 100 or so they may not be around any longer. No developer is forever. We cannot saddle developers with the ultimate, well, you're going to have to keep on maintaining something forever. She raises the question how can we interconnect for sidewalks or bike paths between one subdivision and another? Let's say we don't want cars to go there, but we want to interconnect a way for pedestrian and bicycle traffic. Is there a way that could be incorporated into a county maintenance system? Currently I am not aware of any. I'm not sure exactly how we're going to maintain funding of all the bikeways. Maybe through the Park's Department. Perhaps that is something we could look at. It's a concern of the developers. Developers don't know...they can understand that the buyer of the home will maintain the sidewalk in front of his house, but if we want to run a sidewalk or a bikeway along the house do we saddle that homeowner with the cost of maintaining that interconnect? If we do then they may not sale that house because he is going to worry, I've got to pay for the sidewalk in front of my house and I've got to maintain the bikeway alongside my house, too. Perhaps the Commissioners could conceive of a way that we could provide for long-term maintenance. Certainly we can't just say to a developer, well, you're going to maintain it forever. That won't work. We know that. Developers in general are not, I don't think, against the interconnection. They see a need for interconnection when we have certain large developments. They also see logic, but most developers don't want to have arbitrary decisions that are not logical crammed down their throats such as an automatic exact number. So I don't know. I think probably what we could do is give some consideration to some early planning at a time when a developer is deciding whether or not to develop a subdivision. Some way we could talk about whether or not we need to have certain interconnects in an area. We all know that in older neighborhoods it's difficult to interconnect roadways once they've gone in. They all fight them. They don't want the cars in there. Knowing ahead of time you can design some curvy streets that slow down traffic. There are various speed things that can be designed into a development. I don't think we want to see arbitrary numbers. Perhaps we need a procedure where whatever comes up is reviewable by the Commissioners. I think of concern is that a developer is caught in the bureaucracy of the situation. A particular department head says this and there is no recourse by which to appeal that decision or bring that decision because the Commissioners do not see the plan for a subdivision. The final decision is made at the Area Plan Commission. The Commissioners review the road plans, but by then it is already cut and dried where the roads are going to be and I think that's a problem with the system is that the Commissioners don't have an opportunity to play a part in the need for an interconnect and hear both sides of the situation. Developers in my opinion are out there to provide good neighborhoods because if they weren't they wouldn't be successful and the successful developers are

providing very good neighborhoods. We've got a lot of good new neighborhoods in Vanderburgh County. Thank you.

Suzanne Crouch: We need to change tapes.

President Jerrel: Okay, just a minute, we're going to change.

Tape change

President Jerrel: Just one second until they get the tape changed.

Unidentified: It happens to me all the time.

Charlene Timmons: I'm ready.

Unidentified: Even at home.

Unidentified: You live alone.

Unidentified: Mean dog! German Shepard stuck in his ways.

Commissioner Mourdock: We're ready, go ahead.

Bill Pedtke: Hello, my name is Bill Pedtke. I'm the Executive Director of the Home Builders Association. On behalf of my organization I would like to thank and congratulate the County Commissioners for their recognition of Vanderburgh County as a pro-growth county. We support all actions for pro-growth and good growth. Toward good growth we need to be very cautious in pushing forward into a blanket requirement for multiple access points and interconnection. There are many criteria, I've researched it heavily at the state and the national levels, that are in addition to the number of lots that we have in front of us. They should be considered in determining the number of access points for subdivisions as well as interconnection. Short and sweet I would ask the Commission that if you are going to consider determining criteria such as number of lots that we come up with some way, a committee or task force even, to consider all of them, all of this other criteria including number of households in the subdivision, number of cars, speed limits, potential for growth in the area. On top of all that maybe we need to come up with that same committee to help plan where county roads need to go to be safer and wiser for smart growth and good growth throughout the whole county. Thank you very much.

Phil Hoy: My name is Phil Hoy and I am not representing the County Council. I am representing myself as a Councilman, but individually, and I must commend the Commissioners on some decisions recently that I think you catch a lot of flack on. I commend you on your SAFE House decision, your billboard decision, your decision to move ahead with the public defender issue and your decision to hold this hearing. It is refreshing to be able to stand here and issue that kind of compliment as a County Councilman. I'm trying to shorten a very long speech and the three of you know me too well to know that is difficult for me to do. You might try prayer. I am in my garb tonight. I did conduct a funeral today. As a preface there is one thing I wish we could do that they do in Anchorage, Alaska. I took a vacation there two years ago and one of the difficulties in dealing with all of the issues that are presented here on urban sprawl and growth and all that is that the legal ads are so difficult to read. Now, I consider myself middle-aged at age 62. You know, that's my

preference, but in Anchorage, Alaska when they put an ad in their paper, and you know they really control growth up there, they have a lottery for building a new house with all the land that they have, you can actually read it without a magnifying glass. I know that costs more money, but I really thought that was neat. They also put a little map in there so you can see exactly where the zoning is taking place and what is going to happen with the roads. I just offer that as a suggestion and I know it will cost more money, but with the growth that we're experiencing maybe that is something to look into. The city ought to look into it also. That's just a little aside. I also confess to you that I come to you with bias. I'm a fifth generation city person and I love my 25 foot lot. That's all I want. I don't want to mow anything else, so I have a bias. I come to you from a city block where we have more places to live than you have in most subdivisions. We have 66 dwelling units on my city block. Jim is a good friend, but I have to counter what you said. I live in a very safe neighborhood. Susan, I look at your map in your paper every week and I've got a little section I sketch out with the crimes and our crime rate is very low for the density of population, frankly. It's a very safe place to live. Last week we had no murders, no rapes, no mayhem, hardly anything. It's very safe. I say that because that's a bias of mine. The main two points, I think, that I want to make to you are that we are at a point where we're going to have to watch our urban sprawl and I say that carefully because I have a son-in-law whose family is a home builder. They just built a beautiful subdivision on the west side of Evansville with lights, with sidewalks, with city sewers, with a place to interconnect with the neighbors. You can do that in a subdivision. It can be done and they did it. The lots are very expensive because someone has to pay for that, but it can be done and I think we need to do careful development. That's my first point, that we need to watch urban sprawl in this county because our population has not grown commensurate with the land we've paved or covered. That's just the truth. The whole metro area hasn't grown that much because I study that because we serve 33 counties and we look at the metro area of Evansville, so I think we need to watch urban sprawl and I don't know how to tell you to do that, but I think you're off to a good start. Secondly, I am very upset about us sabotaging our highways. I used to complain about driving through Terre Haute. I almost believe I can make it through Terre Haute faster than I can make it from that last intersection, or that intersection at Toyota just through Gibson County. I'm really opposed to more traffic lights on our highways. It seems to me that we do need to be looking at other ways to access these developments. That's not an easy answer and I know that task belongs not only to you all, but to us as a County Council, but as a Councilman I would commit myself to that because we're going to get what, a traffic light at Volkman Road and a traffic light some place else. You know, there is no highway left and the state...this is an old speech of mine, but the state looks at us down here and says those folks must love traffic lights because we just keep sabotaging our highways so you have quite a task before you. My final point is the one that I make quite a bit because I am a food banker and I don't like to hear developers say, well, this land was unproductive because they just grew soybeans there. I mean, surely we are sophisticated enough to know that groceries do not come from the grocery store, that everything we eat comes from the land. We are using way too much of our land up. I have not given you any answers at all. I didn't intend to, but I hope that you will also proceed with taking a good hard look at development in this county and to the problems that I have mentioned here and I thank you for the time.

President Jerrel: Thank you.

Commissioner Mourdock: While our next speaker is coming up, whoever it is feel free to do that, but I have to add to something you just said, Phil, which is when

people at the state look down here and they think we must really like stoplights I have to point out that last year, 1998, we doubled the number of stoplights on county roads in Vanderburgh County. We put in two. Until last year there was one and now there are three on county roads. All the rest are on state roads and yet we hear that all the time. I just wanted to clarify.

President Jerrel: I have some questions. I don't have answers, but I have some questions. I don't know, Rose, whether this is your department or Barbara's or John's. Tell me in the order that you're recommending that we look at this. We're looking at first subdivisions and the access, is that the first order of business?

Rose Zigenfus: Yes, subdivisions and the number of access points based on some criteria whether it's a stipulated number or some formula to determine what that number is, yes.

President Jerrel: Okay, and when I read the interconnection ordinances that you gave to us from various counties around Indiana, Kentucky and different places these do not seem to be as...I mean, I've been listening to what everybody said. There is a lot of leeway in these.

Rose Zigenfus: Yes, there is.

President Jerrel: I mean, I am going to read one now:

"Extension of streets. Where appropriate certain streets shall be extended to the plat boundary line to provide for normal traffic circulation both for present and the future."

Now tell me what that means.

Rose Zigenfus: That leaves the barn door wide open and you can do what you want. If you want...for a subdivision of multiple units if you wanted to interconnect five of those maybe main streets that run through that subdivision you could do it or you could cul-de-sac them. I think the whole intent of that is to leave it at the discretion of, I guess, the planners or the Plan Commission to make that decision.

President Jerrel: Okay, well that raises the other point then. For the Planning Commission to make those decisions what kind of criteria...I mean, who would make the decision on the criteria?

Rose Zigenfus: The Planning Commission. I think they need to be heavily involved in whatever is established and I think they need to understand the need for it. We've given Buddy Bauer a copy of all of this information as well.

President Jerrel: Uh-huh.

Commissioner Mourdock: But wouldn't we, and I guess I am looking to Joe Harrison or Barb on this one too, wouldn't the County Commission need to enact the rule as some form of ordinance and then the Planning Commission works under the guidelines of that?

Barbara Cunningham: That's a really loaded question because I don't know exactly what it means.

President Jerrel: Come to the mike.

Barbara Cunningham: I was going to just be quiet. This is not my meeting. I was going to be quiet and listen today. Well, the subdivision ordinance is one that I enforce and that is why I wanted to be your word, consistent.

Commissioner Mourdock: There you go.

Barbara Cunningham: In the subdivision ordinance now it does say the roads, streets and alleys shall provide direct access to all lots and parcels of lands within the subdivision shall provide for continuity of arterial, dah, dah, dah, dah. The Area Plan Commission may require the extension of certain roads, streets or alleys and may is the word that we're talking about. Right now we have to the exterior, we may require the extension of certain roads to the exterior boundary of the subdivision and may require the subdivider to provide a partial right-of-way along an exterior boundary line or to correspond to an existing public right-of-way or adjoining lands or for the purpose of extending arterial or collector roads. I think another thing I want to say is we are going to be updating the subdivision ordinance. It's not going to be a massive update. We're going to look at letters of credit and that kind of stuff and at that time this might be a good time to have the dialogue to determine what you want and that, I think, was the purpose for the meeting today is to find out what the community wants in this area.

Commissioner Mourdock: And in theory some of those "mays" that you just read from the present ordinance could become "shalls".

Barbara Cunningham: It could become shall, that's right.

Commissioner Mourdock: If that were to happen that would take an act of this board, since it's an ordinance, is that not right?

Joe Harrison, Jr.: Right.

Barbara Cunningham: But one thing I do disagree with is that the Plan Commission is to determine the number of roads. I think we defer to our transportation people. I mean, they're always telling me I don't do transportation, so I think this is for transportation people which in the county would be Rose and John are the ones I would think would work with the developers on determining the number of access points, etc.

Rose Zigenfus: We do that. We do meet with developers regularly and try to work out the needs and interconnection and multiple access. I guess this all came about because we were meeting with some resistance and we thought maybe there needs to be something in writing that would be uniform for everyone and then there wouldn't be the resistance. So in an effort to kind of get what we think we need we need something more definite than "may".

Commissioner Mourdock: I think the first part of that is correct is that we were looking for something uniform, but I don't think anyone assumed there wouldn't be resistance. That goes with this board.

President Jerrel: What kind of resistance are you...I mean, help me out a little bit because I am trying to understand this. Resistance on having more than one exit or entrance into a subdivision?

Rose Zigenfus: Yes, resistance with regard to multiple access points into that subdivision and resistance for interconnection. Some developers are very willing to do that and we can cite examples here that show that, but then on the other hand we've got subdivisions that just recently came in and they want no part of it. They say the people don't want it and therefore they would rather live on a cul-de-sac street. Well, we're not thinking about people wanting to live on cul-de-sacs as much as we're thinking about interconnection for traffic. That's my need. You know, we need to get people...in this area here is a good example and I don't know how it was done or when it was done. I guess it was sheer luck. But this is Petersburg Road on the curve and it goes on up to Campground and this is Old State Road. This subdivision, multiple subdivisions back here, have access from Bob Court Drive and Caranza Drive and then this is Northfield and Greendale. You can go from one to the other. Not speeding, not really interfering with life in that community. Or you can visit here and decide you want to go here and visit somebody else and it's a lot quicker, a lot less miles and it doesn't really seem to have a negative impact on the neighborhood. We have found...you know, they'll talk about speeding through a neighborhood, but we have found through our studies in the engineering books that we read that any speeding in a neighborhood is usually, usually credited to the people that live in that neighborhood. It's not people going through it, but the people that live there. When you consider the Ridgeway issue, there were people there whose wife needed an ambulance and it got lost. There was another man who said a tree fell and blocked the road and he couldn't get out. There was a teenager who said the tree fell, the parents couldn't get out to get her out of the sub to help her. There was a school bus driver that said it was a problem, so I mean it's not just the traffic and speeding, but there are other issues. I think it's a critical issue for development as much as we're seeing. This area on this map that Barb put together gives you a perfect example of how we were able to get interconnection in some areas, but this one right here, Briarwood, and this one right here, Stonecrest, now he has agreed to multiple access points. He has agreed to one access point, but they have not agreed to interconnection and he even has an option on some land in this area. This man is willing to interconnect, but this man is saying I don't think so.

Commissioner Mourdock: And that's really the example that we're being asked to consider? It's my understanding, I mean, that was a question. I mean, that's the kind of example we're being asked to consider?

Rose Zigenfus: How do we, you know, either you interconnect or you provide two access points on Boonville-New Harmony Road.

Commissioner Mourdock: And with several developers in the audience here I would like to ask in an example like that why you would not want to connect? I'm not speaking of that specific example, but I am just talking an example.

John Elpers: I'm John Elpers and I am one of the partners in this bunch. Rose, at the meeting when we talked about this we didn't...we don't have that ground. You wanted us to guarantee an access. We can't guarantee you an access on ground we don't have.

Rose Zigenfus: We weren't asking for a guarantee.

John Elpers: What are you asking for?

Rose Zigenfus: I'm asking you to either/or two access points here or interconnection.

This gentleman was willing to do it. You said you had an option on this land. If the option goes through then they ought to interconnect. Otherwise then there ought to be two accesses on the street.

John Elpers: We promised you we would give you an interconnection to the other property--

Commissioner Mourdock: Mr. Elpers, may I? I'm really not interested in the specifics of this one property. Please don't misunderstand the question. I'm just talking generically. Forget that property for a minute. If you have a property here that you're developing and another developer is here are there reasons why you would not want to work to connect those two?

John Elpers: The big thing...we've got a number of subdivisions. The people are always asking for no thoroughfare streets. That's where the success in the sales are. If you have a thoroughfare street that's usually where your sales are slow because they don't like the straightaways, they don't like the heavy traffic. They like the cul-de-sacs. I guess we're getting at no cul-de-sacs, is that where we are headed with this?

Rose Zigenfus: No, not at all.

John Elpers: Well, that's a one entrance street. I mean, we got into this conversation once before. You were getting at you don't like cul-de-sac streets because there is no way for trucks and stuff to get in there and if a tree drops it's blocked off, correct? That's why we've had this conversation. That's why...you didn't meet with resistance. We couldn't agree to nothing. We want something that is good for the community. We want to give the people what they want to make our sales good.

Commissioner Mourdock: So that's really the key point as far as you're concerned?

John Elpers: Correct.

Commissioner Mourdock: It's a matter of marketability?

John Elpers: We want to give the people what they want.

Commissioner Mourdock: Okay.

John Elpers: Now, we're not against interconnections on subdivisions, but we don't want an 80 acre parcel pouring down through one of our subdivisions because the people on that street will go crazy.

Commissioner Mourdock: Okay.

John Elpers: They don't want to have a million people passing across the front of their house.

Commissioner Mourdock: Okay, alright. That was the question I asked, so I appreciate the answer.

John Elpers: That was another subdivision. We had an eight acre parcel and this particular farmer had better than a quarter mile frontage on Petersburg Road and she asked for a interconnection to 80 acres behind this parcel and I told her I would

rather not because that means 80 acres of houses will dump through an eight acre parcel of houses and I was trying to have a small community of houses.

Commissioner Mourdock: Okay, in that particular example was the 80 acres otherwise landlocked?

John Elpers: No, they had better than one quarter mile of frontage on Petersburg Road.

Commissioner Mourdock: Okay, I see.

John Elpers: So I mean there are instances that it's not that we're against it and I think Jim brought up a real good idea. If you have interconnections for bike paths nobody would be against that, but traffic...I mean, you don't want thoroughfares through these subdivisions or you want as few as possible because it's not going to be what the people want.

Rose Zigenfus: I heard the neighbors, I heard them talk about it tonight. They seem to want it.

John Elpers: But you have also seen the public fight. When you go back into an older subdivision and you try to interconnect a street have you not been shut down?

Rose Zigenfus: I'm not talking about older subdivisions.

John Elpers: Well, it's the same thing, Rose.

Rose Zigenfus: (Inaudible.)

Commissioner Mourdock: Keith, do you have a comment or two there?

Keith Poff: I believe I was coming up here to answer some specific thing.

Commissioner Mourdock: Oh, okay.

Buddy Bauer: Hi, I'm Buddy Bauer, currently President of the Planning Commission. I think the reason why we're all here this evening is that we want to discuss the issue and we don't want any...I can't see how a blanket rule is going to cover every situation. That's what makes developing different is that there is no piece of real estate that is exactly the same. In one of the situations earlier this evening one of the developers had seemingly a lot of frontage, so you might think that maybe two access points were appropriate, but if you looked further at it 50 percent of it was engulfed with a large drainage ditch which number one would be very expensive to go across, but even more importantly very expensive for the county to maintain. In fact, the County Engineer, at least the comments that I had heard was that he preferred not to have that maintenance problem. That really only left one place for it to go in and out, so just the differences in sites really affect how a subdivision is laid out. Currently there are interconnections that are being done and there are some of them that really make a lot of sense. We just approved one off of Eissler Road. That's where...I think Mr. Sterchi is here this evening, or he was here. Oh, there he is. He connected with another street from a Jagoe community. That seemed like a great idea. It seemed like it worked out nice. It seemed like probably similar type houses in both subdivisions where there was going to be a very high likelihood that the people would have something in common, similar sizes. They

were not a small sub like Mr. Elpers was talking about eight acres where you are trying to sell privacy. These were both pretty large developments so that really made a lot of sense. I guess what I think makes the most sense is for us to take it development by development, look at it. Tell the engineers like we're doing this evening, you know, they need to look at interconnections. They need to look is this the greatest number of access points that we can have, does that work well, but we don't want to make any steadfast rules because every piece is different and I think that is what the developers are concerned about. The comment we heard earlier about it's time to pass the costs on to the developer, that's very naive in thinking that the developers will absorb the cost of improvements. The people absorb the costs of the improvements, they do, so you are either talking about new home buyers or you are talking about taxpayers. One thing that I would say and Rose and I have talked an awful lot about it, not always agreeing, the connect on Petersburg Road I don't think is a very...I don't think it's a connect that I would have like to of seen designed that way because it allows for speeding. It's too straight. It's long. I have a friend that lives on it and it was not connected when he bought and it is connected now and I think and he thinks that his property is devalued because it's a long straight road which is very easy to speed on. So interconnections would be great, but they need also to minimize the affect of speeding and that could be done by design of the roads. On the other hand you could go...there are too many arguments, but on the other hand there are some large subs that wind so severely that you don't know where you're at by the time you get to the other side. You have no clue where you're at and that may be...that's a fact, so how can you say that there is a steadfast rule that will cover every situation? You just can't do it. I think I am really happy with the members that are on the Plan Commission. These people really are concerned about their community. They come from all walks of life, so everybody seems to be represented, but yet every one of them have some input into whether they think it's a good design or a bad design. They are genuinely interested in the community and I think that they're doing a great job analyzing subdivisions. I guess that's all I really needed to say other than this is really a short time to talk about a problem. Not necessarily a problem, but an issue which has large ramifications and that it would be great to...I looked at all of Rose's literature and a lot of those still...you know, she reads one thing in them and I'm reading something else. The sanctity of the neighborhood is to not be at the expense of plowing more cars from one to another. You know, I've read that and so there is just too many issues and I'm a little confused as to why we want to make straight rules that would try to govern every issue. We have talked a little bit about...even though I don't think there are any numbers that will back up the safety issues that have been brought up, I do think the developers are concerned about that and some of the larger developments have opted for boulevard streets at their entrances which I think is much safer. At least it would provide more than one street in and out, I guess, and if that is what we're concerned about I'm not aware of any subs where actually the main entrance has been blocked and I am not aware of any apartment complex where that has even become an issue where they could not get in. So I just hate to think about blanket rules. Did you have a question?

Chuck Meny: Just very briefly.

Commissioner Mourdock: You need to go to the microphone, Mr. Meny.

Chuck Meny: Just very briefly, I would like to push this up one step is that I think we also need to talk about this philosophically a little bit. The question is that I am thinking about with all that has been said so far a lot of what has been said is that we are a country where the people are becoming more and more individualistic,

more and more locked away, more and more separate, more and more divisions, strong divisions building enclaves where you've got to have a checkpoint to get into a neighborhood. I think this is horrible. I think that when you play to people, yes, if you play to individuals, yes, you get this kind of reaction. Yes, where everybody wants to be as safe as possible locked away etc., etc., etc. We've been to the moon, we have looked back and we've seen one earth. We are one people and it's time, I think, that we need to start looking at each other this way and not being so afraid and seeing each other for what we are. We're all brothers and sisters, rich or poor.

Buddy Bauer: One comment I would like to just make and then I'll sit down, I think it's a wonderful statement to make and I'm just glad or thankful that we live in a city or a country where you can live where you would like to live and that the person that is scared or wants control of who may come and knock on their door irregardless of what past event or past memory they may be battling with has a right to buy a house in a development just like that. Philosophically, I think this county has taken a change in planning because for many, many years we've just kind updated the Comprehensive Plan to what had already happened because we weren't moving forward very much and that updating did not take an extreme amount of effort. Things were fairly predicable, but now things are also, I think, somewhat predictable in the fact that we are growing and we are growing at a tremendous rate residentially anyway and that we have invited these companies, these large companies, to come in here and employ people and we may not be increasing in population, but these people are in here buying homes. I don't know where the home buyers are coming from, but they are there and so something is happening that we do not know about. In these growing times developers have taken a stance to try to address the market, the market need and the developments have grown larger. I guess the good thing about that is in larger developments interconnects are more possible. Greater access points will happen a lot easier. Some of those things that promote community in a larger piece of ground are happening, so those things are the pluses that are going on now. Thank you for your time.

President Jerrel: Okay, before either one of you...you haven't spoken yet and then you, but while she is on her way let me make a comment from this seat just so that you guys can have some feeling for what issues as a Commissioner I worry about. I think we have to improve our infrastructure. The development is going to happen if people want to buy homes for whatever reasons and there are people that are going to want homes that are protected. There are people that have...you know, I once heard a state superintendent of public instruction say when you start publishing test scores you will be influencing where the real estate is purchased and that is true and it has happened. But as Commissioners we can't widen roads if we don't have right-of-way and in many cases John Stoll has trouble finding any right-of-way. If we have to go out and buy right-of-way that means we're going to have to spend a good bit of money if it's just without being dedicated we're going to have to buy it and we're trying to do that. We're just a little...we have a General Fund budget that's about \$39 million. The School Corporation is about \$150 and somewhere in the \$70 or \$80 million range is the city. We don't have a great deal of money, but I think we have committed...this board has committed itself to improving our infrastructure. We're building a sewer in the north side and we've spent close to \$18 million in the last two and a half years on road improvements. I think that's our mission. I wish we had more money because we're doing Mt. Pleasant Road, but we know Volkman and other roads, Seib, roads that are...we know we need to do a lot of them. We're committed to that. You don't have to come down here and look at us and say do it. We want to do it and every nickel we get our hands on and there are no County

Councilman here, but if we don't stop government from growing we're never going to have the money to do the infrastructure. I think that's where we should spend our money. I'm not making a speech for anybody else, but we all tend to vote the same on those issues, so I think I'm on safe territory. I think that's our mission is to have good infrastructure and I apologize for taking your time.

Ross Meny: My name is Ross Meny. I live on Seib Road right by Windemere, it is not far. Eagle Crossing is right across the street. A lot of the talk is about traffic and what people want. What I want is beauty. I want the developers to not build on one lot and have grass and a tree and a park bench. I want beauty. I'm not seeing it in those places. Two hundred thousand dollar homes and the homes are beautiful but the place isn't. The place isn't. That's terrible to me. That's just terrible. Mr. Morley, when you say what people want I believe that because that's what they have, that's what they see. If they had seen the program that we saw do you still think they would have wanted, you know, at the end of the cul-de-sac or would they have wanted where there was a path winding through the whole thing with lots of grass. You know they would of. So think aesthetics. Think beauty. Think wildflowers. Think, gosh, I just don't know how you can't think of those things. I really don't. That's all I care about. That's all I care about.

Carla Hynes: I know I have already been up here once, but my husband told me I would only get three minutes and that was it so I talked as fast as I could and I took a lot of things out. I'm a little disappointed because I feel like we sort of are missing what a public hearing is or maybe I don't know what a public hearing is. I've heard a lot of developers say what the public wants and that might be their image of what the public wants or what they've sold and that's wonderful and that's great for them, but we came here tonight. We brought a lot of signatures and we tried to tell you what we want. I have to be honest with you, tonight I've heard judges, lawyers, upstanding citizens, very intelligent people tell you that this process is a little bit confusing and a little bit hard to understand. I had to go look it up in a book and I had to call Ms. Zigenfus to ask if what I thought this public hearing was about was really what it is about. You know, to make my point with due respect to all the developers and the engineers that are here I think that this was brought up because when Ms. Zigenfus has given input in the past she has met with resistance. The community doesn't always know that. The community doesn't know it unless they know it is coming up for review. The only people that are notified are the adjainers. Yes, maybe, you know, there is somebody that owns a farm that doesn't want their farm connected to 200 homes or something like that, but I think that is why we're here. I think that you can't separate interconnections and access points. When you do it doesn't make sense. Of course, if there are ten homes in a subdivision you don't need four access points, but I beg to differ with everybody that said that we don't need rules. We do. We need a starting point and we have a wonderful starting point, the Comprehensive Plan, but we don't have a lot of ordinances that back up our Comprehensive Plan as far as this is concerned because I've studied it. I really have. You know, my other thing is that when Ms. Jerrel said the funds, the funds aren't there and she takes issue with us, you know, building bike paths and winding roads. We all know that once a subdivision is built the road belongs to the county.

Commissioner Tuley: Not necessarily.

Carla Hynes: Is that not right?

Commissioner Tuley: That's not necessarily right.

Carla Hynes: Well, after the subdivision is built then who takes care of the roads?

Commissioner Tuley: If they are built to county standards and inspected and approved by the County Engineer and the developer appeals to the county to take them over then they are.

Carla Hynes: Right.

Commissioner Tuley: But if they are not then it is up to the--

Carla Hynes: The community.

Commissioner Tuley: --community or the developer. The developer doesn't live forever or some of them go bankrupt.

Carla Hynes: Generally the developer is not responsible once he does all those things and makes all those hurdles and you accept it is a county road?

Commissioner Tuley: That's correct.

Carla Hynes: You know, we have to have a starting point somewhere. We aren't asking you to go back and make all the county roads wider. We're just asking for new development adjacent to county roads. That doesn't mean go down the whole road and make it wider, but eventually maybe that might be an option and it would be a little bit less expensive if you're not starting from scratch. The same with the bike paths. Maybe it can be built into our neighborhood associations. I'm not really sure. We're bringing up our wishes to you and I just think that we do need to have some rules because the community isn't always a part of the discussions back and forth between the Area Plan Commission, EUTS, developers, homebuilders and I think that we're missing something there when we don't have input like ours. You know, it's not that we want them not to ever build. We realize that. We just want to see it done for the benefit of the community. You know, I've heard a lot of talk about money and I know that's an issue. I know these are expensive endeavors, but these are things that we stated in our Comprehensive Plan that we wanted to work towards. So I just urge you not to push this off and do a long study because look, I mean, it's going to be way too late for all these places if we don't make some rules. Like everyone said here, every subdivision is different. We can change things for certain subdivisions if it doesn't work, but I really do urge you to listen to the people because I think that is why we're here. Not that we shouldn't listen to developers or engineers, that's wonderful, but I think this is more our forum. Thanks.

Andy Easley: I'm Andy Easley. I would like to take two minutes. I have been in Evansville 33 years. I have observed a lot of growth. I have observed not very much planning. We really need to identify the future major collectors, the minor collectors, such as I would like to know what kind of right-of-way and number of lane width Baseline Road is going to have, Rose, some day in the future. You can start at 65 and drive clear across the county. We need to protect that with right-of-way and do a lot of planning. The developers and the citizens will support it, but we are way behind. Like Oak Hill Road now has too much traffic for the number of lanes and the houses are built too close. I'm the individual who suggested that First Avenue be four lanes with a 16 foot left turn. When I came to Evansville I said, my God, in front of North Park you need this and Louie Iaccarino and Charlie Day and Dolph Vanderveer, they listened to me, God bless their hearts. Too bad I didn't get here a little sooner to help Washington Avenue. I served an apprenticeship in California

and they had excellent master planning. They had some interconnection, but people were anxious to get to the road, the major collector, so they could go to work. They weren't too interested in going to visit somebody in the next subdivision and I don't think people need to be afraid of that. I think that you need to spend some money and identify those roads that do need to go through to get you from Petersburg Road. You know, we've got Kansas Road, we've got Seib Road and I can just see it now. You know, I fly over that sometimes and I wonder what it is going to look like 50 years from now. We're in the midst of a real growth in this area and we ought to try to prepare for it. It's going to cost a lot of money to go back and correct it. You just can't.

Bud Bussing: I won't take over two minutes. My name is Bud Bussing and I've been developing for over 40 years or close to 40 years. I would hope that you all could appoint a committee that would study the Greenway beltway, the subdivision ordinance, I understand that they're going to rework it, and the EUTS' recommendations. I hope we can put them all together and I hope you put a committee together that has representatives from the builders, the developers, the county and the general population. I hope you tell the committee not to forget that not everybody is affluent and can buy big \$200,000 and \$300,000 houses. I think we should remember the less fortunate. Thank you.

President Jerrel: Okay, let's do talk a little bit about...I mean, I've learned a good bit tonight and I think probably that some of the other people here that have not experienced...I live inside the city. I've got a lot of things that I could complain about to those of you that have your outside areas, but I would like to know how to keep our county roads safe and widen. Right now, that's what is on my mind. How we can get these roads that are being impacted upon by the developments in a condition that can help generate a safe movement of traffic? Now as far as the beauty goes and the bike path I happen to ride many, many hundreds of miles every summer, so I am a biker. I'm open to some ideas from the Commissioners. If you want to initiate some way to review this before the planning agencies come up with a plan or do you want to begin with a draft that has been proposed and go from there? I mean, I'm open to suggestions.

Commissioner Mourdock: Pat?

Commissioner Tuley: The only thing I'm going to say about the draft and everything is it's just like when we did the drainage ordinance. We tried to do the drainage ordinance among this board and with the Surveyor's Office and we came up with a draft and it got jammed down our throats because we left out the plastics people. If we don't have the people that are going to be most affected, as Mr. Bussing just pointed out, the developers, the builders, the county people and the general populous, we're not going to come up with a plan that's going to meet our needs. I think if you get a group that large together you're not going to get everybody to agree with it anyway, but that's okay. As long as we can sit down and work together and come up with it. There is not a simple solution to what all we heard tonight, that's for sure, but it sure cannot be met by the three of us, or the three of us and Rose, or the three of us and Barbara and Rose trying to come up with something. That's not going to work, I don't think.

Commissioner Mourdock: I would like to go back for a second. Ms. Hynes raised the question what are we here for tonight and I'll state real quickly why I think we need to be discussing this issue and I'll start by giving you all a pop quiz. I asked Mrs. Cunningham about a year ago to look back in the records and see how many

subdivisions had been permitted in Vanderburgh County over the last few years and she came back with a number over the last nine years. Anybody like to take a guess how many subdivisions were permitted in the last nine years?

Ross Meny: Thirty-two.

Commissioner Mourdock: The answer is 360. Forty subdivisions a year and that's all types of subdivisions.

Barbara Cunningham: The map that you see is since 1990.

Commissioner Mourdock: Yeah, those are just more recent ones. So that's why we're here. The other part of why do we have 40 subdivisions a year is because this community is changing much from an industrial base of the region to be more of a suitcase community. Whether we like it or not there is a lot of people who more and more will be living in Vanderburgh County but working other places which puts the burden on us to provide all that infrastructure and to have all those houses in all kinds of price ranges. Dealing with the specifics of how we get where we need to go I agree with again Pat's comments as far as getting more people involved with this process. I think there has to be some level of consensus before any board can effectively act within a community. As far as the access points out of a subdivision, and I have served on Area Plan, and Buddy I know what you're saying as far as it's hard to have one rule that fits everyone, but on the other hand there is the matter of having policies that are consistently applied. I think probably the most consistent waiver this board ever issues is a sidewalk waiver. Virtually all the subdivisions it seems that come in out in the county come in with a waiver for sidewalks. You know what? I can't remember one time when we didn't approve the waiver and the reason was that the sidewalks don't have anything to connect to. Now that's not necessarily the greatest reasoning, but I'm telling you the fact, that's the way it is done. So as a policy we've said we're always going to grant those sidewalk waivers. Maybe that is something we need to take another look at, I don't know. But I think it's something that we need to build some better feel as to where the community is. If we can appoint a board of a few members, maybe as many as a dozen. I've never done this before, but I'm going to share a note that I passed on to Bettye Lou a moment ago. Ms. Hynes, when you were at the microphone I wrote the note:

"We ought to appoint this woman to something. I believe she would study any issue."

So maybe you would like to be on that board. We might make that an appointment. When we put people on boards we understand there is seldom going to be much agreement, total agreement, but we hope there is some level of consensus which by definition means everyone on that board can in the end support the results of the recommendations.

Commissioner Tuley: You can make a sizeable group, I mean, without making it too big such as having the home builders have a representative and the developers in a general sense having a representative there, so we can do it.

President Jerrel: Well, I've been fooling around here with this. You know, now does this make a sensible decision if we had two developers, two engineers. I want some engineers because topography is very important and I'm not saying the developers don't understand that, but they may not understand it in its entirety. Two planners and four citizens. Two from the north side, because that is where most of the action

is, one from the east side and one from the west side. That would be a committee of ten and that's not a very big committee. We probably need a mediator.

Commissioner Mourdock: You mean a referee!

President Jerrel: Yeah, well I called him a mediator. You would have 11 people and that's a workable group. Let the Commissioners chew on this for a week or so. We need to...I'll tell you what, we've got so much business on our table that we get dizzy from week to week with the change of pace. Give us a couple of weeks to come up with some suggestions and you think of some.

Commissioner Mourdock: Let me just for the purpose of discussion throw out maybe one other entity that ought to be replaced there.

President Jerrel: Okay.

Commissioner Mourdock: Developers aren't necessarily synonymous with real estate agents. Maybe we ought to have at least one real estate person on there who has some feel for where the market is going. I'm not suggesting replacing one of the developers.

President Jerrel: No, I kind of like two, two, two and four.

Commissioner Tuley: See, we can't even agree on the board!

President Jerrel: Then maybe we could think of a real good real estate person that can help.

Commissioner Mourdock: I think they just...yeah, I know, but it's a different thing. Developers sell their real estate. Real estate people sell any real estate. Subtle difference, but a difference.

Carla Hynes: Mr. Mourdock?

Commissioner Mourdock: Yes.

Carla Hynes: Meanwhile subdivisions that are coming up tomorrow--

Commissioner Tuley: We couldn't do anything about those anyway.

Carla Hynes: I mean, can we remind Subdivision Review that we're aiming for something or can they try to put these in the subdivisions? It's not required yet, but I don't know. I'm asking, I don't know how it works.

Commissioner Mourdock: The request can be made, but quite honestly what we're talking about is a process it's not just a decision. It's a matter of putting a process in place.

President Jerrel: Okay, it's easy to tell the developers to come up with two representatives. I suppose there are enough engineers here to tell you to come up with two representatives. The four citizens is a different issue. Obviously the ones that are here tonight--

Commissioner Tuley: We've already got one volunteer.

President Jerrel: --that could volunteer, but I think we do need to have some representation from other parts of the county, I mean, to be fair. That would give the citizens a larger voice. And the real estate person. Do we have everyone's signature? Do we have everybody's signature? Could we start something, passing it around, and put your name or a phone number or address or something? Thank you. This isn't any kind of a stall tactic because we're actually getting something started that I hope will be reasonable and can get it going relatively quick to review these things because I always feel a lot better when there has been a lot of thought.

Commissioner Mourdock: And the most important thing as a group like this is initiated, I think this body, and as you said give it a couple of weeks so we can think this through, but I think when these folks are appointed we need to give them a written charter saying this is what your mission is.

President Jerrel: Yeah.

Commissioner Mourdock: It isn't to cover the earth with every issue dealing with subdivisions or land development, it's specific to these things.

President Jerrel: Yeah, I think that's the key to it. You don't want a committee that's going to go off into 40 different directions. We can limit the scope to what we want then that makes it workable. Very good point. Okay, let's make this official. Is there a motion to this effect?

Commissioner Mourdock: I'll move the motion to the summary that we have...that we put a board in place to review the topics under discussion of the last hour.

President Jerrel: And do so within a few weeks, two.

Commissioner Tuley: Two weeks?

President Jerrel: Two weeks.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. Don't leave until your name gets on a piece of paper. If you don't mind I'm going to move...are you going to talk?

Dan Buck: My name is Dan Buck and I want to say that to me this is a great problem to have and to be here tonight because hopefully my children, unless they are marine biologist, have a future here in this town and don't have to go somewhere else to get a good job with the growth that is going on here. So I think we need to keep that in mind also.

Commissioner Mourdock: Good point.

Any group or individual wishing to address the Commission
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President Jerrel: Okay, I am going to go on with the agenda if you all will keep signing. The last item on the action agenda is anyone that wishes to speak, so if you haven't said anything and you want to say something you're welcome to say something now. There has been a very, very polite young lady in that second row. If she wants to say something she is--

Unidentified: She wants an ice cream, she is ready.

John Stoll - County Engineer

President Jerrel: Thank you. We'll move on then to the County Engineer.

John Stoll: The first item I've got is a recommendation to award the repair and repaving of various roads to E & B Paving. This is for the amount of \$348,167.80. They were the low bidder on the project and everything was in order with their bid.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second item that I've got is acceptance of streets and storm sewers located outside of the right-of-way in The North Greens, Section 6. The street is 840 linear feet of Evergreen Road. This does include a new bridge that will have to be added to the county's inventory. The storm sewer consists of 64 feet of concrete pipe. We have received the \$2 per foot fee for the concrete pipe so it is recommended that the street and the storm sewers outside of right-of-way be accepted.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I've got unless you've got any questions on anything.

Commissioner Mourdock: Anything new on the SIGECO easement situation over on Fulton?

John Stoll: The last I heard from SIGECO was they were going to try and come up with a plan to set a new pole in that would allow the line to be relocated out of the limits of the construction. SIGECO would submit that plan to me and then I would take it to the job site to make sure that it did work for the contractor, so I have to wait to see when that plan shows up.

Commissioner Mourdock: Are they shutting off the power to work at night?

John Stoll: They were shutting off the power last week. That allowed them to continue working on that south cofferdam, but with the power line hanging overhead on the north cofferdam they won't be able to do that.

Commissioner Mourdock: Are we incurring any down time cost for daytime work that otherwise isn't being worked?

John Stoll: Not that I am aware of. We did receive a letter from the contractor saying what his daily charges would be, but I don't believe that has really come into play just yet.

Commissioner Mourdock: Great.

Erik Bentle - Superintendent of County Garage
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President Jerrel: The next report, County Garage.

Erik Bentle: As of now we've got 88 percent of our ditching work done this year and 66 percent of our paving. We're moving right along with our paving. The percentage should go up quite a bit this week. We're looking at finishing probably around the middle of September. We should be done.

Commissioner Mourdock: Great.

Erik Bentle: So you have the rest of my report in the packet. That's all I have.

President Jerrel: Yes.

Commissioner Mourdock: Do we have any chippers out at the garage?

Erik Bentle: Yes, we do.

Commissioner Mourdock: Are they tub type grinders or just the smaller rotary type chipper?

Erik Bentle: The rotary type.

Commissioner Mourdock: We had an issue come up in Solid Waste where if you have anything large to grind do we ever run it down to Mesker Park, down to the zoo? They have a large grinder there.

Erik Bentle: Not that I am aware of.

Commissioner Mourdock: Okay, something you might keep in mind because they are asking Solid Waste to pay a couple of grand to maintain the thing and if we're going to maintain it from a county point of view we might as well get some use out of it.

Erik Bentle: Yeah, we might as well use it. That's all I have.

President Jerrel: Thank you.

Commissioner Tuley: Thanks.

Joe Harrison, Jr. - County Attorney
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President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything this evening.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Superintendent of County Buildings.

Tony Greubel: No.

Steve Craig - Burdette Park

President Jerrel: You have Burdette.

Commissioner Mourdock: Steve, yeah.

Steve Craig: All I have is that the Day Camp ended up last Friday. It was a total success. I guess we had to turn kids away so you might not consider that a success. The pool is open tomorrow for the last day during the week and then we'll be open on Friday evenings and Saturday and Sunday through Labor Day. Other than that I don't have anything. I think you did get both of our week's worksheets.

President Jerrel: Yes, we did. We've had a lot of compliments, Steve, on the summer and how it has gone. I hate...I mean, my husband asked a question. He said I wonder why the School Corporation, the parochial and public both, didn't ask the parks how they feel about school starting so early.

Steve Craig: Well, there was an excellent article in the paper Sunday by David Miller. It was kind of tongue-in-cheek, but it was very conclusive. I think he's from your law firm. It was an excellent article. I got it cut out at Burdette and posted on the wall, but it's about whatever happened to kid's summer from Memorial Day to Labor Day and it was a very good article. He broke it down. We're not in favor of it, but you know there are reasons that the School Corporation does do that.

President Jerrel: Well, anyway you've had a good summer from the standpoint of things went well. Any other questions? Thank you.

Steve Craig: Thank you.

Weekly reports

President Jerrel: We have a report from Soil & Water and the Ozone Officer. Is there a motion to approve all of these?

Commissioner Mourdock: I'll move approval of the report from the Engineer, the County Garage, Burdette, Soil & Water and the Ozone Officer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under the consent items you have a number of requests and there are also some surplus items that are in there to be added to our fall sale.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Any old business?

New business

President Jerrel: Any new business?

Commissioner Mourdock: You have the I-69.

President Jerrel: I have the I-69 corridor and I want to take just a minute because it is too important to gloss over. There will be a meeting Wednesday at 10:00 in the Mayor's conference room and I plan to attend. If you have an opportunity to you are more than welcome, but there will be city representatives, surrounding county representatives, the State of Kentucky will have representatives. I don't know if I can say this now, but I'm going to tell you anyway. I don't know the exact amount, but Kentucky is going to assist us. They're going to add to the half million dollars that we received. They are going to make a contribution towards this and we are also attempting to get INDOT to do a share of it. If possible, we would be able to begin the environmental study and if we got everybody's money we might even be able to finish it.

Commissioner Mourdock: Very good.

President Jerrel: We have outlined in this our goals and what the study review is and the problem statements and where we hope to go with this. If you just take a look at it and if you can attend you're more than welcome. I'll make a full report to you next week.

Commissioner Mourdock: Have all of those who are going to be in attendance received these drafts?

President Jerrel: Yes.

Commissioner Mourdock: Great. And it's at 10:00 or 10:30?

President Jerrel: Ten.

Commissioner Mourdock: On Wednesday?

President Jerrel: On Wednesday.

Commissioner Mourdock: Okay, I've got it on my schedule.

President Jerrel: Okay, anything else under new?

Commissioner Mourdock: One under scheduled meetings. I need to go to Denver next week and there is a chance I will not be here next Monday night. I will let you know tomorrow, but there is a possibility I will be out next Monday.

President Jerrel: Are we doing anything earthshaking next Monday night?

Commissioner Tuley: It's Area Plan and we have one rezoning that is coming to us, I think, with eight no and two abstentions.

President Jerrel: Okay. Alright, motion to adjourn? Or do you have--

Commissioner Tuley: No, no. So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

The meeting was adjourned at 8:04 p.m.

Those in attendance:

Bettye Lou Jerrel	Richard E. Mourdock	Patrick Tuley
Joe Harrison, Jr.	Suzanne M. Crouch	Charlene Timmons
Tony Greubel	Norman Lefstein	Tim Dodd
Jeff Tornatta	Phil Hoy	Rob Faulkner
Rose Zigenfus	Carla Hynes	Chuck Meny
Jim Morley	Bill Pedtke	John Elpers
Barbara Cunningham	Keith Poff	Buddy Bauers
Ross Meny	Andy Easley	Bud Bussing
Dan Buck	John Stoll	Erik Bentle
Steve Craig	Members of the media	Others unidentified

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
August 16, 1999**

The Board of Commissioners of Vanderburgh County met in session this 16th day of August at 5:38 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce to you those in front of you. On the far right is Tony Greubel, standing over there, our Superintendent of County Buildings; Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley; on the left Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Mourdock is out of the state today and he is unable to be here; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda for action is the approval of the minutes.

Commissioner Tuley: I'll move approval of the minutes of the August 9th meeting.

President Jerrel: And I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Tuley: I'll move approval of the certification of Executive Session which included the present Commissioners, the County Auditor and the County Attorney which began at approximately 4:20 and ended at 5:35. We discussed personnel matters and what was the other?

Joe Harrison, Jr.: Litigation.

Commissioner Tuley: Litigation, I'm sorry.

Joe Harrison, Jr.: It started really at 4:40.

Commissioner Tuley: Oh, 4:40. Yeah, it was 4:40. I'm sorry, I'll amend that to 4:40 to 5:35.

President Jerrel: And I'll second and say so ordered.

Civil engineering request - Burdette Park Discovery Lodge
--

President Jerrel: The next item on the agenda is the civil engineering request for proposal regarding the Discovery Lodge. How do you want to do this, Steve? Well, you want to just briefly, I mean, is there anyone here to make any kind of

presentation?

Commissioner Tuley: Yeah, Lee is here.

Steve Craig: Yeah, Lee is here.

President Jerrel: Well, I mean, this is essentially the site work that needs to be done.

Lee McClellan: That's correct.

President Jerrel: And in the total amount if everything is done would be--

Commissioner Tuley: Roughly \$29,000 plus reimbursables, round numbers. Not quite \$29,000 in two segments.

President Jerrel: We need to have an amount that we read into the minutes. The conceptual phase is \$5,123. The surveying is \$740. Geotechnical \$4,510. Parking variance...the total preliminary conceptual phase is \$11,873 and the final design and surveying phase is \$16,895. There could be reimbursable costs that are identified by units. Joe, you've had a chance to go through this?

Joe Harrison, Jr.: Yes.

President Jerrel: Did you have any comments, Steve?

Steve Craig: No. The questions that we had we had gotten back with Lee. I had talked with John and they had added a couple of things and it pretty well was the way that me and Danny had originally went over it except we had added the soil samples.

President Jerrel: Right.

Steve Craig: So that we know that if we're going to...you know, they're going to reuse the dirt so that if we would run into rock or if they got where the sediment lake would be if it was sand or something they couldn't use, but they wanted to know what was underneath it and that was the added on part from Alt & Witzig, I think.

President Jerrel: Do you have a drawing of some kind? No, I mean, that isn't a drawing that is right there?

Steve Craig: No, that's for a different thing.

President Jerrel: Okay. I just didn't want to miss something that we should see. Okay, I don't have any further questions. Do you have any, Commissioner Tuley?

Commissioner Tuley: No, I read through it.

President Jerrel: Is there a motion to approve the engineering request with Morley and Associates?

Commissioner Tuley: I'll so move approval of the contract with Morley and Associates.

President Jerrel: And I'll second and say so ordered.

Permission to advertise vacation of easement - 5014 Earl Avenue

President Jerrel: The next item on the agenda is anyone that wishes to come before this body--

Commissioner Tuley: Oops, wait a minute. We've got permission to advertise the vacation.

President Jerrel: Oh, let me get the original.

Commissioner Tuley: That was one thing that changed.

President Jerrel: Okay, permission to advertise vacation of easement at 5014 Earl Avenue for Sam and Brenda Henry.

Commissioner Tuley: Sam and Brenda Henry, yeah. It says here suggested hearing date of August 30, 1999 and I'll so move approval at this time.

President Jerrel: I'll second and say so ordered. That will be advertised?

Commissioner Tuley: For advertisement, yes.

President Jerrel: Okay.

Any group or individual wishing to address the Commission

President Jerrel: Okay, now any group that wishes to appear before this body.

John Stoll - County Engineer

President Jerrel: Hearing none, County Engineer.

John Stoll: The first item I've got is the cover sheet for phase three of the Burkhardt Road plans. This is for the segment of Burkhardt between Maxwell and Interchange Road South. This is phase three of our project. I need the Commissioners' signature on the cover sheets so we can get those plans finalized and sent to INDOT. We have about got all the right-of-way issues resolved. There is a couple of more things I need to talk with Joe about, but we should have the right-of-way or right-of-entry on all the parcels here shortly. Hopefully we can get this scheduled on an INDOT bid letting. Right now the earliest we can get it on bid letting would be December and depending on when the right-of-way issues are resolved it may be January or February, but somewhere in that time frame is what we're looking at having a bid letting.

Commissioner Tuley: Okay, I'd move approval of the road plans for Burkhardt Road phase three.

President Jerrel: I'll second and say so ordered.

John Stoll: The second item is a street approval request for Keystone Subdivision Section 6C. This is for a small segment of road you see on that plat there. There

are two small segments, I should say. These streets are continuations of existing roads within the subdivision and like the rest of the streets they'll be asphalt streets with concrete curb and gutter. I have reviewed the plans and would recommend that they be approved.

Commissioner Tuley: I'll move approval of the roadway plans for Keystone Subdivision Section 6C as requested by the County Engineer.

President Jerrel: I'll second and say so ordered.

John Stoll: The final street plan approval is for the extension of Spring Valley Road. This would be for the section of Spring Valley from its current dead-end eastward to the proposed Spurling apartment complex. This street will be a 36 foot wide concrete street just like the existing street. It will be seven inches thick and it is recommended that these plans be approved as well.

Commissioner Tuley: Okay, I'll move approval of the road plans for the extended Spring Valley extension...I'm sorry, the extension of Spring Valley Road or Drive as recommended by the County Engineer.

President Jerrel: I'll second and say so ordered. Where?

Commissioner Tuley: Just anywhere?

President Jerrel: Just initial or sign.

John Stoll: Yeah, in this area will be fine. The next item I've got is a sidewalk waiver request for the Vanderburgh Industrial Park. This is what used to be known as the Phoenix Industrial Park up on Highway 57 up near Baseline Road, between Baseline and Ruston. They're requesting a sidewalk waiver because it's going to be an industrial subdivision and there are no other sidewalks in the surrounding areas. It's going to have large lots as well, so on the basis of that I would recommend that it be approved.

Commissioner Tuley: I'll move approval of the sidewalk waiver request for the Vanderburgh Industrial Park as outlined.

President Jerrel: I'll second and say so ordered.

John Stoll: Next I have a revised appraisal for the Durchholz property on the Lynch Road project. This property had to be reappraised because a portion of it was rezoned commercial late last year and our original appraisal was done prior to that rezoning. The offer amount would be for \$191,000. The original amount was \$136,000. It's requested that this be approved so we can make a revised offer on the property. This covers the east half of the interchange.

Commissioner Tuley: I'll move approval.

President Jerrel: Second and so ordered.

John Stoll: The final item I've got is a request for an encroachment of a fence in the Boyle Lane right-of-way for Basden RV. This property is shown on this map that Lee McClellan had. You may recall that a few months ago we had a vacation of a portion of that right-of-way and the fence was still located within the right-of-way even after

the vacation, so the county signed an encroachment agreement to allow them to maintain their fence in its current location. Now they're going to develop this north half of their property and in order to keep the fence in line with the portion that is down there in that area with the pink and yellow boundaries the fence would have to encroach into the right-of-way again and that's what this agreement would permit. I have had Joe review it and a couple of changes were made, but subject to those changes...well, as a result of those changes being made the encroachment agreement is fine. It says the fence is allowed to be there, but in the event we want to do any improvements to Boyle Lane that would necessitate the relocation of the fence it would be done at the owner's costs, not the county's cost and it has a hold harmless provision in there like Joe had requested.

Commissioner Tuley: Okay, I'll move approval of the encroachment agreement between Four S Properties, LLC and Vanderburgh County with reference to Boyle Lane.

President Jerrel: I'll second and say so ordered.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: I'm putting these in the signature file.

John Stoll: Okay. Thanks.

Joe Harrison, Jr. - County Attorney

President Jerrel: Okay, the next item on the agenda, Erik will not be here this evening, County Attorney.

Joe Harrison, Jr.: I don't have anything this evening.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Joe Harrison and I talked with Steve Utlely over the past week about doing an auditorium update. Today Steve suggested either September 30th or September 20th of next month.

Joe Harrison, Jr.: No, 13th.

Tony Greubel: September 13th or 20th, yeah. I think on September 20th will be our rezoning meeting, so maybe the 13th might be better.

Commissioner Tuley: Yeah, definitely.

President Jerrel: Okay, the 13th.

Tony Greubel: I'll tell them that then.

President Jerrel: Okay. Anything else?

Steve Craig - Burdette Park

President Jerrel: Okay, Burdette Park.

Steve Craig: The two things we had one was the request for the car from the Sheriff's Department which we've submitted.

President Jerrel: Yeah, is there a motion to approve the vehicle from the Sheriff's Department for Burdette Park?

Commissioner Tuley: Yes, so moved.

President Jerrel: Second, so ordered.

Steve Craig: Okay, then there was the 1998/1999 summary breakdown. Was there any questions on that?

President Jerrel: No. I want to look at it and if I've got any questions can I ask--

Steve Craig: Okay, there is one on here that kind of shocked me and stood out. It's the rentals was minus \$8,700. When we did the book the amount of rentals were up and what happened was last year when we went to booking a year in advance we started taking money in for 1999 in 1998 for reservations, so all the money from '98 was there plus part of the money for 1999 was there. So it makes us look like we're having a deficit this year and we had the biggest year ever by far last year where you would probably have to take them and break them in half to make them come out because we were taking reservations for the next year.

President Jerrel: Well, it will happen again next year won't it?

Steve Craig: Well, from now on it will always be a year in advance, but the first year you had '98 plus part of '99.

President Jerrel: Yeah, you're right.

Steve Craig: But from then on it will be one whole year in advance, so that's why there is a minus there even though we have more rentals. It's because we took the money in last year.

Commissioner Tuley: We didn't raise any fees, entry fees or anything like that?

Steve Craig: No.

Commissioner Tuley: So \$43,410 increase is pretty good.

Steve Craig: Yes.

President Jerrel: Very good. \$43,410, did the Council...you didn't say anything to them did you?

Steve Craig: I'm going to give them one of these because we were just working on it at the time when we had our Council...the budget hearing because Day Camp was just over and everything was just over and we were working on them and I didn't

have them quite done, but I've got one of these I'm going to give all of them because they were asking me about all of them.

President Jerrel: Steve did a very nice job. Well, John did also before Council this last week. They went in for preliminary and both of them did an excellent presentation.

Steve Craig: Thank you.

President Jerrel: Is there a motion to accept this summary breakdown?

Commissioner Tuley: So moved.

President Jerrel: And I'll second and say so ordered.

Steve Craig: Did you have our work sheets that we made out?

President Jerrel: Uh-huh. Yeah, and we'll make all those at one time.

Steve Craig: Okay.

President Jerrel: Are you getting any rest?

Steve Craig: No. I've got two cars broke down.

President Jerrel: Oh, well. You have to have something go wrong, don't you?

Steve Craig: Yeah, have something to do on my day off!

President Jerrel: Yeah. Well, thank you very much.

Steve Craig: Thank you.

Weekly reports

President Jerrel: There are reports for the Soil & Water. Is there a motion to approve all of the reports, Garage, Burdette, Soil & Water and Ozone?

Commissioner Tuley: So moved.

President Jerrel: I'll second and say so ordered.

Consent items

President Jerrel: How about the consent items?

Commissioner Tuley: I'll move approval of the consent items as presented. Was there one addition? That one pink one that just came in.

President Jerrel: Oh, yeah we had--

Commissioner Tuley: We had one additional employment change.

President Jerrel: Did you put that in there? Okay, it's in there.

Commissioner Tuley: With the addition of one employment for Burdette Park.

President Jerrel: And how about the request for appropriations, are they in there also? Were they in there? They were on the desk here.

Tony Greubel: They've already been given to the Auditor. It's just more for your information.

President Jerrel: Alright.

Commissioner Tuley: Okay, so those are additions to the consent as well then, is that what you're saying?

Tony Greubel: They're not really part of it.

Commissioner Tuley: Okay, so they were part of the consent items.

President Jerrel: Well, I'll second your motion and say so ordered.

Old business

President Jerrel: Is there any old business to come before us?

New business

President Jerrel: New business?

Commissioner Tuley: Not by me.

President Jerrel: I have passed out the C.O.M.P.E.T.E. information and maybe we can talk about it next week after you've had a chance to look at it.

Commissioner Tuley: Okay.

President Jerrel: Is there a motion to adjourn?

Commissioner Tuley: So moved.

President Jerrel: And I'll second and say so ordered.

Commissioner Tuley: Now we've got to wait for a half hour.

Joe Harrison, Jr.: That's okay.

Commissioner Tuley: That's alright.

President Jerrel: Oh, wait a minute, I do have--

Suzanne Crouch: Did we adjourn?

President Jerrel: No, I want to open the meeting again. I forgot something.

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered. I have an appointment. We have a letter of resignation from Pheabe Dear for the SAFE House.

Joe Harrison, Jr.: For the Advisory Board?

President Jerrel: Did you put the--

Tony Greubel: No, it's not--

President Jerrel: Do I have it?

Tony Greubel: You have it.

Commissioner Tuley: I was going to say, I don't have it.

President Jerrel: Which one of my folders, Tony?

Tony Greubel: Your regular Commission folder.

President Jerrel: Okay, let me go through and find it. Here it is. I would like to recommend...it's a particular category. I would like to recommend Stan Young. I don't know whether you noticed, there was a report. He's a former offender and he has been working with people in the Black Coalition for a number of years and Bobby Ogburn highly recommended him. I would like to recommend him to replace Pheabe.

Commissioner Tuley: And she represents the offender?

President Jerrel: The offender.

Commissioner Tuley: I'm sorry, what was his name again?

President Jerrel: Stan Young.

Commissioner Tuley: Stan Young, I will so move then.

President Jerrel: And I'll second and say so ordered. I'm sorry, I had it in there and didn't...is there anything else?

Commissioner Tuley: Is there?

President Jerrel: I don't know. I don't think so.

Commissioner Tuley: I'll move adjournment.

President Jerrel: Okay, and I'll second and say so ordered.

The meeting was adjourned at 5:58 p.m.

Those in attendance:

Bettye Lou Jerrel
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Lee McClellan
Steve Craig
John Stoll
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
August 23, 1999**

The Vanderburgh County Board of Commissioners met in session this 23rd day of August at 5:39 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners to order and introduce to you those people before you. On my far right is Tony Greubel, our Superintendent of County Buildings; Joe Harrison, Jr., the County Attorney; Commissioner Pat Tuley; Recording Secretary, Charlene Timmons; Mr. Bill Fluty, who is the Deputy Auditor.

Commissioner Mourdock: So shocked to see him!

President Jerrel: Glad to have you here. Commissioner Richard Mourdock and my name Bettye Lou Jerrel. Join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of last week's meeting.

Commissioner Tuley: I'll move approval of the minutes of the August 16th meeting.

President Jerrel: I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item is the certification of Executive Session.

Commissioner Mourdock: I'll move approval of the certification of the Executive Session summary minutes from today. The meeting began at 4:30 and ended at 5:30 and dealt with litigation...and well, litigation and personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Permission to advertise - Chapter 2.40.040 amendment

President Jerrel: The next item, County Attorney for permission to advertise.

Joe Harrison, Jr.: I would like for the Commissioners to give approval for an ordinance that has been drafted concerning fee schedule changes for the Health Department. We're looking to have a first reading and public hearing on September 13, 1999 and then a final reading on September 20th. I've got a copy of the ordinance, proposed ordinance, I think in your file.

Commissioner Mourdock: Do you know how long it has been since these fees have been revised, Joe?

Joe Harrison, Jr.: Several years. It has been--

Commissioner Mourdock: I don't recall ever seeing one of these before.

Joe Harrison, Jr.: --five or six years at least. Probably longer than that.

President Jerrel: Yeah, I remember when they--

Commissioner Tuley: I don't remember ever seeing it.

Commissioner Mourdock: Really.

President Jerrel: --raised the death certificates and the birth certificates, but it has been a long time.

Commissioner Mourdock: Okay, so since this is an ordinance, obviously, all these will be public notice?

Joe Harrison, Jr.: Yeah.

President Jerrel: Right.

Commissioner Mourdock: I'll move approval on first reading of the advertisement of the ordinance for Chapter 2.40.040 for the Health Department fee schedule.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Appointments to the Access/Interconnection Committee

President Jerrel: The next item on the agenda relates to the meeting that we had two weeks ago about access to certain areas and the discussion concerning numbers and whether or not we would expect every subdivision to have more than one access and we indicated that we would form a committee and we've taken recommendations from the Home Builders and various other groups, so I don't think we've completed everything, but maybe some recommendations.

Commissioner Mourdock: We've had a number of citizens volunteer to serve on the committee. And you'll recall we defined it as being a committee with two developers, two engineers, two planners, two citizens from the north side, one from the east side and one from the west side, plus a real estate agent. The names that I would propose serve on that committee at this time are Dan Buck and Buddy Bauer to represent the developers. Jim Morley and Tom Bernardin to represent the engineers. Barbara Cunningham and Rose Zigenfus to represent the planners. One of our citizens here that night was Carla Hynes and she expressed an interest in serving to represent the north side and Dr. John Pulcini of the Chamber's Transportation Committee is willing to represent the east side, so I would suggest all those names. In addition, Carolyn McClintock has volunteered to mediate that committee to help it formalize a report, so I would put all those names before the Commission.

Commissioner Tuley: Just for the record, McClintock would also be listed as our real

estate agent.

Commissioner Mourdock: Ah, okay, so she is a member?

President Jerrel: Yeah.

Commissioner Tuley: Right. And I will second your motion.

Commissioner Mourdock: Okay, and that still leaves open then one position from the north side and one from the west side.

Commissioner Tuley: Right.

Commissioner Mourdock: Lastly then we also at that meeting told that group that we would write up a charter for them so we need to do that.

President Jerrel: And do the other two appointments next week?

Commissioner Mourdock: Right.

President Jerrel: Okay, and you seconded?

Commissioner Tuley: I did.

President Jerrel: I'll say so ordered.

Any group or individual wishing to address the Commission
--

President Jerrel: At this time is there any individual or group that wishes to speak to the Board?

John Stoll - County Engineer

President Jerrel: Okay, we'll move on to our County Engineer.

John Stoll: First I've got a letter from United Consulting for phase three of the Burkhardt project. This is a letter that needs signed approving an increase of \$5,000 for the property owned by Deep Hole Partnership, LLP. This is a \$5,000 increase to cover the relocation of some signs and landscaping that will be in the right-of-way that we are acquiring. The original offer was \$39,500 and the revised is for \$44,500. This is for .109 acres of permanent right-of-way. This is right at the northeast corner of Burkhardt and Morgan.

Commissioner Mourdock: Are we paying to relocate the signs, John, in addition?

John Stoll: This is a cost occurred type of payment so we'll pay them and they'll be responsible for relocating it out of the right-of-way area.

Commissioner Mourdock: Out of the right-of-way.

President Jerrel: Is there a motion regarding that?

Commissioner Mourdock: I'll move approval of the recommendation of the Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: We have gotten the right-of-way on the Watson property and we have gotten the Richardson property acquired, so the plans were submitted to INDOT this past Friday and hopefully we'll get word on when the bid letting is scheduled here shortly. The only other item we'll have to deal with, I believe, between now and then will be sending...getting a consultant for the engineering...the construction inspection.

Joe Harrison, Jr.: We will have to file, even though we have right-of-entry on the one property, I will have to initiate a condemnation action regarding the amount of money that the county will have to pay. The owner has consented to let us on the property. Has he executed that right-of-entry?

John Stoll: He has executed.

Joe Harrison, Jr.: Okay.

John Stoll: The right-of-entry was for two parcels and those are the two parcels between Interchange Road North and Interchange Road South.

Joe Harrison, Jr.: It may be that the person may change his mind and take what we were willing to give him, but if not we'll have to condemn for the purpose of deciding the actual amount of damages that he would receive.

John Stoll: INDOT will let us proceed with the bid letting with the right-of-entry. The next item I've got is a request for street plan approval for Carneal Commercial Subdivision, Section 2B. This is a cul-de-sac road that will be extended off of Riverside Drive down near 164 and Green River. Riverside Drive is the road that runs back to the new apartment complex that is under construction down there near that interchange. This street will be an asphalt street with curb and gutter and it meets our standards and it's recommended that the street plans be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've also got another street plan approval request. This is for Wellington Acres. This is a subdivision to be located on Boonville-New Harmony Road. It's on a parcel of ground that was platted as Wexford Estates a few years ago. No, Windsor Place. I take that back. Windsor Place was the name of the subdivision. Here again, we've reviewed the street plans and they will be asphalt streets with curb and gutter, again. It's on large lots in excess of two and a half acres and it's recommended that the street plan be approved.

Erik Bentle: It's just past Camp Reveal on Boonville-New Harmony Road.

Commissioner Mourdock: Here is Boonville-New Harmony Road.

President Jerrel: Okay.

Commissioner Mourdock: Past Camp Reveal which way? I'll move approval of the street plans for Wellington Acres as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The developer has also requested that sidewalks be waived for this subdivision due to the size of the lots.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. We'll initial that, okay.

John Stoll: That's all I have.

Commissioner Mourdock: Any word on finding the \$8,000 you needed for pavement?

John Stoll: The last I heard INDOT was requesting us to split the costs and I spoke briefly with Pat and I figured the answer was no, but I didn't get a chance to talk to you or Bettye Lou.

Commissioner Mourdock: Did you get my e-mail?

John Stoll: Yes, I got your e-mail.

Commissioner Tuley: I would agree we split them \$8,000 for them and nothing for us.

Commissioner Mourdock: Sounds fair.

John Stoll: In regard to that I had asked INDOT in the event the county is not willing to split the cost for the increased work there what would happen then? They said they would agree to pay the full amount. The one thing that they'll have to do is come up with an agreement that says that they will pay us, reimburse us, but what they're proposing is we pay the contractor through our current contract for the frontage road and then they reimburse us the \$8,000. They said they would have to get an agreement prepared that would state those things those.

Commissioner Mourdock: I didn't understand how the \$8,000 would nearly do the job anyway because they needed eight inches of pavement or ten inches versus the four inches that is there.

John Stoll: Right.

Commissioner Mourdock: So does that mean that they were going to cut out the four inches down to some lower level of base and then add the ten inches?

John Stoll: Right.

Commissioner Mourdock: And they were going to do that for \$8,000?

John Stoll: That's the price that the contractor had given David Franklin who is inspecting the job.

Commissioner Mourdock: It's not a very big area.

John Stoll: No, it's a small area. One area is about 225 to 250 feet. That's on the southbound and right turn lane. Then in the northbound left turn lane there was about a 35 foot area, so they are both fairly small areas.

Commissioner Mourdock: We've got what is it, Bettye Lou, a two billion dollar surplus?

President Jerrel: Three.

Commissioner Mourdock: Three billion? They can find eight grand.

John Stoll: Would it be okay if we did it that way as far as the county fronting the money and then INDOT reimbursing us as part of our contract? They don't have any way to pay the contractor direct since they don't have a contract with Gohmann Asphalt.

President Jerrel: We'll need a motion to that effect.

Commissioner Mourdock: I'll move that the County Engineer work with the state so that we are fronted the money to be reimbursed by the state.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Once we get a draft agreement I'll work with Joe and we'll get something worked out, but just like all the agreements whenever we are doing federal aid jobs this will end up going through the Attorney General's Office, so it's going to take several months to get resolved, but they said they would be willing to pay for the entire overrun.

Commissioner Mourdock: We'll scrape snow off of it before we'll see our money.

John Stoll: Probably so.

President Jerrel: Thank you.

John Stoll: Thanks.

Erik Bentle - County Garage

President Jerrel: County Garage.

Erik Bentle: You have my packets for the day.

President Jerrel: I have a question. What happened on the paver? The repair on

the paver.

Erik Bentle: Excuse me?

President Jerrel: What happened on the repair of the paver?

Erik Bentle: The repair of the paver?

President Jerrel: Uh-huh.

Erik Bentle: Oh, the gate?

President Jerrel: Yeah.

Erik Bentle: They replaced the gate on it. It got bent.

President Jerrel: Yeah.

Erik Bentle: But it is fixed now.

President Jerrel: Okay, it's working?

Erik Bentle: Yes.

President Jerrel: How did it get bent?

Erik Bentle: They hit a curb with it. We've got 90 percent of our ditching done right now and 67 percent of our paving. That will jump up quite a bit when we finish Old Mt. Vernon tomorrow, it will be done. Then we'll move over to Mesker Park Drive. I'm about on the downhill side of it.

Commissioner Mourdock: Do the uphill side of Mesker Park, too.

Erik Bentle: Yeah. Uphill, too.

Commissioner Mourdock: I'll move acceptance of the County Garage report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: Hey, Erik. The 2400 block of North Red Bank there is a pothole right in the middle of the road.

Erik Bentle: The 2400 block?

Commissioner Tuley: Yeah, can you get a patch crew out there for me?

Erik Bentle: I'll get it taken care of.

Commissioner Tuley: Thanks.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: I have a question for John. Have you heard anything more on Evergreen?

John Stoll: Not as of yet. The punch list was given to the contractor last week, but nothing has been accepted as of yet.

Joe Harrison, Jr.: This is the Barrett Law project, the sanitary sewer project in Evergreen Heights Subdivision. Hopefully, the Board of Public Works...do they meet tomorrow?

John Stoll: No, the Utility Board.

Joe Harrison, Jr.: I'm sorry, the Utility Board. Do they meet tomorrow or is it Wednesday?

John Stoll: I believe it's tomorrow.

Joe Harrison, Jr.: Well, hopefully maybe they'll accept the sewer tomorrow if we're lucky. Typically, the city accepts the sewer first before the county accepts it and then that would start the assessment process. The sewer has been done for several months now.

John Stoll: Probably two and a half months.

Joe Harrison, Jr.: We've had some snag in the city getting this done.

John Stoll: You might call Norb Woolley at home, he wouldn't mind, and just ask him if it is on the agenda because I think they meet early, don't they?

Joe Harrison, Jr.: Well, John has been talking to them.

President Jerrel: Oh, okay.

Joe Harrison, Jr.: I mean, I know that.

John Stoll: I was going to say, I've been talking to Len Will, John Rexing and Herb Butler and I don't know if the contractor has completed the punch list items or not.

Joe Harrison, Jr.: Okay.

John Stoll: It wasn't a very extensive punch list, but I do not know if the work has been completed.

Joe Harrison, Jr.: Okay. Thank you, that's all I have.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: I don't have anything tonight.

President Jerrel: Okay.

Discussion regarding Civic Center Complex survey

Commissioner Mourdock: Excuse me, before we jump past Joe we had this contract. Maybe Steve was going to mention it, the contract for the haunted house thing at Burdette. Were you going to take a look at that and make a recommendation to us next week, Joe?

Joe Harrison, Jr.: Yes, why don't I bring that up under Steve's report, is that okay? The other thing that I forgot to mention was a survey issue regarding the--

Commissioner Tuley: Community Corrections?

Joe Harrison, Jr.: No, regarding the Civic Center Complex area. The Board has discussed in the past the possibility of having a survey conducted for determining what property is owned by the city and county together and separately concerning all the ground in the Civic Center Complex area, the Courts Building, the parking lots, etc. It may be time to have a survey conducted and the city has indicated a willingness to possibly participate in the cost of such a survey. If there is a motion to inquiring into the cost of a survey and seeing if we can get the city to participate as well that would be good.

Commissioner Mourdock: I'll move that we direct the County Attorney to meet with the Mayor's Office and others as appropriate to determine a cost estimate for performing the surveys required to allow transfer of property.

Commissioner Tuley: Second.

President Jerrel: So ordered. The cost of that survey, I think it could come out of our infrastructure account but I'll check on that.

Commissioner Mourdock: Yeah, we don't need to do any line item thing until we know.

President Jerrel: Okay.

Joe Harrison, Jr.: That's fine.

Commissioner Mourdock: But also speaking of surveys, several weeks ago we talked briefly about the SAFE House and doing the survey out there as far as...not property survey, but inspection. Do you have anything new on that, Joe? I think they were going to pursue it.

Discussion regarding Community Corrections Complex inspection
--

Joe Harrison, Jr.: Other than I've got a proposal and I think we were going to check to make sure we've got proper funding, but we do have a proposal that would cost up to \$8,500 by Donan Engineering to conduct a structural assessment of the SAFE House facility. In addition to that it would conduct an environmental analysis and

then a fire building and safety code review of the facility.

Commissioner Mourdock: As I recall it was everything other than HVAC, plumbing and electrical.

Joe Harrison, Jr.: Yes, and we would need to get the services of an electrician for those purposes.

President Jerrel: Again, we'll tentatively, if you want to make a motion on that, use the infrastructure account. We can and if that isn't appropriate in terms of the amount I'll get back with you.

Commissioner Mourdock: Yeah, I'll move that we go ahead with that and execute that contract to begin that survey of the Community Correction's property.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: That brings up the next question which is with the electrical side, the plumbing side and HVAC do we need to do the same thing there and look to have another contractor do that kind of work?

Joe Harrison, Jr.: I think we do.

Commissioner Mourdock: Okay, how shall we begin that process? Did we advertise for Donan? How did we get Donan's name in the hat?

Joe Harrison, Jr.: Contacted some local engineers to see if they would be willing to do this and we didn't get...this was the main response from one of the only responses we received--

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: --who was able to do what we wanted to do. As far as an electrician what we may want to do is maybe we could get a couple of quotes from three. Maybe I can speak with the County Engineer about getting quotes on what we actually want out there.

Commissioner Mourdock: Okay, well, let me do it this way. I would move that the County Engineer, the County Attorney and Superintendent of County Buildings work together to get the necessary quotes for HVAC, plumbing and electrical for Community Corrections.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Thank you.

Steve Craig - Burdette Park

President Jerrel: Okay, Burdette Park.

Steve Craig: Okay. I guess you all got the thing from Artwork Unlimited on the haunted trail. I know Joe will want to go over the lease because it's way too short. There are some things in there that I think need to be addressed, too. It's simple, but it's a little bit too simple too. The one thing that we had discussed was that Burdette will have all rights to the concessions for selling T-shirts and set up a concession stand out there which he didn't include in here, but he didn't have it for himself either. He said that he just took it for granted beings we ran our own concessions that we would run it. On even the prices of the rent this year we had suggested to him because of the ones we had in the past that they had ran electrical cords everywhere through the woods and I had suggested to him to run underground coming out of our boxes and then having a central location and then running short cords off of them.

President Jerrel: That's a good idea.

Steve Craig: He did agree to do this which will be quite costly, I think, for him, so the first year he is going to invest a lot of money in this. It says he would like to have the option to renew it through 2004, but if we did that I would want to be able to change the amount of money we received because he is going to spend quite a bit this year, but if he gets it set up next year...and I also want to check if the utilities go up this year on the electric and that to make sure that, you know, we're not just covering costs. Although the way he did explain it to me that we won't have much to do because they're going to do cleanup every night and stuff like that so it's not going to be a burden on the park. There are certain things in here that I would like to approach with Joe before we go to it. I don't know if any of you know Phil Wolter, but they have been doing them in Evansville for quite a bit. He did the Old Jail and I think just recently since '90 he has been doing the Catacombs at the Old Courthouse, so it is a local person instead of the last people we had out of Louisville. We had some problems with communications and that because they were so far away. We're very interested in it and I think it would be something, you know, that we could present to the public that is good wholesome fun and that. I would like to do it, you know. If you have any discussion with me or questions I'll answer them as best as I can.

Commissioner Mourdock: I know...well, I'm sure Joe will have some questions and not the least of which will be on the liability and insurance side, so I would just move that Steve and Joe work to give us a different contract that we can take a look at next month...or next week.

Commissioner Tuley: Second.

President Jerrel: So ordered. We did get PENCO, but they put everybody together so I'm going to make copies and they complimented you on getting all that back in order. You know, the July 13th and 14th visit?

Steve Craig: Yeah.

President Jerrel: He was very complimentary of you all getting things done before he even got back.

Steve Craig: Well, when he had first talked to us Willie, he's my safety man, he kind of jumped on it to get it done before the summer anyway. I like them coming when they do because it gives us an opportunity to be ready for the summer and that.

President Jerrel: Well, anyway, I'm going to...I just gave these copies to Richard and Pat and I'll make copies and get them out to you in the morning.

Steve Craig: Okay. And did you get our worksheet for the week?

President Jerrel: Yes, we did.

Steve Craig: I guess that was all. I guess, Richard, did you see the summary?

Commissioner Mourdock: No, I haven't. I didn't get that one.

President Jerrel: That was in last week's packet.

Commissioner Tuley: In last week's packet.

Commissioner Mourdock: Oh, I have not looked at last week's packet yet.

Steve Craig: Oh, okay.

President Jerrel: Yeah, it was excellent. You've got to feel good about that.

Steve Craig: Yeah, I did.

President Jerrel: They showed an increase of about \$43,000 plus, a little more than that. That's excellent.

Commissioner Mourdock: Is that dollars or attendance?

President Jerrel: Dollars.

Commissioner Tuley: Dollars without raising the fees.

Commissioner Mourdock: How did we do attendance wise?

Steve Craig: Well, we usually take one fourth of what the dollars are because we don't actually have an attendance on the pool other than the dollar value because when they ring them in at the end of the day they put all the passes on adults, you know, such as family passes, season passes, you know, free passes and rain checks. Plus the Day Camp comes and goes, so the attendance that we always come up with on the cash register is not an accurate attendance as far as what the money is so we take an average of what the money is for an approximate attendance.

Commissioner Mourdock: And you're saying that is roughly 25 percent?

Steve Craig: It's one fourth of what the dollars was because the children are \$4.25 to get and adults are \$5.00. We was up \$43,000 so we figured we're up 11,000 is what we had wrote down for the estimate which is pretty accurate.

President Jerrel: Yeah.

Commissioner Mourdock: Okay, and what was the total? You were up \$43,000. Up from what?

Commissioner Tuley: Give him the numbers. I don't have my report. Yeah, you got yours.

President Jerrel: I have mine in there. I'll give it--

Commissioner Tuley: Steve has got it.

Steve Craig: I've got one.

Commissioner Mourdock: Yeah, I'm just curious to see what the actual...okay, so \$496,000.

Commissioner Tuley: Steve, you might want to explain, too, about the rental difference. It looks like it went down.

Steve Craig: On the rental, did you notice the rental?

President Jerrel: Yeah, there was one...this is because they reserve them and pay for them in the previous year.

Commissioner Mourdock: Ah, okay.

Steve Craig: Last year was the year that we started taking rentals a year in advance, so it not only got all of '98's rental money, but it also got money from rentals in '99.

Commissioner Mourdock: Okay.

Steve Craig: So '99's was probably a little bit higher than it should have been and this was showing as a little bit lower than what it should be, but after this year it is all the same because it will be for one year in advance.

Commissioner Mourdock: Okay, the number I was fishing for there you had \$496,000. Let's call it \$500,000 this year in revenues, so one fifth of that would be...or a quarter of that would be 125,000 people is what you had go through the gate.

President Jerrel: Well, but that includes...see, that includes Day Camp, the pool rentals--

Commissioner Mourdock: Right.

Steve Craig: I always have people ask me what the attendance in the park has been and I mean it's just a judgement call because we don't charge to get in there.

Commissioner Mourdock: Yeah. The pool, again, would be 50,000...54,000 people.

President Jerrel: Anyway, we had a good summer.

Steve Craig: Yeah.

Commissioner Mourdock: Very good.

Steve Craig: Other than that I don't have anything else.

President Jerrel: Okay. Thank you very much.

Steve Craig: Thank you.

Weekly reports

President Jerrel: You do have the report from the Soil & Water and the Ozone Officer. Is there a--

Commissioner Mourdock: Tony?

President Jerrel: He has already gone. He doesn't have anything.

Commissioner Mourdock: Oh, I didn't hear that.

President Jerrel: Yeah.

Commissioner Mourdock: Okay, I'll move acceptance of the Burdette Park report, Soil & Water and the Ozone Officer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under the consent items were there any questions? I would like to add one. I'll have to get the request in to go to Indianapolis on August 31st to meet with Steve Cecil at INDOT.

Commissioner Mourdock: With the addition of that request I would move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered. I think the County Attorney is going to ride with me.

Joe Harrison, Jr.: Maybe.

President Jerrel: Maybe. He doesn't sound very enthused.

Old business

President Jerrel: Is there any old business to come before this meeting?

Commissioner Tuley: Nope.

Commissioner Mourdock: No.

New business

President Jerrel: How about new business?

Commissioner Tuley: No. Apparently you've gotten some phone calls from some people maybe wanting to serve on the Advisory Board and I just gave you another one to go with the list.

President Jerrel: Right. We've gotten, I think, seven calls and I've kept them, so I'm going to add this one to it. If there are any vacancies we'll have people that we can talk to who are wanting to serve.

Commissioner Mourdock: Nice to have people wanting to serve.

President Jerrel: Right. Any other business to come before this Board? If not, I'm going to call for a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

The meeting was adjourned at 6:08 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Bill Fluty
Charlene Timmons
Tony Greubel
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
August 30, 1999**

The Vanderburgh County Board of Commissioners met in session this 30th day of August at 5:37 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order please. The first item on the agenda, I would like to present to you those of us that appear before you. To my right is Tony Greubel, the Superintendent of County Buildings; next to him is Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley; far left Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance?

Approval of minutes

President Jerrel: Thank you. The first action item on our agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of the August 23, 1999 Board of Commissioners.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Certification of Executive Session

President Jerrel: The next item is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the summary minutes of the Executive Session that began tonight at 4:30 and ended at 5:30. It dealt with pending or threatened litigation and county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Ron Keeping - Vanderburgh Industrial Park update

President Jerrel: The first item, action item, on our agenda we have a special guest this evening, Ron Keeping, who is going to give us an update on the Vanderburgh County Industrial Park activities. Ron.

Ron Keeping: Thank you. I thought it would be appropriate to appear before you from time to time and simply update you on the progress of the joint development of the Vanderburgh Industrial Park between Vanderburgh County and the Evansville Industrial Foundation and not only appear before you when we need something or want money. I'm not here to do either of those things. I'm pleased to report that things are progressing very well. Permitting has gone forward. We're getting our

drainage permit. The development of a new plat, the old plat had expired, was a beneficial activity because we found it worthwhile to meet with the neighbors before the preliminary plat was filed and consequently because of that meeting we were able to make some changes in the plat concerning increasing the width of foliage easements and dealing with some other issues that were of importance to the neighbors. Construction drawings are almost done, being completed by Bernardin Lochmueller. Perhaps that is the only place where there might be an area of concern. I guess you all have more experience with this than I do, but I have to be worried about what happens if the actual costs come in higher than the estimates. That's it. I've been assured that we have very conservative estimates, engineering estimates, to begin with. The TIF bond activity is pretty much done with the final approval of a motion by the Redevelopment Commission last week. Marketing is proceeding. We have new signs out at the site. We have new brochures. My company is going forward with the promotion of the park through advertising. That brochure is already, of course, in the hands of Vision 2000 and the Chamber of Commerce. The development of covenants and restrictions and guidelines is also almost done. We're trying to strike a fine line between coming up with restrictions that define a nice good quality park and having restrictions and guidelines that are so expensive as we might discourage development. It's a bit of an art to strike a balance. It's important that we get those covenants and restrictions done and recorded because they obviously have to be recorded before we effect a sale. I'm happy to report that it looks like we already have two very interested purchasers of lots in the park. So that's my report. Thank you for all your support. If you have any questions I'll try to answer them, but it is looking very good.

President Jerrel: This is excellent.

Ron Keeping: Thank you. I'll pass that on to the people in the Foundation who did that.

President Jerrel: This is attractive, but this, that says it all.

Ron Keeping: There are some lovely trees out there in the park and that's one of them and I hope we can figure out a way not to have to cut them all down.

Commissioner Mourdock: Ron, you mentioned that you've got a couple of leads on some acreage with the lot size out there from four to 23 acres. Without divulging too much at this point are you looking at someone who wants the larger lot accommodations?

Ron Keeping: As you might suspect the strongest market for lots is in the smaller sizes and those are the sizes that are being looked at most seriously. There are a couple of somewhat amorphous prospects out there for very large tracts, potentials that would actually combine two or three of those larger lots, but these things are always just over the horizon and...I mean, the project in question actually should have been here in July to take a second look and he hasn't been here yet.

Commissioner Mourdock: And the covenants and restrictions, it's kind of an odd legend. I see it, it is on the legend here. The railroad is through there so your covenants and restrictions are going to provide for that rail circuit all the way to the...what would that be, the southwest corner?

Ron Keeping: Yeah, although our objective there is to try to push the rail development to the north so we won't have rail at the south, so we won't have to

extend rail to the south, and we won't have rail behind the neighbors.

Commissioner Mourdock: Very good. I wish you well.

Commissioner Tuley: I'm glad to hear you met with the neighbors, I'll tell you. Sitting up here before (inaudible, mike not on). We appreciate that.

Ron Keeping: I just have the utmost confidence in our engineers who seem to know that stuff and I think they have been successful in communicating the notion that they know what they're doing when it comes to drainage. Nobody wants drainage problems out there.

Commissioner Tuley: Right.

President Jerrel: You know what the key was? At least a couple of the neighbors that called down here they know these gentleman are local. That's the significant difference that you're going to be living here and you're not going to want to do anything that is going to in any way be a detriment to their neighborhood.

Ron Keeping: Yeah, we're in the phone book.

President Jerrel: That's right, and they know where to find you. Thank you very much.

Commissioner Mourdock: Thanks, Ron.

Faye Gibson - Old Courthouse/Superior Court discussion

President Jerrel: The next item on the agenda is Faye Gibson. You have a visitor with you, Judge Bowers. I don't know which one of you are going to--

Faye Gibson: Yes, I'm Faye Gibson, Executive Director of the Old Courthouse Preservation Society. With me this evening is Superior Court Judge Scott Bowers. Actually, I'm going to ask Judge Bowers to present first to kind of explain a need that is being experienced right now within Superior Court and then I'll talk about how we propose to address the need.

Scott Bowers: The courts in Vanderburgh County, most particularly Superior Court, have experienced ongoing caseload increases. We were rated under the state weighted caseload study as one of the six busiest courts and the sixth most congested courts in the state of all the counties. Now because of that congestion and being one of the busiest courts in the state we've been given by the Legislator authorization to hire two additional helper judges called magistrates. These magistrates would help me with this burgeoning caseload. Unfortunately, there are no courtrooms for them to hear cases in and there is no office space for them to sit in or for any ancillary staff by way of court reporters, riding bailiffs and so on that would be necessary to assist them. We have, in fact, just now completed the process of interviewing applicants for the first position and we are intentionally delaying a hire on that position and on the second position because we simply cannot use the people in the given configuration. The Old Courthouse has on the second floor four rooms which would be ideally suited for use as courtrooms and they are not good commercial space. So I believe that they would be something that the government could use. Obviously, you can do an awful lot of renovation for the

cost of new construction. There are historical reasons and aesthetic reasons for also reopening these things, but the primary purpose for which I am here to urge the reopening of courtrooms in the courthouse is simply the practical reason of preventing justice from being denied by being unduly delayed. I believe that there is a cost effective solution that's available by way of reopening significant portions of the Old Courthouse not just for courtroom use, but also perhaps for ancillary probation services, for use for the county law library which would free up bench trial space in the existing facility and possibly in addition some probation services and file storage. I understand that there are records that are being stored at significant cost to the county. Not because the county is just keeping them for the sake of keeping them, but because there are records which are by law required to be held for 100 years and significant amounts of money is being spent for that purpose where we have significant amounts of floor space in the Old Courthouse which would make the records more easily accessible to the extent that they're necessary for use here. Again, on what I believe may be a very cost effective basis subject to professional advice and consulting with engineering and architectural specialists. That's my summary of the necessity of need. I've thought through problems related to parking, security, phase in and questions of climate control, but I don't intend to go into any of that detail other than to mention that there is \$90,000 available for air conditioning already appropriated from the state that won't cost the taxpayers in Vanderburgh County one cent if we use it to get the Old Courthouse up to snuff. Thank you for the opportunity to present to you.

Faye Gibson: On that note, in January Dennis Avery, our State Representative, approached me to talk to me about the old courtroom because of just this issue. He had before him a bill that would allow new magistrate positions for Vanderburgh County. I will give Mr. Avery credit in that in January he was thinking about what do we do when that comes into law July 1. Through his efforts we were appropriated \$90,000 from the Build Indiana Fund that is in place. It's ours to have for the purpose of renovating the old courtroom or ancillary space to be used for court business. I will clarify that is my intent of how the money will be used, and if not then I guess the Build Indiana Fund gets \$90,000 back because that is exactly what Dennis Avery lobbied for our other local Legislators for that intent. Concurrently, other county needs began to surface as we dealt with this issue and I dealt specifically with Mr. Avery. There are such things as the Jail Assessment Committee where in its published interim report talking about part of the jail overcrowding problem is due to just this issue the Judge brought up, overcrowding of the docket and inability to process. You put the two together it seems like it's kind of all saying, well, we have space in the Old Courthouse and a week ago Judge Bowers came and met with me and now a week later here I am before the Commissioners. We do have \$90,000 to start the project that comes from the state. We have an additional \$5,000 from the National Historic Trust for Preservation that will be dedicated just to begin with an architect to look at the needs of that courtroom, particularly for climate control and what we'll have to do there, but we have funding in place to get the project started. That's not to say more money won't be needed. There will be rent issues. You know, as we see it now the court would be a tenant in the building just as we have other tenants in the building, so there would be a rent issue, but obviously my own personal feelings since it was designed to be a county courthouse I will do everything possible too. I would be very glad to see it go back to an original use, so we're willing to work with the county in any way we can to make this happen. We're here tonight to answer any questions and see if we're allowed to move forward with the thought anyway.

President Jerrel: Well, I would like to compliment Judge Bowers for his willingness

to consider this. That's a beautiful room. It really is. You're thinking of using that one over there, I am assuming. It's a lovely facility. I would like for you to give Curt Wortman a call tomorrow. He and I had an opportunity to visit about this at length. You know, he had some ideas and just, you know, about getting the, I guess, heating and air conditioning, that part of it, that he has kind of worked with you on. He had some good ideas and then, of course, the rest of it we would need someone else to discuss with us.

Commissioner Mourdock: I would like to also add to that, Judge Bowers, I very much appreciate what I see as your leadership in this area. The judge and I met last week to discuss the fact that he is willing to move over there and move his court there. I think as you said it to me you kind of were quietly thinking over in the courts building well, somebody ought to do this, somebody ought to do this, somebody ought to do this, hey, I'm somebody. That's a simple way of defining leadership here. I have every confidence that if we start to renovate the Old Courthouse in a way that is up to modern standards for climate control that the other judges will certainly have some interest in going there. Obviously, this body under the constitution of Indiana is required to have good court space and certainly this is an answer to that. Somewhat ironically I think it was about four years ago that I suggested that maybe the county ought to dispose of that building and it was shortly after that that this room smelled of chicken feathers and heating tar, so I came to appreciate...not that I needed a great lesson, but I came to appreciate the value of that building. As Faye said a moment ago, an old courthouse was designed to be, guess what, an old courthouse. So I would like to go one step further and see if this body can begin to lay out a plan by which not just one courtroom or one office or several offices are set up to meet the needs of Judge Bowers, but that we put a plan together so that over a period of five, ten, fifteen years perhaps we can have funding in place and have some direction as far architecturally and engineering wise what we might need to do with the facility. It would keep us from laying out a great deal of cash at any one time immediately and it would also give us, I think, a better sense of planning to know how in future years we can again begin to reoccupy that building. As Faye mentioned and Sheriff Ellsworth being here the Blue Ribbon Committee on jail overcrowding has looked at every aspect of the criminal justice system and one of them that does come back to us time and time again is that there is not enough jail space...I'm sorry, not enough courtroom space and jury room space to keep trials moving. I think this would be a great help in that direction and would begin to solve this problem which if you look at that quick you may think it is what I thought it was which was something from the United Way, but that's the jail crowding situation. We started out with 256 capacity, that was actually reduced to 220 because of requirements for female cells and ADA. We hit 356 August 24th, 375 August 27th and Deputy Williams told me a few minutes ago we hit 394 last night. Anything we can do to begin to resolve that is important and I certainly think this is one issue that can help us.

Commissioner Tuley: I'll give my two cents. You and I talked the other day, Judge, if there is anything we can do to help. I believe we need to be talking to you a little bit more about security, parking and what have you. (Inaudible, mike not on.)

Commissioner Mourdock: Well, you didn't need to cheer the crowd on when they were here that night, Pat. The \$5,000 for architectural studies, what are the limitations on that, Faye? I mean, how can we use that? I guess...let me even jump to my conclusion. I think it's important that a member of this Board perhaps our Superintendent of County Buildings, you, the Judge, start to meet with an architect or however we need to do that and I have no preference as to who that is, but to

begin to put that plan together. We need to put some dates together, put some names, give some accountability to it and make this thing move forward.

Faye Gibson: We can do that very quickly actually. The \$5,000 must be spent for architectural plans. It's a very restricted fund that's called "For Historic Interiors Only". It cannot be used for bricks and mortar and very seldom do I ever apply for that particular type of money because if I get any money I want to make sure I can see some end result with it, you know, but once this opportunity presented itself the deadline was February 1 and when I saw what might happen with Building Indiana Fund I thought why not and, quite frankly, there were only seven awards issued throughout the whole United States and we were one of them, so actually that shows that they think there is some merit to the building, too.

Commissioner Mourdock: And the \$90,000 is for budget year 2000?

Faye Gibson: Yes. Actually, we can start accessing it even by the end of the year.

Commissioner Mourdock: Right, okay.

President Jerrel: Thank you very much.

Faye Gibson: Thank you.

President Jerrel: Thank you, Judge.

Request to relocate Ward 2-4 polling place

President Jerrel: Okay, the next item on the agenda there is no one here to speak to it, but it concerns the movement of a polling place in Ward 2 Precinct 4. It has been requested by both committeemen, both Republican and Democrat Committeemen, and it's for better handicap access. The voting place was in the auditorium at the north end of Washington Middle School and it will now be the Abundant Faith Church on Lodge and Monroe.

Commissioner Tuley: Which is within the precinct?

President Jerrel: Yes, within the precinct, right. So is there a motion concerning this?

Commissioner Mourdock: That's fine with me. I would make the motion that we do move our polling place for the fall 1999 election from Washington School to Abundant Faith Church located at 1228 Lodge Avenue.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Public hearing - Vacation of easement, 5014 and 5030 Earl Avenue

President Jerrel: The next item on the agenda is the vacation of an easement located at 5014 and 5030 Earl Avenue. This was...it's out by I-164 on South Green River Road...off South Green River Road and this came before us at the Drainage

Board.

Commissioner Mourdock: I don't know if there is anyone here to address this.

President Jerrel: Is there any petitioner?

Joe Harrison, Jr.: Is there someone here? Is the petitioner here?

President Jerrel: She did appear before us at the Drainage Board meeting.

Joe Harrison, Jr.: At Drainage Board.

Brenda Henry: Hi, I'm Brenda Henry. I just want to put a modular home in the middle of these two lots.

President Jerrel: This was, if you'll recall, recommended by Mr.--

Joe Harrison, Jr.: The Surveyor at the Drainage Board meeting. This would be the first reading here, is that correct, Charlene, tonight? And then we'll have to have a second reading on the 13th. Did the green cards all come back?

Brenda Henry: All but one. All but one came back. The post office box--

Charlene Timmons: I have the white slip.

Joe Harrison, Jr.: That's fine. You all can consider a first reading tonight. Hopefully you'll know something by the 13th of September.

President Jerrel: Okay, on first reading is there a motion?

Commissioner Mourdock: I'll move the vacation of an easement at 5014 and 5030 Earl Avenue.

Joe Harrison, Jr.: I'm sorry, is there someone else in the audience?

President Jerrel: No.

Joe Harrison, Jr.: I thought Charlene was saying there was someone that wanted to object to it.

Commissioner Mourdock: On first reading then, I would move for the approval of the vacation of easement at 5014 and 5030 Earl Avenue.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

<p>Carol Lant and Bettye Davis Petition and resolution for Lynch Road access relocation</p>

President Jerrel: The next item on the agenda is a relocation...consideration of verified petition and resolution for relocation of Lynch Road access point. Mr. DeLucio is representing Carol Lant and Bettye Davis.

Marco DeLucio: Thank you very much. I'm Marco DeLucio. I'm here on behalf of Carol Lant and Bettye Davis. Hopefully...does everybody have in front of them a copy of the verified petition? Very briefly if you'll turn to Exhibit 2, and I'll just run through this very quickly, about three or four pages in. We were before you, I think, probably last May when Bill Spurling got the property...got his property rezoned for purposes of his development. On this map you can see his proposed development off of Green River Road and Spring Valley Drive Road. Mrs. Lant and Mrs. Davis own property to the north that will front on...has frontage on Lynch Road and also have frontage on Green River. You can see that marked on Exhibit 2 there is a proposed existing access point onto Lynch Road. What the petition before you is this evening is to move that access point further to the west, about 300 feet to the west, so that Cullen Avenue will line up as it's going to be extended. You may recall that when we were before you at Mr. Spurling's rezoning this was a cooperative effort between the two landowners to provide for orderly development in this area. Mrs. Lant and Mrs. Davis currently have no development plans for their property, but they realized that access was going to be important to them. Mr. Spurling wanted access and I think it's a good thing to have access to Lynch Road for his development as well as to Green River and they got together and came up with this proposal. What we need this evening, there has been some confusion as to what types of approvals we need to relocate this. We've heard that only county and state approval are necessary and the state, I think, has indicated that as long as...they don't really care and their approval is if the county says it's okay and they don't have a problem with it. We've also heard that there may be federal approval, but we don't have a definitive answer this evening. The proposed resolution that we have before you this evening is rather broadly drafted that basically just authorizes the County Engineer to take the steps necessary to begin this process. If federal approval is required then obviously we'll have to take those extra steps. If only state approval is required then we'll have to take those steps as well, so what we're asking for this evening is a resolution from this Board authorizing the relocation of the access points from the proposed location about 300 to 400 feet west as shown on your map on Exhibit 2 and to authorize the County Engineer to take all necessary action to move this forward. We would, of course, provide whatever assistance Mr. Stoll, the County Engineer, would require to this regard. If you have any questions I would be happy to try to answer them for you.

President Jerrel: Are there any questions?

Commissioner Mourdock: I want to clarify. I have an Exhibit A. You keep referring to Exhibit 2. Is this the same? Pardon?

Marco DeLucio: I think it's probably the same thing. Mine is marked Exhibit 2 on my copy.

President Jerrel: No, he is looking at Exhibit A.

Commissioner Mourdock: Yeah, I'm looking at Exhibit A.

President Jerrel: No, there is Exhibit 2.

Marco DeLucio: Okay, please look forward to the front, Mr. Mourdock, about four pages in. Three...six pages in. Maybe his is missing.

President Jerrel: There it is.

Commissioner Mourdock: Wait a minute, getting closer. There is Exhibit 2, alright.

President Jerrel: You're aware of the approvals that are in there for the County Engineer to follow?

John Stoll: Yeah, we'll basically need legal descriptions closing the one break in the right-of-way and opening up a new break in the right-of-way. I'm not sure as of yet whether or not INDOT and Federal Highway have any approvals in this. I've gotten conflicting stories, like Marco said. I didn't think it would be required because local funds were used to buy this right-of-way, but according to what I was also told the construction...since the design was approved by Federal Highway and the construction had federal money in it then that's why the feds had a say in whether or not this relocation occurred, so as soon as we get that clarified it will give us better direction on how we need to go about finalizing this.

Commissioner Mourdock: On the Exhibit 2 that is here, that small area that is circled with the existing access point, what was built in at that location at this point, John?

John Stoll: There was nothing built in. It was just a break in the right-of-way fence for all practical purposes, so there was no road approach or anything like that constructed. It just left the opportunity for the road to be connected at that point.

Commissioner Mourdock: And as proposed here the distance between the new Cullen and Green River would be a quarter mile?

John Stoll: Right.

Commissioner Mourdock: And be slightly greater from there to Burkhardt?

John Stoll: Correct. The original access point was chosen to keep in line with Cullen Avenue as it came out of East Side Industrial Park, but as that area continued to develop changes in land use occurred that really weren't projected when all that went residential with Spurling's apartments. It prevented Cullen from going through as a straight shot. We also had some problems down there at the north end of the cul-de-sac on the existing Cullen Avenue. There was no right-of-way dedicated through that point as well, so all these things have changed to where Cullen cannot go straight through like it was originally intended.

Commissioner Mourdock: Is there any provision or, Mr. DeLucio, has there been any discussion as to the type of access at that point? In other words, would it be right turn only?

Marco DeLucio: I don't think there has been any discussion that I'm aware of whether it would be right turn only or limiting...whether there is a median there or not. John, are you aware of any?

John Stoll: No, but I would say that the one thing that we need to make sure is that no traffic signal--

Commissioner Mourdock: Exactly.

John Stoll: --is ever installed at that point, so if we need to make it right in and right out from the start that's one option or if we allow a median crossover then it may have to be conditioned on if a signal is warranted then that crossover would come

out.

Commissioner Mourdock: Okay, that is my concern. That would be the first stoplight out there on Lynch past Green River.

Commissioner Tuley: (Inaudible, mike not on.)

Commissioner Mourdock: Pardon?

Commissioner Tuley: I prefer not to do that.

Commissioner Mourdock: Prefer not to do that, yeah.

President Jerrel: So this is the initial resolution. Is there a motion?

Commissioner Mourdock: For the right-of-way for the access point as redesigned for the new Cullen Road, I would move approval of the petition as proposed to attach...or to provide access to Lynch Road.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Permission to advertise - Vacation of easements Circle Front Drive and Crosslake Drive</p>
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President Jerrel: The next item on the agenda is the Auditor's request to advertise two vacation of easements. Those are in your packet.

Commissioner Mourdock: Comments? These two easements, one located at Crosslake Drive and the other located on Circle Front Drive, and David Sanders representing the Hartmann Family Trust. Is he here?

President Jerrel: No, I don't think anybody is here.

Commissioner Mourdock: This is on first reading?

Charlene Timmons: No, this is just permission to advertise.

Commissioner Mourdock: Ah, okay. Okay, I'll move permission to advertise for the vacation of two easements, Crosslake Drive and Circle Front Drive with the suggested hearing date of September 27, 1999.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Phil Wolter, Artwork Unlimited - Haunted Trail lease agreement</p>
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President Jerrel: Next on our agenda is the consideration of the Burdette Park Haunted Trail lease agreement. You have a map and some other information before you.

Steve Craig: Did you have any questions on it?

Commissioner Mourdock: My questions came up last week just to make sure that Joe had looked over it and thoroughly kept us out of a liability situation.

Joe Harrison, Jr.: Yes, I had a chance, Richard, to meet with Steve and...Phil Woltmer?

Unidentified: Wolter.

Joe Harrison, Jr.: I'm sorry. With Phil Wolter from Artwork Unlimited, Inc. last week and we came up with the proposed lease that is in front of you and this was...I prepared the lease and Phil is comfortable with it and so is Steve. I think it addresses the issues that the county has with regard to liability issues and it essentially would be a two year lease, but the term would run from September 1, 1999 to November 10, 1999 and then pick up again from September 1, 2000 to November 10th of 2000. In return for the area that would be leased for the Haunted Trail the county would receive \$3,000 each year. In addition, if the county is to incur any overtime for employee costs associated with the operation of the Haunted Trail, the lessee, Artwork Unlimited, will reimburse the county for such out-of-pocket expenses. In addition, there will be security out there during the time when the Haunted Trail operation would be ongoing. It's my understanding there will be some arrangements made with the Vanderburgh County Sheriff's Department for their personnel to work out there during that period of time. I believe the hours...I don't know if they have talked to the Sheriff yet, but they will. The hours of operation for the Haunted Trail will be from 7:00 to 10:00 Sunday through Thursday and 7:00 p.m. to 11:00 p.m. on Friday and Saturday. I believe that the Haunted Trail isn't going to start really until October 1, 1999 and run through that whole month of October. The actual area is attached as Exhibit A that will be leased. It's approximately a five acre area and I know that Steve and Phil may want to expand a little bit upon what they plan on doing with regard to the trail. As far as the utilities are concerned Artwork Unlimited will be responsible for constructing the necessary utilities that they will need...or, I guess, all the lighting and everything that has to be hooked up to the utilities for the project and they will be responsible for that. That will not be county labor or anything involved with those services. Other than that, I think all the issues hopefully have been addressed and Steve and Phil may want to speak a little bit more about it. I know there was a haunted trail out there a few years ago and they're wanting to begin this again out there. Phil has had experience in this area and he may want to talk a little bit about it. I know he operates the haunted house at the Old Courthouse.

Commissioner Mourdock: You said a moment ago there has been a trail like this before. Had there been a trail at Burdette like this?

Steve Craig: Yes.

Commissioner Mourdock: Was it set up the same basic way?

Steve Craig: It's the same trail. We had built the trail for Nightmare Forest. It was a company out of Louisville that went kind of nationwide doing them.

Commissioner Mourdock: Did they come in and do the same type work as proposed here?

Steve Craig: We did more of the original laying out of the trail, but see it's already done.

Commissioner Mourdock: Right.

Steve Craig: So we've been doing a little bit of work putting gravel back in it and securing some of the supports and that. As far as the electric that was something that I had talked to Phil about. Him and my maintenance man and I had a talk about it and they had strung cords all across where people kind of walked across and that and we told Phil that if he wanted to do this that we wanted them buried and then central posts coming up where they could run their cords off and people wouldn't have to walk over them and they wouldn't have to try to secure them through the trail.

Commissioner Mourdock: And that's being done this time under Mr. Wolter's costs and under his direction?

Steve Craig: Yes, we had ran utilities to a pole with a meter at the front of the park which feeds the Haunted Trail.

President Jerrel: Sounds like fun.

Steve Craig: If you like being scared.

Joe Harrison, Jr.: The other thing is that you switched the trail around, didn't you?

Steve Craig: Correct.

Joe Harrison, Jr.: So the beginning would be at a different end.

Steve Craig: Yeah, the original trail they had started going up the trail and as they come back down the trail they have the exhibits and that which scared the people and people would be like running down the trail which we considered more dangerous, so Phil had suggested that if they got scared they would run up the trail instead of down the trail. That was a good idea.

Suzanne Crouch: That would be me.

Steve Craig: One thing that Joe didn't bring up, but we are going to run the concessions and the gift shop items if we decide to sell some stuff that is conducive to a haunted forest that Burdette does have the rights to that and that will be one of the ways we hope to make money off of it.

President Jerrel: Okay.

Commissioner Mourdock: I'll move approval of the Burdette Park Haunted Trail lease agreement between the Board of Commissioners and Artwork Unlimited as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you.

Any group or individual wishing to address the Commission

President Jerrel: At this point on our agenda, is there anyone here that wishes to speak to the Board? Yes, ma'am, if you would just come up to the mike and give us your name.

Sue Hannah: My name is Sue Hannah and I run a polygraph and a private investigations office, a security company here in town. My associate, I guess you would call him associate, David Coker, if you know anybody that wants to associate with him.

David Coker: Imagine that.

Sue Hannah: I asked him to join me going up to Indianapolis to that meeting on the Transition Program. Since I have designed or developed, I guess you would say, a monitoring program specifically for those types of offenders as well I am certified for sex offender testing is my specialty. He went up with me to this meeting and my other associate from Ft. Wayne is a dear friend of Bud Meeks. Senator Meeks is the chairman of this committee. When I came back and saw the things in the paper and I know how things can get misinterpreted. We had some information that we would like to share with you and also Bud Meeks called me today and gave me something I could specifically quote (inaudible) if you plan on speaking on later this evening or if you want us to go ahead.

President Jerrel: It's appropriate now.

Sue Hannah: Do it now?

President Jerrel: Go ahead.

Sue Hannah: We don't have anything really laid out to explain to you.

David Coker: First of all, it was the law that was the enabling legislation that created this problem that we've got. As of last Monday in preparation for going to this meeting on Wednesday I went on the Internet and looked for it and it wasn't there, so I got on the phone and Dennis Avery called Legislative Services and they faxed me a copy of Section 10 which has this §7 language in it. It's not on the Internet yet, apparently. In any event, there were several interesting people--

Sue Hannah: Do you all want to see what the law is? I'm sure you already have copies.

David Coker: Have you seen it? There were several interesting people that appeared at this hearing. Among them Sheriff David Murtaugh from Tippecanoe County. About halfway into his remarks I was just struck by the fact that these same remarks could have easily been made by our own Sheriff Brad Ellsworth because it talked about the serious overcrowding problem that they had. It was interesting to note that there was no media coverage of this hearing at all despite the fact that there are 58 Community Correction programs around the State of Indiana.

Sue Hannah: Let me interject. I called the...while I was there I called Mike Brown who is head of the Community Corrections. Another thing, I used to be director of Community Corrections in another county. Mike had no intention of attending the

meeting nor did any other member except for the attorney for the Department of Corrections.

David Coker: Mr. Randy Koester, who is general counsel and legislative liaison for the Department of Corrections, during his remarks he was literally dressed down by Senator Meeks and tried to pin the Department of Corrections down with regard to the specific number of people that they expected to return to the counties over the next year and whether he was of the impression whether the Department of Corrections has over \$4 million budgeted for this thing, for this use, but the attorney could not tell them how many offenders was going to be--

Sue Hannah: I think they said they had something like 800 that they have ready.

David Coker: Out of a total prison population of 19,000 in the State of Indiana. This board which is comprised of...Senator Meeks is the chairman. There is another senator and two state representatives and then Judge Ryan from Allen County which apparently has already had a federal lawsuit that was brought against him by an inmate, so they've had to deal with this problem. This group, they're going to meet again in mid September and in mid October to come up and try to finalize legislative language to present to the leadership of the General Assembly the first of the year. The only real business that they conducted was they unanimously passed a resolution that called for the Department of Corrections to pay counties \$35 per day for--

Sue Hannah: Okay, this is what Bud Meeks told me to quote. There are a number of things that he hit the Department of Corrections with which I would like to share with you, but what the resolution came to that they passed was that they recommend \$35 a day because that is what the Sheriff is paid to house these offenders. That was the basis for it and that's what he said, and \$20 for every person that is up for review. In other words, every time they send you a list of names you should pay...the state should pay \$20 per name for them to look it up and come back with an answer. Now, what got to this point was Meeks wanted to know where did you get that \$7 a day figure. You have allocated \$4 million so you have an idea how many people and what it is going to cost. The attorney, it may be that he is not informed. He may have been the wrong person to be talking to. He did not know how they come up with the \$7 and Bud Meeks said you better know how you come up with that \$7. I mean, he ate that guy up. He said you know that you've got \$4 million dollars, that's based on something.

President Jerrel: Yeah.

Sue Hannah: He said you're going to pay us something. On September 16th when we come back for this meeting you're going to give us \$35 or \$25, something. Ft. Wayne said it cost them \$19.50 a day to monitor--

David Coker: Plus medical.

Sue Hannah: Plus medical costs to monitor offenders. Now the other thing that the Department of Corrections...the attorney said was number one, you do not provide these people any services. They're not on house arrest, they are not on any other kind of service that you have. They are simply monitored. If they're a Class A and B felony the judge can say yea or nay. If they're Class C or D they're coming to your town and they're going to show up on your doorstep and it's going to the Sheriff's doorstep. You may not have much of an announcement at all. Though they said

that they would let you know. What I've seen in the past that's not been the situation. Someone asked me what did I think about this program. Well, it's the same thing I thought about Community Corrections. It's a fraud perpetrated by the state onto the counties. That's just the way I see it. The way I figure it is 10¢ on the \$1 is what it is costing them to put these people in this program. They provide you nothing. They were asked on this Transition Program are the states now responsible for these people like for medical or anything and they said no. You get \$7. You don't get anything else. Well, Bud Meeks said well then you're going to make them state people and you're not going to make them county people.

President Jerrel: Good for him.

Sue Hannah: Oh, he laid them out. He ate them up.

David Coker: He gave an exemplary performance.

Sue Hannah: Now he used to be a sheriff.

David Coker: That's right. He was a former Allen County sheriff and he ran the jail.

Sue Hannah: He doesn't waste words, he cuts right through it. He said...that guy was shaking, that attorney. He says when you come back you're going to do this, you're going to do that. There was some other issues.

David Coker: Well, they talked about parole.

Sue Hannah: Oh, well, what they're doing first they got the Community Corrections thing going. They give you no instructions, there is no manual on how to do this. When they gave it to me the sheriff had written up four components and got the grant and they were two months away from losing the grant, they didn't have anybody to administer it. Well, I used to be a parole officer in Houston, so they come over here and they gave me this paperwork and the money and said, okay, create it. I go, whoa. So I called the legal department. Well, we can't help you because you're supposed to go to your county. My judge would not write the order. I wrote the orders for the judge. Fill in the blanks and sign it or at least quit sending people over and three days later I find out they're in my program. At any rate, I got no help, no assistance. For the Community Corrections program that they have established here it is very elaborate and I think it is very sophisticated and there are problems with the program and I think it has nothing to do with the program. It has to do with the way we do offenders. Instead of this cat and mouse game, that's just no way to do it at all. In my program we had no revocation. I had all drunks, people that gave up drugs, gave up alcohol and begged to get in the program. It was a tough program. I started them out in jail. I had to have their attention. Without their attention we didn't have a program. Then I went out and begged...I had \$40,000 to run my program. I had 35 offenders. It was extremely labor intensive. I had a \$60 answering machine and that was my monitoring program and it worked, but if anybody violated...if I found out that they had been smoking dope by a trooper who did an undercover or something like that the sheriff went out, picked them up and put them in jail. After two days then I would go and ask them when I released them. I didn't want to hear any stories until then. Then I would say this is how your program is going to change now or whatever it took. The worst offense I had was the guy didn't come to the phone when I called. His grandmother answered the phone and said she wouldn't go get him. I said, okay, I'll send a sheriff out to get you and then we'll talk about it in two days. He had to move out of grandma's because grandma

would not support his program. These programs, the whole family is involved in these things. You can't just keep putting money in and doling out money and putting band-aids on this thing. You've got to have these people's cooperation because they're not going to do anything until they're ready. So Community Corrections here has a lot of problems and it just needs some adjustments that's all. I know with mine, of course, it was small enough that we didn't have any of that stuff. The thing is what the state is doing now for \$7 a day, they got by with this giving you 10¢ on the \$1 to create something with no help, no assistance, no guidance.

David Coker: It doesn't appear as if it is going to fly. There will be some remedial language next year, but what I would recommend is that Vanderburgh County request to be a part of this in one or more of the upcoming meetings. At least have somebody there to monitor what is going on and perhaps even speak or participate since apparently the county is still considering this injunction suit regarding sending back the prisoners.

Sue Hannah: Well, Meeks said good luck. Glen Boyster was supposed to be on the panel and he didn't show up at that meeting.

Commissioner Mourdock: If I may jump in with this I know both my fellow Commissioners were at the Community Corrections meeting here last Wednesday and--

David Coker: It was the same day that this hearing took place.

Commissioner Mourdock: Yeah, quite ironically. Sheriff Ellsworth, of course, was at that meeting and was chairing the meeting. It was a resolution that came from the Community Corrections Advisory Board that this Board go forward with a suit hoping to get an injunction or some sort of stay to keep the program from being implemented. By and large I think most of the people at the Community Corrections felt that the intentions of the Community Transition Program are reasonable, the intention is reasonable, in that trying to bring people out of a prison and just throwing them back into the community without any transition time is probably not the best thing to do.

David Coker: No, they discussed finding jobs. They discussed where they were going to go, whether family was going to take them or whether they were going to have a place to live. There is all different kinds of--

Sue Hannah: The prison is supposed to set that up.

Commissioner Mourdock: And all of those are valid components of what a good transition program might be. The question we have, and it comes back again to our little thermometer here, if you will, of overcrowding. We presently have people in the jail right now who are otherwise assigned to Community Corrections because we don't have space at Community Corrections for them. If we do not act on trying to get an injunction in place with the CTP I feel that the state is giving us greater liability than we already have and I think as members of this Board and serving in a fiduciary role for this community it would be flat out wrong if we did not try to slow this train down.

Sue Hannah: The other thing they brought up that was pretty significant, they said if these people didn't qualify into Community Corrections to start with and now they're out of prison why do they qualify into them now?

David Coker: Particularly with A and B or whatever kind of felonies where they wouldn't have even ordinarily.

Sue Hannah: So it's like, well, the sheriff can have those.

Commissioner Mourdock: The sheriff can fix everyone's problem.

Sue Hannah: But you don't get \$35 a day, you only get \$7 and no money.

Commissioner Mourdock: We have, I think, three possibilities in front of us and perhaps we want to proceed with all of these, but the first one is that I think we ought to move forward to try to get an injunction to see if a federal judge, and I presume, Joe, it would go to a state court? Okay, I retract that then. To see that a state judge would act to prevent the implementation of this and it's very important that we act tonight because the date for the program to begin is September 1st. The second thing that we might do is to try to work through the Association of Counties, the sheriff's organizations and other organizations that are out there to see if, in fact, they might join us subsequent to the filing of the suit. The third thing, and I guess this has two components. One is to work as Ms. Hannah and Mr. Coker have indicated with this committee of the LSA to see if, in fact, we can provide input into how the law might be otherwise improved and along with that work with our state legislators to make sure that they voice our concerns. So I will throw those four things out there, but I think in order of importance number one is that we move to file this injunction.

President Jerrel: Well, I think probably there is one motion to be made and instructions to our attorney and to ourselves regarding our participation. So do you want to make a motion?

Commissioner Mourdock: Sure, I will move that we direct the County Attorney to file on the county's behalf an injunction to enjoin the Community Transition legislation as presently enacted.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered and call for a voice vote. Commissioner Tuley?

Commissioner Tuley: By all means, yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Commissioner Tuley: I do think it's important that we get involved. If we really believe that probably the intent is good, then I think we should be an active participant (inaudible, mike not on).

Commissioner Mourdock: And I should have added in my remarks that I spoke to the author of the legislation on Saturday and he was, I think...well, he expressed an interest to come and meet with the Community Corrections Board to explain fully what the intention of the law was. I explained to him that intentions aside it doesn't

always get implemented that way. He reminded me that he is a former judge and he couldn't imagine a situation where the judges would in any way act to bring people back if the system was full or just in any way act to the detriment of the community. I'm not beating up on the judges, I'm simply saying that when the law is out there and people want their folks brought home I think judges have a compassionate side and they want to do that but, again, here is the side we're looking at and I don't see that we have that opportunity in front of us. I would hope that perhaps the Advisory Board as a whole or at the very least Sheriff Ellsworth and a select group from the Advisory Board meeting with Senator Keely, is that right?

President Jerrel: Kenley.

David Coker: Kennely.

President Jerrel: Luke Kenley.

Commissioner Mourdock: He is certainly willing to make the trip down here to talk to us, but I think as we've just done I think we're doing the right thing.

President Jerrel: Well, I am going to meet with him this week.

Commissioner Mourdock: Oh.

President Jerrel: I'm going to meet with INDOT Tuesday and Kenley on Wednesday.

Brad Ellsworth: I know you have already made your motion and your vote and we appreciate that. One thing I might add is that had that group met with anybody before this thing was passed in the 23rd and a half hours this probably could have all been avoided. I met with about 75 of the 92 sheriffs and none of them had heard of it. No judge I ever heard said they talked with anybody, any County Commissioner, any judge, anybody before this law was passed. The got up and preached cooperation and work with us and I always heard that was better to do beforehand before you passed it.

David Coker: It was during budget, that's why no one knew about it. It was part of the budget and it was hidden in the budget document that was passed at the end of the General Assembly.

Brad Ellsworth: I agree with Mr. Coker and, you know, Mr. Meeks is a former sheriff and now a senator and with all due respect, but he voted on this too, so when he says good luck on an injunction, you know, I'm not real impressed with that because he voted in favor of this if the record is right. We met with the judges who are all current judges in Vanderburgh County with the full intention of finding a way to implement this approximately a month ago. There is a lot of scholarly people in that room and when we came out of that room basically the feeling was we can't comply with this. For one thing it was done untimely. We didn't have enough time. That there was nothing in place for the money that might be required to implement this program and that there was no consideration in the amount of time it would take. We didn't have time to comply. It went into effect in July. They started notifying in August and said we would start receiving inmates in September. Now I know that Circuit Court has received no less than 15 notices of people coming back, so we did some figuring and what they project for Vanderburgh County was that it would be about 20 people per month, but if you're figuring the cycle of 30 days that really means an additional 40 people in our system at any one time. As you saw with our

thermometer 40 people...the SAFE House if full. It's at capacity right now unless we increase the capacity there. The jail is definitely full. Like I said in that meeting, we really intended on trying to comply with this and with that group that I have a lot of respect for could not come up with a good way therefore we feel this injunction at this point is the best way to proceed. Next year we may have this cleaned up and ready to go and be able to comply, you know, but for them to imply that don't we want to see this happen, you know, DOC stands for Department of Correction and that's kind of their job. We, as sheriffs, feel that their job is to correct in the years they have them not in that 30 days they give them back to us or 60 days or whatever it is. We'll try, but then rename DOC. If they don't want any of that responsibility to correct in Indiana then they can change their initials and that would be our take on it and we support the Board and will do anything we can do to comply as well as the Advisory Board to see this go forward. If there is any question, you know, from our point.

Joe Harrison, Jr.: Can I just talk to you after the meeting?

Brad Ellsworth: Sure.

Joe Harrison, Jr.: For a second. Also, in the lawsuit that we file the sheriff will be named as a party plaintiff as well since the offenders are to come to him.

Commissioner Mourdock: The situation that I am asking is it the sheriff or is it Brad here? Is it the sheriff or is it the head of the Community Corrections Board or both?

Joe Harrison, Jr.: No, it will be Brad Ellsworth, Sheriff of Vanderburgh County will also be a plaintiff in the case as well as the county.

John Stoll - County Engineer

President Jerrel: If there are no further questions I'll go to the County Engineer. Thank you for your information.

Sue Hannah: I have Bud Meeks' home phone number if you want it.

President Jerrel: Thank you.

John Stoll: First I've got a change order on the First Avenue Bridge No. 611 embankment repair project. This was with Naas Brothers Trucking. This is for an increase of \$1,592.16. The primary reason for the increase was due to additional areas that we felt needed riprap in order to properly repair the embankments.

Commissioner Mourdock: Where was this on First Avenue?

John Stoll: This is on First Avenue north of Allens Lane. It's a structure that shouldn't exist. It's four side-by-side four foot by six foot box culverts and it would be the poster child for why you don't put multi parallel pipes in a channel, it's a wooded channel, because it builds its own dam every couple of years. It's a terrible structure. It needs to be a bridge.

Commissioner Mourdock: On First Avenue?

John Stoll: Yes, it's north of Allens Lane. It's--

Commissioner Tuley: (Inaudible, mike not on.)

John Stoll: It's right next to Fazoli's.

Commissioner Mourdock: Oh.

John Stoll: The embankments were eroded. There were quite a few trees and shrubs growing up on it and we stripped all that off and replaced it with riprap, removed all the debris that had accumulated on the upstream end of it and we'll end up doing it again shortly.

Commissioner Mourdock: I'll move approval of the change order as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a speed limit ordinance revision. This needs to be advertised. This revises the speed limits in Audubon Estates on Dove Court, Dove Lane, Kolb Drive, Marion Court, Plaza Drive, Greencove Avenue and Ridgeway Avenue all to 25 miles an hour. This is in response to the room full of people we had in here a few weeks ago on the Ridgeway connection. They had requested lower speed limits in their subdivision, so this is changing that from 30 to 25. We've also lowered the speed limit on Darmstadt Road from the city limits to Mohr Road from 40 to 30. This was in response to some data supplied by Deputy Poston of the Sheriff's Department. He showed us that there was in one location just south of Mohr Road there was 17 accidents on a curve up there and we didn't want to have the speed limit go from 30 in the city back to 40 and then dropped back to 30 up around that curve, so we wanted to keep it consistently 30 all the way up to Mohr Road. This ordinance will also provide a 30 mile an hour speed limit on Hogue Road north of...I mean, on Eickhoff Road north of Hogue Road. This currently is not part of the ordinance and it's not really within a platted subdivision so it would default to 45 miles an hour, but this is on the western boundary of Chapel Hill Subdivision and it also leads into Ashley Place Subdivision, so it really needed to be 30. This also changes the speed limit on St. George Road from 45 to 35. Here again Deputy Poston identified that St. George was posted in one direction but not the other. It was posted at 35, but the current ordinance called for 45 miles an hour, so we'll get the speed limit corrected and then posted properly in both directions once this has been adopted.

President Jerrel: Is there a motion to approve the advertising?

Commissioner Mourdock: I'll move approval of the advertising for the change of speed limits as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Is there a period of special dispensation for that stretch of Darmstadt Road?

John Stoll: The next three items I've got all involve Winstead Place Subdivision. Winstead Place is on the north side of Hogue Road about half way between Red

Bank and Rosenberger. The first item is an encroachment agreement for a brick wall the property owner has constructed that is located within the right-of-way. The property owner's name is Melvin Gillenwater and he owns Lot 1 and 2 in the subdivision. This encroachment agreement basically allows the brick wall to remain in place, but it holds the county harmless for any liability associated with the wall. I've had Joe review it and he was okay with the language and it has been signed by Gillenwater, so prior to acceptance of the roads we needed to have this encroachment agreement signed.

Commissioner Tuley: It's a beautiful wall. (Inaudible, mike not on.)

John Stoll: It's \$150,000 wall.

Commissioner Mourdock: It's a beautiful wall.

President Jerrel: It should be.

Commissioner Mourdock: I didn't know they made walls of gold brick. I'll move approval of the request.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item is a request for acceptance of streets in Winstead Place Subdivision. This would be for Section 1 and Section 2 of that sub. It involves 1,025 feet Winstead Way and 417 feet of Lamb Lane. They've been inspected and it is recommended those streets be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The third item is the acceptance of the storm sewers located outside of the platted right-of-ways for that subdivision. This involves 797 feet of 12 inch concrete pipe, 60 feet of 18 inch concrete pipe and 52 feet of 21 inch concrete pipe. The developer has paid the \$2 a foot fee for the acceptance of these pipes.

Commissioner Mourdock: Move the acceptance of the sewers.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a request for acceptance of the streets in Section 1 of Broadlawn Estates Subdivision. This is located on Heinlein Road east of Edinborough Subdivision. This involves 375 feet of Harlaxton East and 1081 feet of Manchester Court. It's recommended that these streets be accepted as well.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a Notice to Bidders for contract number VC99-09-01, the replacement and removal of Bender Road Bridge No. 220.

Commissioner Mourdock: We did budget the project obviously?

President Jerrel: Uh-huh.

John Stoll: Yes, there is money in the budget for this.

President Jerrel: Yeah.

Commissioner Mourdock: I'll move approval of the advertising.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

John Stoll: That's all I've got.

Commissioner Mourdock: How's Fulton going?

John Stoll: So far so good. They've gotten the piling driven on the north coffer dam without any problems with any conflicts with the utilities. I'm working with Dave Savage to get the signal pole relocated that was not properly identified on the plans and he's got a plan together on that. We're going to work with the City/County Traffic Department agreement to have that work done and Dave said he is going to put together a memo outlining the costs for the relocation of that pole and hopefully I can bring that to the next meeting. Everything else so far is going okay. We're still waiting on prices from the contractor for the street lighting the city would like installed out there. We're also waiting on revised prices for the change in the water line.

President Jerrel: But they are working. I mean, there is stuff going on.

John Stoll: Yes.

President Jerrel: Busy. Thank you.

John Stoll: Thanks.

Erik Bentle - Superintendent of County Garage
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President Jerrel: County Garage.

Erik Bentle: Each of you got my packet with the weekly schedule in it and our percentages.

President Jerrel: Yeah.

Erik Bentle: We're up to 95 percent of our ditching done and 71 percent of our paving which that was done Thursday and we finished Old Mount Vernon Friday, so that won't go in until this week. So we're moving right along. We should be finished

on schedule.

Commissioner Mourdock: I noticed Millersburg was striped with a centerline. Is there going to be side striping?

Erik Bentle: Yes, as soon as they switch over from the yellow to the white paint they're going to come back and do the edges.

Commissioner Mourdock: Ah, okay. Go ahead, mine deserves to be last.

Commissioner Tuley: Mine is to ask you to send someone down Peerless again like you guys did Red Bank for me last week. There is a spot in the middle of the road. The one on Peerless would be about, oh, a couple blocks south of the railroad tracks as you're coming off of Upper Mount Vernon (inaudible, mike not on). Drive out and take a look (inaudible). Apparently close to that intersection where close to the intersection where Fischer (inaudible) there is a horseshoe curve there--

Erik Bentle: Uh-huh.

Commissioner Tuley: --check that out (inaudible). He says he basically has to drive down the middle of the road with his bus to keep the trees--

Erik Bentle: I think we got that today.

Commissioner Tuley: Oh, did you?

Erik Bentle: Yeah. Wasn't they over on Fischer today, Mark? I thought they were.

Commissioner Tuley: You guys are good. I appreciate the fact that if I call you you take care of it right away.

Erik Bentle: No problem. That's what we're there for to serve.

Commissioner Mourdock: I have an incredibly minor one. Incredibly. Probably the most minor that has ever come up. You always put these to us in these nice postage type envelopes. How about using the recycle envelopes we've got back here by the ton.

Erik Bentle: Sure.

Commissioner Mourdock: Saves a few pennies of taxpayer's money there instead of using a new envelope.

Commissioner Tuley: You can have mine back right there and use it again next week.

Commissioner Mourdock: There you go. That will work for me, too. I've notice there is a trend where I keep getting those.

President Jerrel: I want to thank, Erik, too. We did do evaluations last Thursday for three and a half or four hours and it was a good session and I appreciate it. Mark, I appreciate your help, too.

Brad Ellsworth: We'll second that from the Sheriff's Department, too. Anytime we

call (inaudible) they are Johnny-on-the-spot getting it done.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: Nothing.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: Nothing tonight.

Steve Craig - Burdette Park

President Jerrel: Burdette Park.

Steve Craig: I have nothing either.

President Jerrel: Well, now you did have to come for the haunted house.

Steve Craig: Right, we already went through what I needed to go through.

President Jerrel: You guys getting a little break in the action?

Steve Craig: Yeah.

President Jerrel: A little bit.

Steve Craig: We don't want it. We usually like to wait until after Labor Day.

President Jerrel: I know. Yesterday would have been, you know, hot, hot.

Steve Craig: Yeah, I'm going to do a little thing. I've been keeping track of the days that are 85 and 95 and taking an average of what we do during the summer to see how much it does determine the amount of money we take in on the aquatic center because I noticed a few years back when the attendance was higher, but since the school cuts back three to four days every year.

President Jerrel: You might want to figure how many weekday hot days between the 13th and Labor Day.

Steve Craig: Yeah, that's what I am doing. You know, I'm going to exclude all the rain days. We haven't had one, but if we did have one--

President Jerrel: You don't have to worry about that.

Commissioner Mourdock: That won't take long.

Steve Craig: But if we did I would have excluded it, but we are going to just do an off-the-wall study to see what it has...how it has affected us.

President Jerrel: Well, thank you very much.

Weekly reports

President Jerrel: Soil & Water and Ozone Officer reports are in. Is there a motion to accept the reports as received?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Any questions about any of the consent items?

Commissioner Mourdock: Just to clarify we did get a couple of last minute ones here that were on the desk.

President Jerrel: Yes, okay, so these should be included.

Commissioner Mourdock: Right. So with that addition, I will move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Is there any old business?

Commissioner Mourdock: One brief bit of old business. Last week at Drainage Board we spoke of the situation out at Hamilton's Golf Course and, Tony, is it Friday that I'm going to be meeting with Bill Jeffers and Mike Wathen out there? We're going to walk the course and see if we can come up with some sort of plan.

Tony Greubel: Do you want Mr. Hamilton to accompany you or just the three of you going?

Commissioner Mourdock: Someone from the course should. It doesn't necessarily need to be him. I hope he doesn't think we're going out there to finger-point and say fix this, fix this, fix this. I don't know that we can do that, but at least I want to understand what the whole situation is.

Tony Greubel: Okay.

President Jerrel: We also--

Commissioner Tuley: Are you walking or riding?

Commissioner Mourdock: Well, we were going to walk, but, yeah, invite him along. Maybe we'll ride.

President Jerrel: Did you have any old business, Pat?

Commissioner Tuley: No.

New business

President Jerrel: Under new business we did get a letter from Mark Mattingly. He has resigned as a Victim Member of the Community Advisory Board. We'll be making some recommendations.

Commissioner Tuley: You've got a list of seven or eight people.

President Jerrel: Right, of people who have called in, so we'll make a recommendation before the next meeting.

Commissioner Mourdock: I'll formally move that we accept that letter of resignation then.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. Transition, do you have any other comments on that, Joe? Okay, if not is there a motion to adjourn?

Commissioner Mourdock: Just to clarify we are not meeting next Monday or Tuesday.

President Jerrel: No. Right, we are not meeting.

Brad Ellsworth: Speaking of transition and the transition we just went through at the SAFE House, we will be providing our first 30 day assessment hopefully at your next meeting. We are writing that right now and it's going to take a couple of pages, so we'll have that at the next meeting if that is okay.

President Jerrel: Okay, that will be on the--

Brad Ellsworth: We're about 26 days into now.

President Jerrel: --6th of September.

Brad Ellsworth: We knew that the next meeting is canceled, or that next Monday night is canceled.

Suzanne Crouch: The 13th.

President Jerrel: Yeah, the 13th.

Brad Ellsworth: Yes. We've got a meeting coming up on who is there and how long they stay. That's scheduled for next Wednesday, or this Wednesday, I guess it is, September 1st at 4:30. Things are moving.

Commissioner Mourdock: The meeting this Wednesday is about who is there and who should be there by sentencing type?

Brad Ellsworth: Who is there, right.

Commissioner Mourdock: Yeah, okay.

Brad Ellsworth: So it's moving. Like I said in the meeting there is ten tons to learn, but we've got some pretty good ideas so far.

President Jerrel: Thank you very much.

Brad Ellsworth: Thank you.

Commissioner Mourdock: Motion to adjourn.

President Jerrel: Second?

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:52 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Suzanne M. Crouch
Joe Harrison, Jr.
Charlene Timmons
Tony Greubel
Ron Keeping
Faye Gibson
Scott Bowers
Brenda Henry
Marco DeLucio
Sue Hannah
David Coker
Brad Ellsworth
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
September 13, 1999**

The Vanderburgh County Board of Commissioners met in session this 13th day of September at 5:33 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the meeting to order. Commissioner Tuley will be here, but he will be late, so if you don't object we'll go ahead and begin. At this time I would like to introduce those people before you. On my far right is Tony Greubel, the Superintendent of County Buildings; next to him is County Attorney Joe Harrison, Jr.; on my left is Charlene Timmons, the Recording Secretary; next to her is Suzanne Crouch, the County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I'd like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes as submitted for August 30, 1999.

President Jerrel: And I'll second and say so ordered.

The Centre - Progress update

President Jerrel: The next item we have with us representatives of the project and the Building Authority for the Vanderburgh Centre. I would like to have him come forward and give their report.

Steve Utley: Afternoon. I'm Steve Utley with the Building Authority. Here with us this afternoon are Mike Buente with Veazey Parrott & Shoulders; Dan Hoefling and Matt Braun with Industrial Contractors; and I think I saw Sandie creep in. We're looking at just giving an update--

Commissioner Mourdock: That wasn't a very good verb. She didn't creep in. It makes it sound like she stalked in like she had something to be ashamed of.

Steve Utley: Well, she is definitely going to be some help this afternoon. Anyway, I just have a brief report on the financial end of The Centre. Basically a few days after our last visit to the County Commission the county and the Building Authority received a projection of expenditures. I believe that went to Suzanne's office. It basically said that the funds are in place and everything is in line as far as funding the project. The expenditures so far we have been billed through the project about 88 percent. I feel by looking at the project that we're somewhere between 85 and 90 percent complete. I had a conversation with Industrial and they think they're a little bit farther than that, but I'll let them cover that territory. Everything is looking good. All of the purchase orders are in place. Some of the product for the furnishings and signage have arrived. The rest of it is on schedule or is in the schedule. We're really looking forward to a lot of work being done in the next few weeks and the opening on the 4th for the, I guess, American POW's. Any

questions?

Commissioner Mourdock: I'll just wait.

Dan Hoefling: Good afternoon. I'm Dan Hoefling. This is Matt Braun. Thanks for having us again this evening. I've got a handout for you. After nearly 22 months we are nearing completion of this project. It's going to be a successful end to the project. In this handout we've listed all the project milestones for the project from when it was originally back in October of '97 to the rebid in December '97, the award in December and we started construction in January of '98. We are projecting that the meeting rooms and ballrooms be completed October 1st. The exhibit hall will be completed October 1st. The auditorium to be completed November 1st. The majority of the work in the auditorium during the month of October will be electrical fixtures, systems and check out and balance. We are very proud of our safety record on the project which is the next page. We're well below the national average. Our OSHA recordable is .64 compared to 13. We've had zero lost work days compared to six lost work days on that number of man-hours, 312,000 man-hours. The next page is a pie chart showing the amount of work. ICI self directed the labor and material which was about two-thirds of the project. Our subcontractors, all of which did a very fine job, was about 35 percent of the project. We did want to recognize on the following page all of our supervisors and foremen. They've done an exceptional job, a very professional manner in which they approached the project. It's a very complicated job with all the special systems. We wanted to make sure all those folks were recognized.

President Jerrel: Thanks, I appreciate that.

Dan Hoefling: Yeah.

President Jerrel: That's something I have never seen on a project.

Dan Hoefling: They're the ones that get the job done.

President Jerrel: Yeah.

Dan Hoefling: We come here and talk about it, they do the work. The last group of handouts is a chronological summary of some photographs through the project for your records. Probably as you page through it a couple of the more interesting ones are the final two, some interior shots of the auditorium. As you page through that I would like for Matt to explain some specifics that are going on over there.

Matt Braun: To start with the meeting rooms and ballrooms where there is a little bit of carpet left to be laid we are going to start a punch list soon. That did not start today, in fact, it could have. We're expecting kitchen equipment October 1st and to be able to start on that. The atrium and auditorium, we've started on the stage floor. The chandeliers have arrived. We'll be ready to start hanging them. We've started on brackets for seating. I'd say a good estimate would be 95 percent of the ceiling tile is complete. The atrium is receiving lights and finishes. Area C, or the exhibit hall, the prefunction area is receiving all finishes, drywall finishes, tile will be in tomorrow or Wednesday and we're using the exhibit hall itself as a lay down space for materials that still need to be constructed.

President Jerrel: These are fabulous pictures. They really are.

Commissioner Mourdock: I like that one.

President Jerrel: I do, too. The one showing the seating in the auditorium.

Dan Hoefling: Everybody will really be surprised what's inside there once they do take a tour.

Commissioner Mourdock: No doubt.

Dan Hoefling: Any questions?

President Jerrel: No, there is a lot to do yet though isn't there, the little things?

Dan Hoefling: Yes, finishing the job, the last five percent, is the toughest part.

President Jerrel: Yeah.

Dan Hoefling: But we do have a detailed schedule how we're approaching it and we have a handle on all of it and we'll be ready for your first convention.

President Jerrel: The outside is lovely. It's, you know, now that the two-tone is up it just makes all the difference in the world. It really looks nice.

Dan Hoefling: We're starting to clean up and move out. Once you move a lot of the stuff out it makes for a better appearance.

President Jerrel: You know, I noticed today I went past and before there had never been any big semis in the area for them in back and there were two there and it just gives it a whole different perspective.

Commissioner Mourdock: The event on October 4th, which is the POW event--

Dan Hoefling: Yes, sir.

Commissioner Mourdock: --that will be limited to the original Area A and Area C, is that right or is that just in Area A?

Dan Hoefling: That's correct. They will not be in the auditorium.

Commissioner Mourdock: Just in Area A?

Michael Buente: (Inaudible comments made from audience.)

Commissioner Mourdock: Oh, A and C, okay. Are you confident on those dates as far as October 4th?

Dan Hoefling: Yeah, we'll have all building systems, all lights, all the code related systems ready, fire alarms, all the areas where they will walk through will be clean and complete.

Commissioner Mourdock: Okay, and for a sound system, at one point there was some question, I think, with that one.

Dan Hoefling: In the auditorium.

Commissioner Mourdock: Right.

Dan Hoefling: They will not be using the auditorium. We'll still have the month of October to finalize that, but it is close.

Commissioner Mourdock: Okay.

Dan Hoefling: We'll be retreating back into the service corridor along Walnut. We'll be staging from back there.

Commissioner Mourdock: Okay.

President Jerrel: It's going to be a big day.

Dan Hoefling: Thanks a lot.

Michael Buente: I guess it's my turn to say a few words. I'm sorry, Sandie. I'm Mike Buente with Veazey Parrott & Shoulders. I did want to say that Dan is correct, the last five percent is the most difficult. Things are real tense right now. A lot of...not only are Industrial and their subcontractors are over there we've got four or five other prime suppliers which you have contracts with that are also showing up and doing work, so it's a very crowded job site. We're also assisting Industrial since we're phasing out parts of the work or accepting parts of it not all at one time we're having to get our consultants together and the various engineers and doing what we call a final punch or an initial punch inspection. Some of that work has already started. The final systems will be done in the final weeks or even into October, so even though some of it will be usable it won't all be finally accepted until we get the final closeout. Of course, there we'll be tracking all the maintenance manuals and final closeout submittal documents. We still have a lot of work to do. It may not be seen, but we're doing work all the time in our office.

Commissioner Mourdock: What's the biggest concern outstanding, Mike, as far as where we may have problems jump up in front of us?

(Commissioner Pat Tuley joined the meeting at 5:45 p.m.)

Michael Buente: The concerns we had were with these other contracts, furnishings and so forth. As they indicated the chair standards or the seating standards which are a different contractor, they're being installed. All this work is being coordinated with Industrial. All these other contractors indicated they are on schedule. We won't be totally comfortable until you see it in place. The furnishings are either here in town or coming. We've held some of it off because...in fact, some of them are jumping the gun a little bit in getting some furniture in places where it's sort of in the way. We told them to hold off. The timing is going to be real critical in the next few weeks.

Commissioner Mourdock: The seating you mention is specific to the auditorium?

Michael Buente: Fixed seating, correct.

Commissioner Mourdock: And this photo is dated September 9th and I can't tell, but it appears there is no seating in there yet.

Michael Buente: No, but they've been doing layout work and drilling. I don't know.

Are there standards there yet?

Dan Hoefling: (Inaudible comments made from the audience.)

Michael Buente: Even though you can't see it though they have been putting, I call it standards, or brackets. They come in and bolt those down first and then bring the seats and the backs and put them in. They will all be protected and they'll keep all of the plastic wrap on them until final cleaning because they'll still be doing sanding on the front, on the stage. We are delaying the shell delivery and we're coordinating that with Sandie. We don't want it there too soon either because there is a chance of it being in the way and getting damaged. She knows when she needs it so we'll coordinate some dates with them on that. There is a lot of rigging. The chandeliers that they mentioned, they're the ones in the auditorium that go up and down. A lot of fine tuning of these things that has to happen. Our theater consultant is going to be here when that work commences to make sure he gives his advice on how to adjust some of the rigging.

Commissioner Mourdock: I realize the auditorium is by far the more complex in dealing with the ancillary things, the lights, the rigging, etc. With the event coming in on October 4th, do you have any concerns for those meeting rooms or any of the fixtures as far as having those ready to go for the first few things?

Michael Buente: No, I don't have a concern with that. I guess the concern that I have is I wish that we had more time for the management to come in the building and at least explain how things are intended to be used because that really hasn't happened. We've started some dialogue, but there really needs to be a lot more dialogue.

Commissioner Mourdock: I'm not sure--

Michael Buente: I think it might not all be totally in place as far as operations, that's my concern.

Commissioner Mourdock: You're talking about--

Michael Buente: Sandie.

Commissioner Mourdock: --having Ogden understand fully how all the systems within the building work, is that right?

Michael Buente: Yeah, we should have more time, but we don't have more time so they're going to have to do the best they can and we'll have to work through it. I hope I'm not saying anything out of place here, but that's what...you asked what my concern is and that's the biggest concern.

Commissioner Mourdock: Alright.

Michael Buente: It's a big concern on any building when you turn it over to the owner particularly when they rush in. When it's a school building, and they do this all the time with school projects, it seems like they just come in one day and work in the next. Sometimes there is a learning curve there that has to happen for the occupants to learn how to use the building. Now in this case the occupants are here for a few events and then they're gone, so then we've got time to recoup...the management people have time to recoup and check things out and fine tune before

the next group comes in. It's not like an office building where once they're there they're there.

Commissioner Mourdock: Dan and Matt, do you guys have any concerns as far as the part for October 4th hardware wise?

Dan Hoefling: (Inaudible comments made from audience.)

Commissioner Mourdock: Very good.

President Jerrel: Does that make you about as nervous, the description of what you are facing?

Sandie Aaron: Actually, we're pretty prepared. We've got probably 65 to 70 percent of our staff hired. I would like to introduce to you our new general manager. This is Rob Seitz. Today is his first day. Breaking him in right!

President Jerrel: We won't have too many questions for you.

Commissioner Mourdock: Yeah, we've got a lot of questions for you.

Sandie Aaron: We're going to handcuff him and not let him leave tonight.

President Jerrel: Well, now I had already gotten some word on him. He's got two master degrees.

Sandie Aaron: That's right.

President Jerrel: Sports medicine and public relations.

Sandie Aaron: In marketing.

President Jerrel: In marketing, so he is--

Sandie Aaron: A very strong operations background, finance and marketing. We're just thrilled to have him. He comes from the Ferrell Center at Baylor University in Waco, Texas. We're really proud to have him here. I hope we didn't scare him to death!

Commissioner Mourdock: Is Rob's assignment specifically The Centre or is it with all of the Ogden Evansville operation?

Sandie Aaron: He will be the general manager for The Centre. He will be responsible for the day-to-day operations of The Centre. My office will also be at The Centre. On the city side Scott Bennett, who has been my assistant, has been named general manager for the city accounts responsible for the same. So as I said, we have 65 to 70 percent of our staff hired. It begins with Rob. We've got a technical director onboard, we have an engineer onboard. We have quite a bit of staff starting on the 20th and the remainder of it should start the week after that, it would be the 27th, I guess. I would say on the 20th there will be a barrage of people at The Centre to begin inventory and going through a lot of the programs. We're working on an emergency plan right now, a performance and emergency plan for The Centre. We'll have that ready in another week. I met with the bank, with the ATM. We are working on several big packages for that that I think you'll be

pleasantly surprised at. We are beginning...I would say by the third week in October we'll begin with publicity through the Courier. In the middle of November we will have a spotlight in one of the national trades on Evansville. Beginning in October will be the beginning of tours, receptions leading up to the grand opening whether it be January or whether we can bump it a little bit earlier. We would love to do that if we can. It will be very big.

Commissioner Mourdock: How many events do you have between October 4th and the first of the year?

Sandie Aaron: Probably about 50.

Commissioner Mourdock: Fifty?

Sandie Aaron: Yeah, a lot. Quite a lot.

Commissioner Mourdock: Are most of those in the conference room end?

Sandie Aaron: We have exhibit halls booked almost the entire time and most of the meeting rooms are booked. We have a couple of scenarios where all the rooms are booked in a given day.

Commissioner Mourdock: And the first date of use for the auditorium is...I mean, it's booked for when?

Sandie Aaron: We're not planning to book anything until January 1 unless these guys give us the go-ahead. If they tell us it's going to be done sooner and they're comfortable with it then we can back up, but we're not planning anything before January 1st other than tours and reception type things.

Commissioner Mourdock: As of right now what is the first date where the auditorium is booked?

Sandie Aaron: As of right now I have two holds on the 3rd and 4th and I have a confirmed date on the 11th of January. Then it goes...it's Arthur, it's a family show. It's two days of that and then it goes right into our Broadway season, which that was announced last weekend. That goes right after that and then it's one thing after another.

President Jerrel: Well, and that will give you the time to get the technical side of the auditorium.

Sandie Aaron: President Jerrel: Right.

President Jerrel: So that--

Sandie Aaron: We'll have all of our inventory down. Our director of engineering has been working closely with Johnson Controls and with Steve on the HVAC equipment.

President Jerrel: Will anybody be bringing in the year 2000?

Sandie Aaron: Will anybody what?

President Jerrel: Be bringing in the year 2000?

Sandie Aaron: We've got the exhibit hall held and the ballroom, but not the auditorium just yet.

Commissioner Mourdock: Is that for lack of requests?

Sandie Aaron: No, there has been plenty of requests we're just very concerned that everything will be ready to go. We're very--

Commissioner Mourdock: We don't get many chances to celebrate the beginning of the millennium.

Sandie Aaron: That's true. If you think those pictures are fantastic you need to go and look at it again. It just gets better and better. It's really going to be spectacular.

President Jerrel: Well, Rob, we would like to welcome you. You'll be back.

Rob Seitz: Absolutely.

Sandie Aaron: Thank you.

President Jerrel: Thank you, Sandie. Anybody else? Okay, we're going to move on with the agenda then.

Jerry Bryan - City/County Purchasing

President Jerrel: The next item on the agenda is Purchasing, the approval for bids.

Jerry Bryan: Good evening. I'm Jerry Bryan, the City Purchasing Director. I have before you the request to advertise bids which are yearly which are joint city/county. Joe, I went to the Board of Public Works on the 2nd and I missed you last week, Monday, because of the holiday so I am just coming now so that we can legally take care of all the advertising in the paper, but that's it, okay?

Joe Harrison, Jr.: So you need permission?

Jerry Bryan: Yeah, I need permission to go ahead and advertise.

Commissioner Mourdock: I'll move approval to advertise the bids for the various annual pricing agreements. Do you need a date on here, Jerry? I don't think you do.

Jerry Bryan: No. They're going to float a little bit, Mr. Mourdock.

Commissioner Mourdock: Okay.

Commissioner Tuley: I'll second your motion.

President Jerrel: Okay, and I'll say so ordered.

Jerry Bryan: Thank you.

Commissioner Mourdock: There is a second item here rescinding an award.

Jerry Bryan: Yeah, Tony, do you want to help me out a second here?

Tony Greubel: Basically, our long distance conversion didn't go over. Our automatic route system...One Call couldn't interact with our automatic route system, with our Centrex phone system here, and that there would have been a \$1,500 cost by VanAusdall to redo the wiring...redo the phone lines for that and since the bid didn't call for a contract One Call didn't want to cover that cost and the county shouldn't have covered it either, so our recommendation was just to rescind it and go back to where we were, LDDS MCI Worldcom.

Commissioner Mourdock: Have we had the discussion with LDDS to make sure that will all come into place?

Tony Greubel: Actually, we had no choice but to go ahead and redo that because when One Call did that our long distance went out. Really, it has been out for a week now. It just now came back online today. I think it's online.

Commissioner Mourdock: I'll move then that we rescind the prior award for VC99-21 for long distance carrier service.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

Jayne Berry-Bland - County investment policy

President Jerrel: The next item on the agenda is our Treasurer here.

Jayne Berry-Bland: Hello, Jayne Bland, County Treasurer. I hope Mr. Harrison got my fax today. It was rather late and I apologize for that.

Joe Harrison, Jr.: I got it, no problem.

Jayne Berry-Bland: Did you approve that?

Joe Harrison, Jr.: It looks fine with me, but it's up to you.

Jayne Berry-Bland: I brought an original. Actually what this is the original investment policy was redone in January of '96. I now have an ordinance that was passed by the County Council to allow money market funds. I know that may scare you, but they all still have to be backed by the US government, so I'm not taking the money and playing the market in any sense of the word, so your money is still going to be safe. I've just had to amend the investment policy to include these money market funds, so I do have one original that would have to be signed.

President Jerrel: And we'll get it back to you tomorrow. Is there a motion to add this to the ordinance?

Commissioner Mourdock: I would so move that we add the recommended investment policy from the County Treasurer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jayne Berry-Bland: Thank you.

President Jerrel: Thank you.

Welfare to Work - Approval for demonstration project application

President Jerrel: The next item on the agenda is the Local Planning Council.

Tim Suenram: Good evening, I'm Tim Suenram the Chairman of the Local Planning Council. I have some (inaudible).

President Jerrel: Thank you.

Tim Suenram: Let me also call to your attention that we were here last month and at that time requested to have this demonstration project approved and signed. You asked us to get a letter. I believe you have a copy of that letter from Nancy Hankins-Long of the IV-D Prosecutor's Office stating that their understanding is that the funding of this position which is the third part of the demonstration project is a grant and that expenses for that grant would be only for a specified time of the grant through the first three years of the grant program. You do have a copy, I believe, in your packet of that letter. Also, I need to call to your attention that we need to have you sign this document and then we can forward it to Indianapolis as our application for the demonstration project. We will need signatures on page 14, 21 and 22. Oh, and one final reminder, since there was no action taken at our last appearance before you we've asked the...excuse me, the Local Planning Council has recommended and respectfully asks you to approve that the matching funds for this demonstration project come from the funds that have already come out of the riverboat proceeds for the IBAP program. Some of those, I believe, were to come from child care that did not expect to be spent as well as reallocating some from the job training segment.

President Jerrel: I have just one question and I'm sure that in here it tells me that, but our issue when we raised it was that not only the salary but the benefits and everything that relates to that employee--

Tim Suenram: Yes.

President Jerrel: --would be from the grant.

Tim Suenram: That's correct. If you'll look on page 20 at the bottom of the page, Attachment A, the figure \$34,870 that's an entry level employee for that particular position and that includes one employee plus family benefits. We don't know who we would have, so that's the maximum that it would be. It may be less, but that includes benefits for a county employee at that level.

President Jerrel: We appreciate this. We kind of pledge to Council that when people have employees hired under grants that they make sure that all the benefits come from the grant.

Tim Suenram: And just a reminder, hiring that one position will enable the county actually to hire two additional with a federal match so we're getting a good use of funds there.

Commissioner Mourdock: Hopefully a use to the Prosecutor's Office to bring so more funding in the door that otherwise isn't there either.

Tim Suenram: Right.

Phyllis Donahue: (Inaudible.)

President Jerrel: Do we have the original document, Tony? Okay, 14, 21 and--

Tim Suenram: Twenty-two.

President Jerrel: Twenty-two.

Joe Harrison, Jr.: It looks as if the County Clerk is going to have to sign on page 14 as well as the Prosecutor.

Tim Suenram: Right.

Joe Harrison, Jr.: And then on 20 I think the Commissioners sign on page 21 as well as would it be you signing for the committee?

Tim Suenram: I believe I sign for the committee, yes.

Joe Harrison, Jr.: Or for the Council, Local Planning Council?

Tim Suenram: Right.

Joe Harrison, Jr.: And then on page 22 would be the President of the County Commissioners. Chief Financial Officer, I guess that's the Auditor. It's a new title for her. I guess that's...but the County Clerk and also the Prosecutor would have to sign it.

President Jerrel: Good.

Commissioner Mourdock: I'll move approval for the demonstration project application as requested by the Local Welfare to Work Planning Council.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much.

Tim Suenram: Thank you.

Final reading - Vacation of easement at 5014 & 5030 Earl Avenue
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President Jerrel: Moving right along we have a request for a vacation of easement at Earl Avenue. Is there anyone here to speak to that? It was passed at our Drainage Board.

Joe Harrison, Jr.: The first reading was in August, correct?

Commissioner Mourdock: Right.

President Jerrel: Right.

Commissioner Mourdock: I'll move approval on final reading the vacation of the easement at 5014 and 5030 Earl Avenue.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Commissioner Mourdock: We need a roll call.

President Jerrel: You make a note that we did ask if there was anyone here.
Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

First reading and public hearing - Ordinance amending 2.40.040

President Jerrel: Okay, we do have a first reading for the Vanderburgh County Health Department. This is a fee change that has been brought about...there isn't anyone here today, but I did meet with them this morning. The only changes are changes mandated by Medicaid. The others stayed the same. This is a first reading.

Commissioner Mourdock: On first reading I'll move approval of the ordinance amending fee schedules as requested by the Board of Health.

Commissioner Tuley: Second.

President Jerrel: So ordered. The next item on the agenda is the--

Joe Harrison, Jr.: I'm sorry, it was a public hearing in case there is anybody else in the audience.

President Jerrel: I'm sorry, is there anyone that wishes to speak to the Health Department issue?

Appointment - Greenway Advisory Committee
--

President Jerrel: Seeing none, we'll move on to the Greenway Advisory. You have in your packet a recommendation from Shirley James to appoint Sam Lahanis. Is there a motion?

Commissioner Mourdock: Just a question. Do we know that Sam has accepted this?

Tony Greubel: Yeah.

Commissioner Mourdock: And just another question. I think is he appointed to fill a specific slot from a utility board or anything like that?

Tony Greubel: It's not any specific slot. There is one person currently on there who resigned. Off the top of my head I don't remember the name.

Commissioner Mourdock: I'll move approval or I'll move the appointment of Sam Lahanis to the Pigeon Creek Greenway Advisory Board.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Appointment - Interconnection/Access Point Committee

President Jerrel: The next item on the agenda, we were needing recommendations from both of you for appointments from the north side and the west side to complete our interconnection/access point committee so they can begin their meetings. Pat did submit a name.

Commissioner Tuley: Cory Herrin.

President Jerrel: That's right, Cory. That's Roger--

Commissioner Tuley: Roger's son. He is a science teacher.

Commissioner Mourdock: What was the name on the north side?

Tony Greubel: You mean who called the office after we did this? I wasn't sure. I did have a person that I e-mailed you.

Commissioner Mourdock: Yeah, but the lady who was here that evening.

Tony Greubel: We already appointed her.

Commissioner Mourdock: Okay, we need another from the north side?

President Jerrel: Yes, we need another.

Commissioner Mourdock: I'll get you another name because there was someone else who contacted me.

President Jerrel: Okay, if you could because we want to get on with that meeting.

Any group or individual wishing to address the Board

President Jerrel: Alright, is there any other group that would like to address the Commissioners at this time?

John Stoll - County Engineer

President Jerrel: If not, we'll move on to the County Engineer.

John Stoll: The first three things I've got are Notice to Bidders for three different projects. The first one is for contract number VC99-09-02 the Vanderburgh Industrial Park project. This is the industrial park out there in the old Phoenix Commerce Center site. We've got the revised plans. They were submitted in the office today. The one thing that will have to be done when this project is put out for bid is we will have to withhold the Notice to Proceed until we have all the permits because as it stands right now the permits for the sanitary sewer and for the work out on Highway 57 have not be obtained. They have been applied for, but they haven't been obtained as of yet, so once we do open the bids there may be a delay between the time we open and the time construction actually starts, but I did want to make that point on that project.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval of the issuance of the Notice to Bidders for VC99-09-02 for the Vanderburgh Industrial Park.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second Notice to Bidders is for contract number VC99-09-03, replacement of Broadway Avenue Bridge No. 272. This is the timber bridge that's going to be located on Broadway just west of Rollett Lane.

Commissioner Mourdock: I'll move approval of the Notice to Bidders VC99-09-03 for the Broadway Avenue Bridge.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final Notice to Bidders is for VC99-08-01. This is concrete repair of various roads. This includes roads throughout the county, concrete patching. It also includes the concrete work that Commissioner Mourdock had requested, the joint sealing and concrete work out in Oglesby Subdivision.

Commissioner Mourdock: I'll move approval of the Notice to Bidders for 99-08-01 for various roads for concrete patching.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next items that I've got all pertain to the right-of-way for Burkhardt Road Phase 3. The first item is an encroachment agreement for Wedeking Investments. This is for them to be able to place a sign out in the right-of-way once the project has been completed. The reason they are requesting this is because of us acquiring additional right-of-way it limits the amount of space they have available

for the sign, so we had this agreement prepared and it has been reviewed by Joe Harrison and approved by Joe. It's recommended this agreement be signed.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Also I've got claims and deeds for three parcels. One is for the Deep Hole Partnership for \$44,500 for permanent right-of-way. Another one is a claim and a deed for Deep Hole Partnership for temporary right-of-way for \$1,750 and the other one is a claim and a deed for permanent right-of-way for Wedeking Investments for \$1,200. These are all the parcels that we have secured at this stage of the game on Phase 3. This leaves two parcels that will go to condemnation, but this at least gets all of them that we have negotiated a deal for the acquisitions. I need authorization to sign the claims and acceptance of the right-of-way.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item on Burkhardt Phase 3 is right-of-way certification letter. This is a letter that the consultant prepared for my signature that basically says the right-of-way has been acquired and proceed with putting it on a bid letting. The one thing they will do, that INDOT will do, with this letter is they'll hold it until they do receive the court papers indicating we have filed condemnation on the other two parcels. Keeping that in mind, I would like authorization for me to sign this letter and send it back to the consultant.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: How long do you think it will be before the state is ready to roll on that, John?

John Stoll: It sounds like we can get on the bid letting in January or February.

Commissioner Mourdock: Not too bad.

President Jerrel: No, we'll be ready to go. Sounds like we better be ready to go because there is going to be a lot going on out there.

John Stoll: I talked to Joe last week. We had...it didn't sound like it would take too long to get the condemnation suits filed, so once we get that paperwork that would be the only thing that remains other than we'll have to get a consultant onboard to do the inspection, but other than that everything looks good for January or February.

President Jerrel: Good.

John Stoll: Next I've got a sidewalk waiver request for Nalley Commercial Subdivision. This is a letter that was circulated in the Commissioners' Office last month or the month before. In the letter the developer is requesting a waiver and is basically saying it's because the County Engineer, EUTS and APC didn't tell him he had to put in sidewalks. The one thing that he failed to mention in his letter is that he had already taken out a bond to cover the cost of the sidewalks, so it's a little conflicting story there, but regardless of that issue and given the fact that the development is done it's recommended that the sidewalk waiver be approved. He is correct in stating that nobody at Site Review requested the sidewalks, but in all his references to all the ordinance citations he omits the one that says that sidewalks are required unless waived, so he has got one side of the story in that letter.

Commissioner Mourdock: Where is this?

John Stoll: This is at the corner of Burkhardt and Virginia. This is the Bigfoot gas station. Since we didn't install sidewalks along Burkhardt if he built sidewalks they really lead to nothing, so a sidewalk waiver would be appropriate.

Commissioner Mourdock: I'll move approval of the sidewalk waiver as requested for Nalley Commercial Minor Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a memo from Dave Savage regarding the traffic signal at Fulton and Diamond. As you may recall, there is a signal pole that has to be moved to accommodate the new bridge project. Dave has gotten approval from INDOT to move the pole and it's being proposed that this be done through the City/County Traffic Department Agreement. They have some hourly rates established with Mounts Electric for this type of work. Dave's estimate is that the work for the signal...I mean, pole relocation only would be approximately \$2,000 so we're requesting that we be authorized to proceed with the relocation of that pole on the basis of the City/County Traffic Agreement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: There will be additional costs associated with that because there will also be some signal detectors plus some additional wiring that will have to be done at a later date, but that's part of the cost there on the signal pole. The next item I've got is also on the Fulton Bridge. It's for a change order in the amount of \$5,255.41. This is for an increase and the increase is due to additional backfill required around the walls on the curves to the approach to the bridge and it's also for additional construction signs that were originally not called for due to the fact that the original detour route was proposed to use Uhlhorn and First Avenue. The sight distance as you're heading east on Uhlhorn at First Avenue is terrible, so we didn't want to have the traffic coming out there so we routed on further south down to Columbia which in turn caused the need for more signs.

Commissioner Mourdock: I'll move approval of the change order for the Fulton

Bridge project as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: We'll have another change order coming up soon in regard to the water line. The water line as it was originally drawn was for some reason the Water Department approved it and then they decided they wanted something different so right now there is a change order they're reviewing that will have an increase in cost for the different type of water line and it is reimbursed by the Water Department so it will be a cost that we won't have to pay for. I'll bring that as soon as they approve the change order. The final item I've got is agreements between the county and Clark Dietz. This is for the design of the drainage improvements and geometric improvements at the intersection of Commercial Court and St. Joe Avenue. This is for an amount not to exceed \$17,000. I had Joe review this agreement and several changes have been now, but now that these changes have been made it is recommended that this agreement be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have.

President Jerrel: Thank you. We've just got two more.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: The next item on the agenda, Erik, County Garage.

Erik Bentle: You've got my weekly work schedule for this week and the prior week and the reports from last week and this week. The other thing I have in here is the report on our remediation pile. It runs from April through August of this year. I thought you would like to be updated on that a little bit.

Commissioner Mourdock: Is that in the packet?

Erik Bentle: Excuse me?

Commissioner Mourdock: In this packet?

Erik Bentle: Yes, it is in the packet.

Commissioner Mourdock: While I'm looking for that I noticed...was the wrong drainage and paving charts included here? These are the same ones.

Erik Bentle: No, they haven't been...they're still on St. Joe Road doing the surface. It's taking a little longer on St. Joe out there than what we anticipated.

Commissioner Mourdock: Okay, so we were paving--

Erik Bentle: We should be done by Wednesday out there, yeah.

Commissioner Mourdock: Even though these are showing the same numbers for paving and ditching we were paving?

Erik Bentle: Yes.

Commissioner Mourdock: Jack's remediation.

Erik Bentle: Any questions on that?

President Jerrel: Where did you find it? Okay. You're about to get caught up on the ditching, you're almost through.

Erik Bentle: Yeah, we've been doing some other ditching that we found that we thought was a little bit more important than what we had on the list. We'll be finished in time with the paving and ditching.

President Jerrel: That's good.

Erik Bentle: We're looking probably about the third or fourth week at the latest of this month.

President Jerrel: That's great.

Commissioner Mourdock: I see, Erik, you have a note in here about the DTN Weather System.

Erik Bentle: Yeah, I've been doing a little more investigating on that after I put that in the packet.

Commissioner Mourdock: Good.

Erik Bentle: It's just a little bit too expensive for the service, I believe.

Commissioner Mourdock: I think that's a good call.

Erik Bentle: You can kind of throw that one away.

Commissioner Mourdock: Okay. Glad to do that.

Erik Bentle: The other thing I have is the equipment for auction, the surplus equipment. All this equipment out there that we have that's on this list is not safe to have on the roads. Everything but one piece of equipment here we're going to have towed to the auction.

President Jerrel: If it's here it's lost in the shuffle.

Erik Bentle: I've gotten with Tony on this and he has got a copy of it. He said something about next month trying to get this stuff together. I just need approval to get this stuff hauled out there. We've got all the asset numbers.

Commissioner Mourdock: I'll move approval on the equipment list for disposal for auction 1999 as submitted.

Erik Bentle: Yeah, the only other equipment that we don't have on here that I wanted to bring up was the infamous pothole patcher. I didn't know if you wanted to send it to auction or try to sell it outright. However you want to do that.

President Jerrel: What did we pay thirty something thousand for that?

Erik Bentle: Yep, through it right in the wind.

President Jerrel: Well, I think we ought to try and sell it. We're not going to use it.

Commissioner Mourdock: Yeah, but I don't think you want to try that at an auction.

Erik Bentle: I don't believe so either.

Commissioner Mourdock: I think you would be better off--

Erik Bentle: That's why I left it off the list.

Commissioner Mourdock: Yeah, you would be better off--

Erik Bentle: Trying to sell it to another county.

President Jerrel: You know, you can call the Associations of Counties, too, and if you'll take a picture of it, I think on a disk, and write the description, how much it was used, and I think they'll publish it in the back of the AIC booklet and it goes to all the counties. So give your number and get a reasonable offer.

Erik Bentle: Okay, I'll do that. I figure it would be better to do that than send it to auction.

Commissioner Mourdock: Yeah, one other option might be to check out some of the equipment dealers in the asphalt business. I know you get all kinds of publications out there. Just go to the back and you might put in there...give them a few phone calls, tell them we've got a piece of equipment and let them quote you a price on it.

Erik Bentle: Okay.

Commissioner Mourdock: And see who comes back with the best number.

Erik Bentle: Alright.

Commissioner Mourdock: You definitely don't want to auction it though. You won't get anything for it.

Erik Bentle: Alrighty, that's all I have.

Commissioner Tuley: You guys don't have any of Mike Wathen's because I've got six of those.

Joe Harrison, Jr.: Is there a second?

Commissioner Mourdock: Yeah, there is a motion to go ahead and approve the sending of the equipment list as submitted for auction from the Highway Department.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: Thank you.

President Jerrel: Thank you.

Commissioner Mourdock: Just to make sure that's in the record, I'll give that one to Charlene.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: County Attorney.

Joe Harrison, Jr.: I've got a couple of items. First I have the agreement...the Commissioners approved Donan Engineering to conduct a structural assessment at the SAFE House and I have the actual agreement to be executed by the Commissioners with respect to those services. They will begin within the next several days after the execution of this agreement. So I'll give that if there is a motion for approval of that.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next item I have is a Quitclaim Deed from the county to Jack Caine, a local attorney. He owns a piece of property or owned a piece of property at 444 South Linwood and when he was selling the property that he had since the '60's when they conducted a title search they discovered that the county apparently owned the property, but in checking with the Auditor's Office their records show that he owned it during that whole period of time. Taxes have been current for the last 30 years or so. In order to take care of the title I have drafted a Quitclaim Deed that would go to him and then he'll end up conveying another Quitclaim Deed to the person that thinks they own it now just so the title is straightened out. Again, there are no past due taxes or anything owing. He has been paying property taxes for the last 30 years or so. Again, the property is located at 444 South Linwood here in Evansville. I've got a description, legal description, of the short legal of the property as well as the tax code number.

Commissioner Mourdock: Is there any need for us to advertise this first?

Joe Harrison, Jr.: No, this is just simply a Quitclaim Deed just saying we don't have any interest in the property.

Commissioner Mourdock: I'll move approval of the Quitclaim Deed for 444 Linwood Avenue as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I've got an original and a couple of copies, but really the original is the only one that needs to be signed. The Auditor's Office may want a copy. The last item I have is the update on the DOC lawsuit. We filed a lawsuit in Superior Court, Vanderburgh Superior Court, against the Indiana Department of Correction on August 31st. We obtained a temporary restraining order enjoining the state from sending any eligible offenders under the program to Vanderburgh County up through the 10th of September. On the 8th of September we had a hearing that the Sheriff participated in as well as the Indiana Department of Corrections by telephone. We were able to get the temporary restraining order extended for another ten days. That would be up through the 20th of September which is next Monday. At the same time the Indiana Attorney General's Office wanted the case venued to another county so they filed a motion to change the venue. They did that, as a matter of fact, I think September 3rd. I figured that would happen. The court granted that and the case will be going to Gibson County. It will either go to the Superior Court or Circuit Court in Gibson County and I don't know if we will have an opportunity to have a hearing before September 20th. It would be nice if we can, but we may not. We don't even have a judge yet because the case hasn't...I think it may have been sent up by the Clerk's Office today, hopefully, from Vanderburgh County. As soon as they have it in their system I know who the judge is and hopefully we can get a hearing prior to the 20th. If not the temporary restraining order will go by the wayside and then I will seek a preliminary injunction to have the state enjoined from sending any offenders down for a period of time up until we are able to have a trial or work something else out. Typically a temporary restraining order only goes ten days. That's as long as you can get one. However, we were able to get it extended another ten days given the fact that it has been venued to Gibson County. So I'll keep you posted on that and I am working with the Sheriff and there may be some other counties that might be doing something similar and we'll just have to see how that plays out in the next couple of weeks. Other than that I think that's all I have.

President Jerrel: Okay, any questions?

Tony Greubel - Superintendent of County Buildings
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President Jerrel: If not, Superintendent of County Buildings.

Tony Greubel: Permission to hold and advertise the county surplus auto auction at Wolfe's Auto Auction on October 7, 1999 at 8:00 a.m.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: I think we're going to have about 25 vehicles to sell. The other thing I left on your desk a letter from IEDC stating that they're going to have the Regional Economic Development Committee meeting on October 22nd from 10:00 to 2:00 at USI. Right now they're doing an analysis of the local economy region.

President Jerrel: Are these vehicles in the packet, too, from Burdette, or is this just for information purposes here on the desk or should it go in the packets?

Tony Greubel: They're already in the packet.

President Jerrel: Anything else?

Tony Greubel: That's it.

Weekly reports

President Jerrel: We do have reports for Burdette, Soil & Water and the Ozone Officer and they are not here, so I would ask for a motion to approve.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Is there a motion to approve the consent items for employment, travel, the Auditor's expenditure report, and the Treasurer and County Clerk investment and monthly reports?

Commissioner Mourdock: I'll move approval of the consent items as listed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Under old business the Sheriff is here and we have received his report. If you want to come up, please.

Brad Ellsworth: I'm not sure...I don't know where to start on this verbally. As you know I provided you with about a 13 page document on the first 30 day report. I hope you enjoy reading that this evening. A lot has been going on in 30 days. First let me commend a couple of our officers, and actually several members of our department who have been working very diligently on this transition of leadership at the SAFE House. Chief Deputy Tom Wallis and Eric Williams have been really going after it. I guess we all have and plus with the roundup of the AWOLs and all that several members of the department have really...from my personnel director down to the road officers who have been rounding up people have really been going after it. Probably one thing I'll just go over briefly. Most of this is described in detail in the report of what we've doing. A lot has been learning in the 38 days now, but who is counting? We've been interviewing employees trying to learn what they've been doing or what they haven't been doing and trying to improve that. Like I said, we've learned a ton and there is a lot more to learn. We've done a lot on the rumors and myths that we've talked about and heard about early trying to find out what is rumor, what is the truth and what is myth. We've implemented some immediate policies dealing with inmates and AWOLs because the inmates themselves are telling us that as we pulled them and were absent they're saying, hey, we'll be back out there in a week, this charge won't stick. I don't think that's going to be the case anymore. The physical planned inspections obviously we're going to sign a contract

with Donan and we're looking forward to that, but we've also had John Buckman, the State Fire Inspector, out on two different occasions and also Roger Lehman. We met with him out there and went through it and they are addressing several things or inadequacies out there that we had found. That's all detailed in your report. For the future, and I can't say we haven't been working on it yet, but as we go into this we'll be dealing with things such as personnel and staffing, the training, the equipment they have, an inventory of that, the policies and procedures that they go under and implementing new policies and procedures. The combining of similar functions, if we can do that save some time and money, we hope to do that. We've also established a subcommittee which Richard sits on on who is here, how long and out of county and they're going to address that. That's making some headway. We've still got some questions about AISP/DISP which we're trying to address right now with Circuit Court and looking for cooperation there obviously between us, the Commission, Circuit Court and we've been working on that with Mr. Harrison. Other than that like I said we've detailed it in the document there. If anybody has got any specific questions I'll answer those.

Commissioner Mourdock: (Inaudible comments, mike not on.) I know that this is on our desk and none of us have had a chance to look through it, but rather than add this to the record I was (inaudible).

Joe Harrison, Jr.: I think you could enter it into the record maybe next week if you want, but if you want to take a look at it and enter it into the record next week or go ahead and enter it in and take a look at it. Sooner or later it's going to be a part of the record. It's not a litigation related matter, so other than that I think you're going to have to.

Commissioner Mourdock: If there is any personnel issue in here that would otherwise be (inaudible).

Commissioner Tuley: I don't think there is anything in there.

Joe Harrison, Jr.: And I have no idea. I don't either, I haven't seen it.

Brad Ellsworth: I would say there is some general reference to that. Maybe nothing specific that says eliminate this or do that.

Joe Harrison, Jr.: It's not specifically relating to any individual.

Commissioner Tuley: No.

Brad Ellsworth: No.

Commissioner Tuley: I read through this. I don't think there is anything--

Commissioner Mourdock: (Inaudible.)

Joe Harrison, Jr.: I haven't seen it, but if that's the case I don't see a problem.

Commissioner Mourdock: (Inaudible.)

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: (Inaudible.)

Brad Ellsworth: I think it went pretty well. We obviously didn't agree on everything. I appreciate Commissioner Tuley being there, truly appreciated Prosecutor Levco being there. There seems to be the attorneys on one side and the law enforcement on the other. Like I said, the same issue that we had in the other meeting about actually setting a hard fast rule on how long they might stay and that was probably the downfall and who might be sentenced there. That's there and we're trying to work through it. Hopefully in the larger meeting we'll be able to do that.

Commissioner Mourdock: (Inaudible.)

Commissioner Tuley: The vote that went--

Brad Ellsworth: I don't remember, Pat, do you remember?

Commissioner Tuley: The one that we modified the state recommendation...the recommendation was to modify the state law as to who could go out there, is that not correct?

Brad Ellsworth: Right.

Commissioner Tuley: The bugaboo on that was basically, as Brad said, separated between the judge side and law enforcement side where the judge wants to retain the authority if he enters into the record and gives his rationale or reason for wanting to do that to circumvent that and sentence someone who maybe would not otherwise qualify--

President Jerrel: Are you talking about A and B felons?

Brad Ellsworth: Well, anybody that fell into the guidelines of the state that if the judge could go on the record and say why he is bringing that person there, not going against the law, the statute, but that the non suspendable...this really gets involved for us who didn't go to law school, but they could bring them there if they could show just cause or write into the record why they're doing it. I think our point of contention on the other side was that...you may have to help me here again. That they...it would have to be approved by the Advisory Board, that's what it was.

Commissioner Tuley: That's it.

Brad Ellsworth: That's the sticking point. The other side did not want to bring it in front of the Advisory Board. They wanted the sole discretion as long as they entered it in and another point of contention was how long, that they might do it longer if the judge has a particular reason to do that. We felt that we should stick to the one year that was brought up and not allow it to go further than that unless the Advisory Board approved it.

Commissioner Tuley: The judge's authority and the other one was that for the state that we talked about.

Brad Ellsworth: Exactly.

Commissioner Tuley: So we don't have what they call circumventing the indirect or direct...you couldn't go there directly. You can't come to jail for two days and bring

them out here.

Brad Ellsworth: Exactly.

Commissioner Mourdock: From the week before the discussion was, and I still stand by this, but if the judge feels there ought to be...that an individual deserves to be there that there is some exception in his or her case that the judge can say that person ought to be there for eight years as opposed to whatever the limit the group otherwise sets it seems to me that it is not beyond reason that the judge explain that to the Advisory Board and that the Advisory Board would then act accordingly. I mean, I am hung up on this and I know they, the judges and the attorneys, are hung up on the other side. They think that is absolutely a judicial function that the judge ought to be able to say who goes there. My comment to that is if it is such a good idea the judge ought to be able to explain that and win the Advisory Board over to that position. That doesn't seem to be their position.

Brad Ellsworth: They explained it would not happen that often, but we did have a case where somebody was sent there for 20 years and that's too long in anybody's eyes.

Commissioner Mourdock: Right, except that judge.

Brad Ellsworth: Exactly.

President Jerrel: The only issue and I haven't heard any of you touch upon it is if the person is sentenced for that length of time I wish the judges would consider that if they are allowed to participate because this is a community corrections facility they could be out in the community in a program and I think that makes it a little bit different than the judge having sole authority over going to an institution. This is a community corrections where they would be outside the confines and could reasonably go out to a job or be in the community in some fashion. That would make the only distinction in my mind.

Commissioner Mourdock: I'm not sure I understand it so let me try to repeat it back. Are you saying that when the judge sentences that person that part of the sentence ought to be that the person is in a job?

President Jerrel: No.

Commissioner Tuley: They need to take into consideration it's not like that person is going to be sitting out there locked up 24 hours a day seven days a week. They're going to be in the community.

Commissioner Mourdock: Right.

Commissioner Tuley: And do we really want--

President Jerrel: If a person with a higher charge, an A or B felon, is sent there and the judge has a very valid reason then that ought to be explained--

Commissioner Mourdock: Right.

President Jerrel: --because that is...the community ought to know about it.

Brad Ellsworth: Exactly.

President Jerrel: That's the reason.

Brad Ellsworth: They're saying they would do that on the record in the courts--

Commissioner Tuley: After consultation with the Prosecuting Attorney's Office, yourself or someone representing you and the Director, if there is such a person out there based on capacity and all kinds of things.

Brad Ellsworth: If the Advisory Board even recommended against that and didn't accept that the judge would still overrule that and say that's what I am doing. I think that's one of the sticking points.

Commissioner Mourdock: Yeah, that's one step beyond where it was in the prior meeting and at least in that position the judge is having to defend what he did to the community.

Commissioner Tuley: That was part of the discussion. That way when he goes and argues against...when the judge does something and argues (inaudible) at least there is going to be a public record some place to indicate on record in writing why he did that.

Brad Ellsworth: The one thing we did to take it a step further was on bring backs so that the judge wouldn't send somebody for a week that longer than one year would be against the general rule so if they got sentenced to six years they wouldn't send them to prison for a week and bring them back for five and a half years or five years and three months or whatever. It would only be their final year that they're coming back that they could actually live in residential there unless the judge had that same reason why he wants to make it longer than that and that was another point of contention. So we're at least at that year which is a good number for residential.

President Jerrel: So there is some kind of certification coming back to the Community Correction's facility?

Brad Ellsworth: Yes, from the judge. We were actually looking to take a step further and approval from the Community Correction Advisory Board and they did not want to go with that.

President Jerrel: Are these policies going to be written and presented to every judge and everybody that will be responsible for some facet of it?

Brad Ellsworth: And when that occurs, when we come up with the agreement, that will also be assigned to someone, call them a verification officer, call them whatever you want that is responsible. That one person is answerable that does this person qualify and meet, you know, those standards so that we can go to one person and say, yes, I checked the criminal record, yes I checked this, yes I checked it is the last year of the sentence, whatever it turns out to be. So it should answer any of the questions we've been reading about.

Commissioner Mourdock: I would suggest that when such a policy is finally drafted that every member of the Advisory Board sign the document.

Brad Ellsworth: Absolutely.

Commissioner Mourdock: So that when it goes to the courts they recognized that this isn't just the Sheriff's policy this is the Advisory Board.

Brad Ellsworth: Right.

Commissioner Mourdock: And I think it would even be appropriate for this Board to ratify those policies.

President Jerrel: I think that's absolutely important.

Brad Ellsworth: I don't think that's a bad idea at all. That's a good idea.

Commissioner Mourdock: There is a meeting of the whole council scheduled for a week from this Wednesday, I believe, and I will be out of town next week.

President Jerrel: Well, I'm going to go.

Commissioner Tuley: You've been subbing, what do you mean you're going to go?

President Jerrel: Because I am planning on being there.

Commissioner Mourdock: What was that?

Commissioner Tuley: She knows what I am talking about. I'm kidding her.

Joe Harrison, Jr.: When?

Commissioner Mourdock: It's a week from Wednesday, the 23rd, I think.

Brad Ellsworth: There was one other thing I wanted to bring up and forgot all about this. As you know the jail population has gone up a bit and we had a new peak. Today we're at 376 so we're actually down from the peak. The one thing we did we implemented kind of an emergency situation. The Building Authority is converting a closet basically, a storage closet, into...it's big, it's a big closet, into an ADA cell and they are doing that as part of their compliance with ADA. When we went over 400 we asked Mr. Utley about changing what was the officer's lounge after the medical department and used to be a cell back into a cell and that work is going on. It's kind of, I guess, after the fact, but I kind of want to seek permission to get that turned into approximately ten more bunks in the jail. It's going to eliminate the lounge, but that's okay we'll find a place for them, the officers. I hope that's okay.

Commissioner Mourdock: I would so move that we act on the Sheriff's recommendation converting the old lounge into an additional cell.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Brad Ellsworth: The bad news about that is it is something to the tune of \$15,000. Do you want to take that back?

President Jerrel: No.

Commissioner Mourdock: No, I don't want to take that back.

Brad Ellsworth: It will help quite a bit.

Commissioner Mourdock: Yeah, I'd add to the motion the refitting of the closet and the cell (inaudible)

Brad Ellsworth: And the lounge becomes a eight to ten person bunk and will function as a cell.

President Jerrel: Well, we're getting there and Council received some information today on another account so Sandie will make copies and if you haven't gotten them already you'll get them.

Commissioner Tuley: The meeting on the 23rd, is that a Thursday or Wednesday?
Commissioner Mourdock: I said it was Wednesday, but I think it is the 23rd and I believe that's a Thursday.

Commissioner Tuley: (Inaudible) but I'm going to try to be back in time to be there.

President Jerrel: I said so ordered on that motion?

Brad Ellsworth: Just so you all are aware that on September 2nd it did go to 402. I commend the jailers. They're really working and without additional staff they are really pushing them. Thank you.

President Jerrel: Well, I think we'll all want to digest this.

Brad Ellsworth: Sure, absolutely. It's a helpful document. We've been extremely busy over there. There is a lot to do yet, but we're starting to get a handle on it.

Commissioner Mourdock: Are you seeing much effectiveness, Brad, in the bail bond interviewers? You know we added three of them some time ago.

Brad Ellsworth: No.

President Jerrel: No, and I think you have a suggestion and that may be done when you get everything else going, but I'm inclined to agree with your idea.

Brad Ellsworth: It has not made any kind of noticeable difference.

Commissioner Tuley: Can you (inaudible). Why, what is the problem?

President Jerrel: I think it's a software problem. They're not able--

Brad Ellsworth: It could be. I don't know that they're just not having the people to get up there and do the interviews. The hours are covered by these people doing the bonding. I don't know if they are conducting interviews.

Eric Williams: (Inaudible.) Just last week to the best of my knowledge was the first time they actually interviewed an inmate and OR'd somebody because they met the criteria.

Commissioner Tuley: Last week?

President Jerrel: Yeah.

Commissioner Tuley: How many--

Eric Williams: They primarily accept bond money and do the bonding function during the night, but my understanding is that last week is the first time they actually physically interviewed an inmate, they met whatever criteria they're going by and released them OR.

Commissioner Mourdock: I must be missing something that I otherwise thought was pretty obvious. Isn't that what they were hired to do?

Eric Williams: That was our understanding, but they have never been a function of our office.

Commissioner Mourdock: Those people who...and I understand they were not originally a function of your office, they reported back to Mr. Howerton?

Brad Ellsworth: And the Clerk's Office. Actually, I think they were under Mr. Howerton.

Commissioner Mourdock: Okay, well if they have only interviewed one person recently and the primary part of their job description was to be interviewing those people why are we continuing to employ them?

Eric Williams: They continue to provide the bond services at night and they derive their authority to produce those OR's from the Circuit Court. As you'll see in our report they are going to be two of the individuals and those functions and two people are still in question as to who are they answering to and who is providing them with direction.

President Jerrel: They haven't been trained and reviewed, so nothing has happened.

Commissioner Tuley: When I did that job, and I know it was years ago--

Eric Williams: There was about 30 questions--

Commissioner Tuley: Yeah, just a verification of information. If they qualified with the guidelines as far as (inaudible) and everybody else get them out of there.

Brad Ellsworth: Those forms, and that's why one of the reasons we (inaudible) because that was still available and they thought it would be easy to make that conversion.

Commissioner Mourdock: I'm sitting here madder I think than anytime I've been on this Board. It was in January of '98 when the first of those people came onboard, is that not right?

Brad Ellsworth: Right, the first week of '99.

Commissioner Mourdock: That would have only been ten or nine months ago. I think it was in '98.

President Jerrel: No, because we had the...don't you remember the holiday problem?

Eric Williams: Our dealing with them on a regular basis began sometime in early February this year because that's when they moved into our office. The former administration refused to let them work out of our office.

President Jerrel: Before that they were there but they weren't--

Commissioner Tuley: Where did they work?

Brad Ellsworth: Over at the city police desk.

Commissioner Tuley: Okay, that is where they were when I was there.

Commissioner Mourdock: Let me make it real simple by the way I think which is they have job descriptions and if they are not meeting the path of those jobs descriptions the rest is simply a management decision. I don't think any elected person, since this was under the Clerk's Office in some way, would want people working for them who weren't doing the job and if they are otherwise reporting back through Mr. Howerton and they are now reporting back to you--

Eric Williams: That's going to be one of those sticking points because they report to Mr. Howerton but then their reporting goes to Circuit Court because they're deriving their authority to actually make those OR decisions from the court (inaudible).

Commissioner Tuley: (Inaudible.)

Brad Ellsworth: When we were in the committee meeting I know we talked about this and it was about May or that first year it went into effect I remember Mr. Howerton told us that they hadn't done it yet and they were just getting ready to start. Do you remember that, Richard?

Commissioner Mourdock: It's been a long time ago and my memory is not that bad, but I do remember it.

Brad Ellsworth: I remember that coming up because we were asking for the report and he said we don't have it yet because we're just now getting started doing those and that has been quite a while ago. I will double star that.

Commissioner Mourdock: Yeah, to check their task versus their function is a starting point. Again, they're not...for whatever reason if they're not getting the job done then I don't think they should be on the payroll.

President Jerrel: I think a question needs to be asked though. You say this is the first to you knowledge, I think you ought to ask.

Brad Ellsworth: Oh, absolutely.

President Jerrel: If they've done any others you want the documentation. We need to have the documentation if anything has been done. I don't think it has, but let's--

Brad Ellsworth: We'll make sure the facts are correct.

Commissioner Tuley: I mean, do they actually go up...is it designed how it used to where they would actually go up into the jail?

Brad Ellsworth: That was one of the things that was going to be very closely designed to the old way out of what we talked about was because that procedure is still in place and was supposed to be very easily resurrected.

Commissioner Tuley: What we tried to do, if you remember, and I don't know how long you've been on there.

Brad Ellsworth: Eighteen years now, so I was there when you were there.

Commissioner Tuley: You were there, okay. We interviewed as many as we could within reason before they were actually taken upstairs if there was an opportunity to release them before they actually got turned over to the Sheriff. Then when we came in at 8:00 at night those that got arrested during the afternoon until we got there then we actually had to go up and visit them in the jail. I am just perplexed that we released one.

Eric Williams: If I could add two points. One, the first point being the reason I was made aware of that was because they did physically go up in the jail and that was something new and I got questioned about is this the way we're going to do business, you know, is this going to be okay? The second thing is I don't want to lead you to believe that they're not performing a job function. It just may not be to the letter of what it was designed for because they are responsible for all off hours accepting those bond payments and all the finance and all those types of things. It is just whether or not they're performing all of the functions that the job description has.

Commissioner Mourdock: And that's an appropriate clarification, thank you.

Brad Ellsworth: They're always there. We do come in on the weekends and they're always sitting there. When the Clerk's Office comes down their safe is under our county and they come down and open the safe--

Commissioner Tuley: In fairness--

Brad Ellsworth: That's happening.

Commissioner Tuley: --it used to be divided. There used to be those of us who were bond interviewers and we reported directly to Circuit Court or the courts and then the other fine people, the one collecting the bond and fines were the ones who actually reported to the courts...or the--

President Jerrel: Clerk.

Commissioner Tuley: Now they're combining them.

Brad Ellsworth: We know they're there and they'll perform the bond every weekend.

President Jerrel: Thank you very much.

Brad Ellsworth: We'll put the facts together on it.

Commissioner Mourdock: Please do, thank you.

President Jerrel: Okay, is there any other old business to come before us?

Commissioner Mourdock: One bit of old business. Just before Labor Day I did meet with...I can't think of his first name. It's either Jim or John Hamilton at Hamilton's Golf Course and we walked the course out there. He has agreed to work with us to try to remove the obstruction, the dam that he has out there on that part of the creek. Mike Wathen and Bill Jeffers and I walked it with him and we do need to put some ideas together and see how we might possibly be able to, I think, work with them would be appropriate since it is a county property. But we were there and several of the neighbors did show up and were, I think, pleased to see that there weren't the obstructions there that they thought and in fact the Hamiltons have done a pretty good job keeping it as clean as they can.

President Jerrel: Yeah, they've been trying to keep it clean.

Commissioner Mourdock: Right.

President Jerrel: Okay, any other old business?

New business

President Jerrel: Any new business?

Commissioner Mourdock: One real brief bit of news and I don't know if this is really formal. Maybe we can have the Superintendent of County Buildings do this. Several of the students who were here before were with Dennis Beadle's class and I think since he is always sending folks down here, he is always interested in what we do, we know he has had a heart attack and it might be appropriate for this Commission to send him a card to wish him well.

President Jerrel: Or a letter from all of us.

Commissioner Mourdock: Tell him to keep sending those students, we can't afford to have him laid up in bed.

President Jerrel: Right.

Commissioner Tuley: Was this recent?

President Jerrel: In August.

Commissioner Mourdock: Yeah, right before school started.

President Jerrel: Okay, we'll just take that by information. Just a brief report. I did have an opportunity to visit both with Steve Cecil who is the Assistant Commissioner at INDOT. We had a good meeting and we will meet with the I-69 Committee on the 16th at 11:00. Right, 11:00. I did also meet with Sandy Watkins who is the county judge executive and we had a really good...we met for an hour and a half and really had a good meeting. I learned a lot and he was very responsive, so I think that was worthwhile.

Commissioner Mourdock: Very good.

President Jerrel: That's all I have to report on.

Commissioner Mourdock: Motion to adjourn.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:57 p.m.

Those in attendance:

Bettye Lou Jerrel	Richard E. Mourdock	Patrick Tuley
Joe Harrison, Jr.	Suzanne M. Crouch	Charlene Timmons
Tony Greubel	Steve Utley	Dan Hoefling
Matt Braun	Michael Buente	Sandie Aaron
Rob Seitz	Jerry Bryan	Jayne Berry-Bland
Tim Suenram	Phyllis Donahue	John Stoll
Erik Bentle	Brad Ellsworth	Eric Williams
Others unidentified	Members of the media	

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
September 20, 1999**

The Vanderburgh County Board of Commissioners met in session this 20th day of September at 5:35 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. For those of you here that are new I would like to introduce Tony Greubel, on the far right end, who is the Superintendent of County Buildings; next to him is Joe Harrison, Jr., our County Attorney; Pat Tuley, Commissioner; the far left, Charlene Timmons, is our Recording Secretary; Suzanne Crouch, County Auditor; and my name is Bettye Lou Jerrel and I am a County Commissioner also. I would like to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Tuley: I will move for approval of the minutes of the September 13th meeting.

President Jerrel: I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Tuley: I'll move for approval of the certification of Executive Session in which we started at approximately ten minutes till five and we ended at 25 minutes after five in which we discussed personnel matters and pending litigation.

President Jerrel: I'll second and say so ordered.

Open bids - VC99-09-01, Bender Road Bridge No. 220

President Jerrel: The next item on the agenda is the County Engineer to open bids, permission to open bids for VC99-09. Is there a motion?

Commissioner Tuley: To direct the attorney to open up the bids at this time, I'll so move.

President Jerrel: And I'll second and say so ordered.

First reading/public hearing - Ordinance amending speed limits

President Jerrel: Item D is the first reading and public hearing on the ordinance

amending the speed limits. John, we just got to the part on the agenda for the first reading on the public hearing for the ordinance amending the speed limits and they have been published once, so this is not...first reading?

Joe Harrison, Jr.: Yes, this is the first reading and the public hearing with respect to that.

President Jerrel: Is there anyone here that wishes to speak about the speed limits? Do you want to speak about them? Okay, seeing none is there a motion to approve on first reading?

Commissioner Tuley: So moved.

President Jerrel: I'll second and say so ordered.

Commissioner Tuley: Did we fix the sound system? All of a sudden it sounds much louder.

Charlene Timmons: We've been having problems the last couple of weeks.

Commissioner Tuley: Well, it sounds very loud today. You mean before it was just messed up and it wasn't working properly?

Charlene Timmons: Last week you guys sounded like you were in water.

President Jerrel: That isn't unusual.

Final reading - Ordinance amending Health Department fees

President Jerrel: Okay, final reading on the ordinance amending Health Department fees for services. We had the first reading last week and the fees are being changed so that the ordinance will now comply with the new Medicaid fees.

Commissioner Tuley: And I'll move approval of the final reading regarding the ordinance amending Chapter 2.40.040 of the Code of Ordinances of Vanderburgh County.

President Jerrel: And I'll second and call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: And Commissioner Jerrel, I'll vote yes so final approval.

Any group or individual wishing to address the Commission

President Jerrel: Is there anyone here that wishes to speak to the group tonight? Sure.

Chuck Whobrey: Members of the Commission, my name is Chuck Whobrey. I'm the President of Teamsters Local 215 and as you know we have a collective bargaining agreement with the county. I have been really for about the last nine months attempting to not be here tonight and trying to head off the problems. Today our

members that work for the county that worked for the auditorium and now The Centre returned to work. In a meeting this afternoon, early this afternoon, they were told that their job descriptions were being rewritten and that Council has already approved this. My question...first I have a question and then I have some other things I would like to discuss. When did any...has the county been involved in rewriting the job descriptions and if they did did Council approve it? The reason I ask this question is this, I sat through the County Council budget hearings this year and at the last minute there was an effort to change the titles from laborer and lead man/laborer and maintenance to custodians and the Council did not approve that change. So I am asking if this Commission has any knowledge of the rewriting of job descriptions and if Council approved those when did that take place?

President Jerrel: I'm a member of the committee, Chuck. So is Bettye Knight-Smith, Jim Raben and Curt Wortman. I think it was done in maybe May or June and there are minutes of it, but it was just to change the job description because they were not in the ordinance when they were removed from the positions. I'm sure...didn't they get the minutes for you?

Chuck Whobrey: No, I have a difficult time getting information from the county.

President Jerrel: We'll get them. We'll get the minutes for you.

Chuck Whobrey: So it wasn't the Council that rewrote them?

President Jerrel: No, it was the salary...the committee, the Job Study.

Joe Harrison, Jr.: The Job Study.

Chuck Whobrey: Well, the history has been and I mean this is another little twist. The history has been union positions have not been involved with the Job Study. It has been the history. Now if that is a change in the Job Study...here...and you're now rewriting job descriptions I would think we would be involved in that. I mean, that history has been we have not been involved in that process. The Job Study Committee has not been involved. We negotiate such items and that from day one of Job Study is how that has functioned.

Joe Harrison, Jr.: I wouldn't know about that, but I know the Council has not approved any changes.

Chuck Whobrey: Okay.

Joe Harrison, Jr.: But the Job Study has.

Chuck Whobrey: So they were just...then they were just given...Ogden gave them a little bad information in terms of Council approving any changes because that's what they were told and that was news to me.

Joe Harrison, Jr.: The job descriptions have been modified or changed by Job Study, but not Council at all.

Commissioner Tuley: Does Council have to give approval?

President Jerrel: You know, I'm not sure, Pat, because I think generally speaking--

Joe Harrison, Jr.: I don't know.

President Jerrel: --the company that works with the job sits down with the people, they have a form they fill out. A lot of times if it is a position that they're trying to change whoever is in charge of these people will come in and say this is going to be...there is going to be new duties. This person is going to be doing this, this and this or they're going to be doing something different and they bring that so that we have copies of everyone's assignment and what they're supposed to be doing.

Commissioner Tuley: Right, okay I understand that part of it. I guess I was just curious since there was no change in salary would it require any action on the part of the County Council? My initial reaction would be no.

President Jerrel: Right. I'll get you a copy of those.

Chuck Whobrey: I'd be glad to find out what the facts are now. The other thing is, as I said, since about late December, probably when I first called your attorney concerning The Centre and its reopening and what would happen with the employees at The Centre and the additional employees that would be coming in to do the work. We had...you folks signed a contract either March or April with Ogden and I believe you signed a contract that violates our collective bargaining agreement in that I believe you are assigning or permitting people not in the bargaining unit to perform bargaining unit work. We had some discussions and a few weeks back, I don't have the exact date in front of me, your attorney and Sandie Aaron from Ogden and some others, our representatives, had a meeting and what we finally...what I finally figured out is we're now really down to, I guess, arguing if you will over four positions. What Sandie Aaron told me that they were going to call these folks are site coordinators. They're going to work for Ogden and they're going to do the setup for events. We had a lot of discussion about whether or not our members that worked at the auditorium had done setup for events. There seemed to be some confusion and some people trying to say that we had not. Well, I knew we had done it and I have two things, I have a job description that Sandie Aaron wrote for the site coordinators that she faxed me last week and then I have the county's job description for lead laborer...lead person/laborer. First I want to read from our contract that says:

"The county will not direct nor permit any person or employee that is not in the bargaining unit to perform work in the bargaining unit except in cases of emergency or by mutual agreement with the union."

We then get into an argument over what is bargaining unit work? Our contention has been from last December or January that setting up for these events is bargaining work. You've got a facility that is probably at least three times as large as the old facility if not more than that and you're bringing back our five members yet you're saying any additional employees are going to be non union. I think that the county is actually attempting to circumvent our contract and I have been trying to head off this battle, but I want to read to you and give you copies of these job descriptions. Here is the one from Ogden and this is the lead laborer. As you can see in the Ogden job description this isn't a supervisor's position other than they use the word supervisors and perform small to medium repairs on facility and equipment. Supervises and performs event setup and conversions and then it goes on to have some other things. The skills and knowledge is what I have highlighted. Performs physical labor involved in event setup. Involves lifting moderate to heavy equipment working in high places. It's not simply a supervisory non bargaining unit job. Turn

back to the job description written by the county in May of 1993 for the laborer/lead person. This isn't just a regular thing, but supervises and directs the activities of assigned personnel including making work assignments, evaluating job performances and providing corrective instruction. Assist with the changeover and setup requirements for events including lifting and physically arranging seating, floors, railing, barricades, stages, tables and booths as assigned. Maintains daily communication with event's office to receive work instructions regarding possible changes in the setup plans. It goes on to the other page. Folks, I would say to you that there is not a dimes worth of difference between these two job descriptions other than the county's is four pages long and this is a half page long. I think what you're having these folks do is bargaining unit work. The county is paying for these positions even though they're all Ogden employees, is how you have it set up, and in your contract you're paying for those four positions. Why we have to have any disagreement over this is beyond me. These four positions should be covered under our contract and these folks should be our members and covered under our collective bargaining unit. I'd be happy to discuss this and answer any questions you might have. It's beyond me why we are going to have any argument over this whenever those job descriptions...you have people essentially performing the same work.

President Jerrel: Now does the job description that went through the salary, Job Study, it is essentially the same as this?

Chuck Whobrey: Well, since I have never seen it and I didn't even know it had been changed until this afternoon I have no way of knowing that.

President Jerrel: Well, I'll get you a copy of that.

Chuck Whobrey: I'd be happy if you get a copy, but what I would say to you is that you can't simply rewrite a job description and change what the bargaining unit work is.

President Jerrel: Except to the degree that the whole facility is a different facility.

Chuck Whobrey: It's a much larger one and there is much more work to be done and that's why you've got four more employees starting there.

President Jerrel: Well, I would like to have Sandie...I'm sorry that Joe couldn't get hold of her because I think she ought to be here to address these issues with you.

Chuck Whobrey: I have...I would be happy to meet. I have not been against meeting. I've been wanting to meet and have been asking for meetings. I've had two or three or four meetings with Joe and I've had two meetings where Joe was in the meeting and Sandie was there. Sandie ultimately isn't the one that makes the call. The County Commission makes the call and the County Commission has a contract with our union saying that you will not direct or permit people not in the bargaining unit to perform bargaining unit work. I am sure that Ogden wouldn't care one way or the other because...and I have heard this facility somehow compared with Robert's Stadium. They supervise our members at Robert's Stadium and they don't have Ogden personnel working side-by-side our members doing the same functions.

President Jerrel: They don't have any people volunteer...I mean, they don't have any standby crews that come in and do things?

Chuck Whobrey: What we have there is an agreement and an understanding that on overtime work that they can utilize part-time people which they do as long as all of our members are working. So with that agreement that has been in place for way...predating Ogden you can, but they don't have any, it's all part-time. They don't have any full-time employees working there, but because of the nature of the work in terms of Robert's Stadium or a center where you do have a need for additional labor, yeah, we worked out arrangements for part-time employees, but they do not have any full-time employees out there working in that facility performing bargaining unit work side-by-side our members.

Commissioner Tuley: Clarification, Chuck. The part-time people that you're talking about where do they come from?

Chuck Whobrey: I don't know. That's up to Ogden. I don't know--

Commissioner Tuley: Are they Teamsters?

Chuck Whobrey: No.

Commissioner Tuley: But they're not Ogden employees either?

Chuck Whobrey: I don't know if they run them through Ogden, I don't know. All I know is when those folks are working all of our members are working so it's obvious at that point they need additional people and they don't work 40 hours a week every week. They work during Shrine Circus and other event setups. I know a little bit about that because years ago I was one of them that used to do that. That's how that works out there, but they're only working whenever all of our members are working. It is to supplement the workers.

Commissioner Tuley: This is a question maybe for Joe or someone that knows, but I don't know. On these four people that we're talking about he gave us this job description on are they strictly working as Ogden employees at The Centre or are they like floaters that work the Victory?

Joe Harrison, Jr.: I can't answer that.

Chuck Whobrey: I can. No, they don't work the Victory and they don't work at Robert's Stadium. They work strictly at The Centre. In fact, they haven't even hired all of them. They are interviewing people still.

Joe Harrison, Jr.: Okay.

President Jerrel: Well, I'll get you a copy of that. I'll leave word for them to get one to you. That's the question that we were talking about, Chuck, on paragraph two of the duties of the labor union member where it says assist with the changeover and setup requirements for events. Who do they assist?

Chuck Whobrey: They assist each other. There is not one person that does the setup. The lead person, the whole function of a lead person so you don't have to have a foreman that can't perform physical labor is you have a union lead person that does physical labor and acts as the lead person so they assist with setup. They don't just simply bark out orders.

Commissioner Tuley: Which is what by comparison I have a lead man, Mark, in my

department at the School Corporation and Mark is the liaison, so to speak. I tell Mark what needs to be done. By virtue of the fact Mark is a Teamster Mark can still perform that duty as opposed to I can't do it, but he can direct the rest of them to get it done.

Chuck Whobrey: And assist in doing it.

Commissioner Tuley: And assist in doing it. I'm trying to get it all clear in my head as well.

Chuck Whobrey: Here is what for the life of me I don't understand. I said it earlier and I'll say it again, these folks that are going to be site coordinators the county is paying for them. You're either paying them through...you're going to be paying for all the employees over there either directly through the county budget or through a contract with Ogden. Why is there any need for any sort of disagreement on this? That is what is absolutely baffling me.

President Jerrel: Well, I think what we need to do is get you a copy of that job description and have a meeting set up with Sandie and with you--

Chuck Whobrey: With all due respect a copy of the job description isn't going to do anything to resolve this matter. It is not going to do one thing and you didn't answer my question that I just asked you. Why is there any need for any disagreement over this issue?

President Jerrel: I don't...Chuck, I have no idea what...we entered into a contract with Ogden and we want them to run that facility. We do not want to be in charge of anybody over there.

Chuck Whobrey: I want them to run the facility, too, and I want them to run it using our personnel under the contract just like they run Ogden...they run Robert's Stadium. Ogden manages that contract utilizing the city contract and our members do the work and they manage it under that contract.

President Jerrel: Well, maybe there is something that we can do. I know you entered into this addendum with them for the part-time people out there, correct?

Chuck Whobrey: No. No, that's just under the regular agreement with the city.

President Jerrel: Right.

Chuck Whobrey: That we have that agreement and, again, we had that agreement predating Ogden.

President Jerrel: Well, we're getting ready to enter into a new contract negotiation and this contract is in force until December 31, 1999 and I think we all want a good contract and we want it to work for you and for the county.

Chuck Whobrey: Commissioner Jerrel, you're right. This contract is in force through December 31 of 1999.

President Jerrel: Right.

Chuck Whobrey: And it has a provision that says you will not direct or permit people

not in the bargaining unit to perform bargaining unit work. You signed a contract with Ogden that conflicts with this.

President Jerrel: Well, then that is something that we're going to have to talk about if there is a disagreement about whether there was a conflicting statement or not. I don't think when we entered into it we entered into it with any intention of it being conflicting.

Chuck Whobrey: Well, I don't know. What was upsetting to me as I said at the time is I have had a couple of conversations with your attorney concerning this matter and certainly did that in an effort to make it known that there was a potential conflict, so if you entered into it not wanting any conflict certainly everything wasn't settled prior to you signing that contract with Ogden.

President Jerrel: Well, we're trying to make this work and we want you as a partner. Everybody started back today even though we're not ready for anybody to start back. I hope that it went well today and I hope it goes well every other day. I'm not prepared because I don't feel comfortable without having Sandie here.

Chuck Whobrey: I hope you mean what you said just now in terms of you want us as a partner--

President Jerrel: Absolutely.

Chuck Whobrey: --because I think we've got a fine facility over there and I think it should be something that is positive. I've done everything in my power to head off any conflict, but it still looks to me like we're headed to conflict. I'll do everything I can within reason to resolve this problem.

President Jerrel: Well, but let's let her sit down with us.

Chuck Whobrey: I'll be happy to, be happy to. I've never been against meeting. I know that's the only way you can resolve anything.

President Jerrel: Will you arrange that?

Joe Harrison, Jr.: I'll talk to him.

Commissioner Tuley: Let me make sure I understood. What I heard, and Chuck has said this to me several times as he and I talked and we've talked here and that's what I said tonight to Chuck in the hallway this is the first time I've been in the same room with all of us at the same time. It sounds like to me there is more of a question and the only way we're going to get this resolved is if the question is answered which right now it sounds like there is no agreement between Joe, I assume, that this is in direct conflict with the existing contract we have. You don't feel that it is. He feels that it does. That answer has to be...that has to be answered by somebody.

Chuck Whobrey: If I could say something and, Joe, you can say whatever you want obviously, but my point is if you have that disagreement there is no disagreement if those four employees fall under this contract and you folks are paying for them whether you pay for them directly in the county budget or you pay for them with the contract by Ogden, so we're not talking about something that is going to cost the taxpayers more money. That is why I have a difficult time understanding any room for disagreement on this.

President Jerrel: You didn't have any problem today...there was a question that came up about the contracts that they only work from 7:00 to 3:00.

Chuck Whobrey: My only discussion concerning that had to do with bumping into Joe out in the parking lot when he was coming in for your meeting is the first I heard about it.

President Jerrel: We had someone call because there really is no place to put them yet.

Chuck Whobrey: When I learned of that was--

President Jerrel: Because they were really wanting to be on a different schedule. Thank you.

Chuck Whobrey: Thank you.

John Stoll - County Engineer

President Jerrel: County Engineer.

John Stoll: The first item I've got is a request for approval of the street plans for Ashton Park Subdivision. This subdivision is located on Voigt Road just east of Oak Hill Road. In conjunction with this the developer will be widening Voigt Road to 20 feet between Oak Hill Road and his entrance on Voigt Road and he will also be building a right turn deceleration lane on Oak Hill at Voigt Road. The plans call for either asphalt streets or concrete streets, but in either case they will have curb and gutter. The plans also have an option to install plastic pipe as part of their storm drainage system. Subject to them following the detail that's in there for plastic pipe installation it is recommended the plans be approved and any deviation from those details for that plastic pipe installation need to have prior approval from the County Engineer's Office. The problem we've been having is we used the default detail as the drainage ordinance and some manufacturers consider that installation detail to be overkill, but they won't in turn provide any installation details of their own, so subject to them following...the developer using our detail or providing something that the manufacturer of the plastic pipe is willing to back up these plans can be approved.

President Jerrel: With that recommendation is there a motion?

Commissioner Tuley: Move to approve as recommended.

President Jerrel: And I'll second and say so ordered.

John Stoll: The next two items are street acceptance requests. The first one is for Waterford Plaza Subdivision. This is out west of Burkhardt and north of Vogel Road. This acceptance involves 955 linear feet of Tutor Lane, 225 linear feet of Florida Street and 1,224 linear feet of Kimber Lane.

Commissioner Tuley: It's your recommendation that we accepted it?

John Stoll: Yes.

Commissioner Tuley: I'll move approval of the acceptance of street improvements in Waterford Plaza.

President Jerrel: And I'll second and say so ordered.

John Stoll: And the second acceptance request is for Burkhardt Crossing Subdivision. This involves 400 linear feet of Maxwell Avenue, 1,057 linear feet of Old National Drive, 1,543 feet of Logan Drive, 1,585 feet of Cross Pointe Boulevard and 411 feet of Office Circle. In conjunction with that acceptance there is a letter attached to the acceptance request that states the developer will be responsible for flushing out the storm sewer system upon completion of the development of all the lots in the subdivision. The reason that was requested was due to the fact that the contractor installed the pipe at grades flatter than what were called for on the approved plans, so given the lesser slopes that the storm sewers were installed on there is a possibility for some silt buildup in the pipes, so we did request the developer to commit to flushing out those pipes once all development has been completed, so subject to the condition that the developer does come back and flush those pipes out those streets could be accepted as well.

Commissioner Tuley: And after it's all developed there won't be a future problem?

John Stoll: There shouldn't be because once all the lots have been developed and everything is seeded properly and grass is growing on everything it will substantially reduce the amount of sediment that would actually get into the pipes.

Commissioner Tuley: Okay, then I'll move approval of the acceptance of the street and road improvements to Burkhardt Crossing Commercial Sub as outlined by the County Engineer.

President Jerrel: I'll second and say so ordered.

John Stoll: The next item I've got is a change order on the frontage road projects. This results in an increase of \$10,664.85. Of that \$10,664.85, \$8,000 of it will be covered by the state due to the additional work that had to be done out there on their turn lanes. I don't have a copy of that agreement as of yet, but once I do I'll forward it to Joe for his review, but they have committed for paying up to \$8,000 on those turn lanes and then the balance of that increase is due to the fact that our plans called for an 18 inch pipe to be installed under the frontage road where it ties into Highway 41, but there was another pipe that was not visible and there was no record of it being there. Because of that other pipe there was more drainage coming through there so we had to increase our pipe size to 36 inches. In doing so we had some additional sodding, some additional ditch grading and some end sections that weren't required on the 18 inch pipe, so that pipe change is basically what resulted in the difference in the cost and I would recommend this change order be approved.

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered.

John Stoll: The final item I've got is also a change order. This is on the Fulton Avenue Bridge project. This is for an increase of \$10,650.63. This is for the water line that is on the bridge. The way the project was originally drawn up the Water Department wanted some changes on the design, so they spec'd out a different pipe and now the contractor has given us prices on that alternate pipe that results in the

increase and the increase costs we passed onto the Water Department through the agreement that we had signed early this year.

Commissioner Tuley: I'll move approval.

President Jerrel: And I'll second and say so ordered. I'm just going to ask you a question related to that.

John Stoll: I was going to tell you too about that Fulton Avenue change order. Herb Butler from the Water Department did call today and he said that they were okay with that increased cost, so we did run it past them before bringing it here.

President Jerrel: Okay. We had a couple of calls this week and Tony and John did a little spreadsheet to show where we stood on Burkhardt changes. There were some questions whether anything had happened or not, so you want to just go over those briefly? You want to pass one of those down there to Susan?

John Stoll: Right now with phase one and phase two being done phase three we're looking to get that on the bid letting in January or February. We don't have an exact date on that as of yet. The state will let us know when we get a bid letting subject to the condemnation suit we've got to file on two parcels out there. We do have right-of-entry on those parcels, but the state will withhold the bid letting, based on my understand of it, until we do file the condemnation suits, but right now it looks like January or February for phase three. Phase four the design is underway between Interchange Road and Lynch Road. Based on the schedule that Bernardin Lochmueller submitted a couple of months ago they projected that this project will be bid out in July or August of next year as long as the right-of-way acquisition went okay. I think they estimated we would start right-of-way acquisition in early 2000. The Lynch and 164 interchange we've got an offer out on one parcel right now that the property owner has rejected and I forwarded that information to Joe for potential condemnation. Two of the parcels I believe the property owners have agreed to terms, but we don't have the deeds signed off on as of yet and then the other parcel, the other large parcel, was the west half of the interchange that was dedicated in conjunction with Woodward's Lynch Road...Burkhardt/Lynch Business Park development. That has been deeded over to the county and an amended deed has to be signed off on and recorded. I don't know. I think it has been signed, but I don't believe it has been recorded yet, is that correct, Joe?

Joe Harrison, Jr.: No, as soon as...at the time that the billboards are moved...whenever those billboards are moved and the payment is made we'll get the deed.

President Jerrel: Okay.

John Stoll: Once we have the right-of-way we'll have to get a funding plan together on how much federal money we can get in a given year.

President Jerrel: Right.

Commissioner Tuley: Were these questions raised...I mean, we're talking about the current Mayor's race? When did this get brought into it?

President Jerrel: We got them...yeah, Tony got some calls this week.

Commissioner Tuley: About the work here?

President Jerrel: Right.

Commissioner Tuley: How much of this stuff is new stuff after '97 and forward? I'm talking about stuff that wasn't completed because it was already in progress. The right-of-way, I'm looking down here at right-of-way acquisition on Lynch and 164, that's probably fairly new?

John Stoll: Right.

Commissioner Tuley: What about the design process, right-of-way bidding on Interchange Road to Lynch Road, is that new?

John Stoll: Oh,--

Commissioner Tuley: It has been an ongoing process for a number of years is what I am trying to get at. Some of this was already in place and it was just a matter that it may have gotten completed in '97 because that's when the timetable works, but some of this is new.

President Jerrel: Right.

John Stoll: Right, phase four is definitely new.

Commissioner Tuley: Okay.

John Stoll: That design contract was just signed this year.

Commissioner Tuley: Right.

John Stoll: Phase one through three's design was actually signed I believe it was in '96, but the funding wasn't in place through the whole construction project at that time.

Commissioner Tuley: Right.

John Stoll: That's why it has been built in phases.

Commissioner Tuley: I just hate to see these things get to be political footballs when these kind of projects take a long time to complete.

President Jerrel: Sure they do.

Commissioner Tuley: They'll be work done on here probably long after I'm gone off of here, too, but you know it's just...that's just a long process to go from that one end of the road to the next end of the road.

President Jerrel: I thought they did a good job though showing this.

Commissioner Tuley: Oh, yeah.

President Jerrel: It's easy to understand because it's not clear and the bond was signed in '96 and that was for phase one and part of that bond was used for phase

two and then we went to Council and got money to get going. They gave us a little over \$3 million and then we set aside money from our own infrastructure fund for the rest of this.

Commissioner Tuley: Right.

President Jerrel: So it will be slow, but it's funded.

Commissioner Tuley: It just takes years to get it all done.

President Jerrel: Right. But I thought that was...Tony put that together and John and it looked like it was easy to understand. Okay, are there any other questions? Okay, thank you.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: Okay, County Garage.

Erik Bentle: You got my work packets there. One thing I want to bring up tonight is we've got some motor trouble with one of our gradalls. It's got a blown head on it, a cracked head, and the lower end crankshaft is bad in it. We're talking...I've got two bids here. We're talking one bid is around \$10,000 and the other one is just right at \$9,050 and I would like permission to go ahead and have a motor put in there.

President Jerrel: Is that the new gradall?

Erik Bentle: No, it's one of the older ones.

President Jerrel: Old one. Now, see, I'm out of my league.

Commissioner Tuley: Yeah, I am too. Okay, it's an old one?

Erik Bentle: It's still in good shape we're just having motor trouble.

Commissioner Tuley: How many hours or miles?

Erik Bentle: It's got 10,000 hours on it, the motor is six years old.

Commissioner Tuley: How does that...I mean, is that typical that it would need to be...there is no rebuilding of it?

Erik Bentle: Yeah, it's due for an overhaul now.

Commissioner Tuley: So that's what you're talking about, just overhauling it?

Erik Bentle: No, we're talking about replacing the motor because it's going to cost too much. It's going to cost more to overhaul it than to replace it.

President Jerrel: So what does a new one cost?

Erik Bentle: The new one is...the lowest bid I got was \$9,050 and it also comes with a one year full warranty on it where it wouldn't if we rebuilt it.

President Jerrel: I didn't mean...you're talking about a new motor? I meant what does a new gradall cost?

Erik Bentle: Oh, a new gradall?

President Jerrel: About \$80,000?

Commissioner Tuley: Probably.

Erik Bentle: You're probably talking around \$100,000.

President Jerrel: That's what I--

Commissioner Tuley: So it pales in comparison of trying to buy a new one?

President Jerrel: Right.

Commissioner Tuley: But everything else is fine with it?

Erik Bentle: Yeah, everything else works fine.

Commissioner Tuley: It's your recommendation that's the best move then?

Erik Bentle: I think's it's the best way.

Commissioner Tuley: By cost comparison and it's under warranty.

Erik Bentle: We could go another route by just replacing the head on it and replacing the lower end in it and that would be around \$5,000 there.

Commissioner Tuley: And no warranty.

Erik Bentle: No warranty, yeah.

Commissioner Tuley: Then on Erik's recommendation I'll move approval that we purchase a new motor.

President Jerrel: And I'll second and say so ordered.

Erik Bentle: Then I've got one other thing or project I would like to put into effect here over the wintertime. It's a rack to put these spreaders outside. Right now all the spreaders take up a little over a quarter of our shop being pulled in there all summer.

Commissioner Tuley: You can do this all over the place.

Erik Bentle: Yeah, that's the state's here. I took pictures of the states. It just takes up valuable working space and I would like to build a rack out there. See that's a rack for three there. We actually need a rack for ten for all of ours.

Commissioner Tuley: Can you do that in-house?

Erik Bentle: Yeah, we can do that in-house.

President Jerrel: Well, if the state does it it must be--

Erik Bentle: Well, the state has got one, the city has got one.

Commissioner Tuley: Yeah, you see them hanging up everywhere.

Erik Bentle: Apparently they used to have one out at the county, but it got old and it fell apart and they started storing them inside.

Commissioner Tuley: What kind of permission do you need?

Erik Bentle: For us to go ahead and purchase the--

Commissioner Tuley: Material you need.

Erik Bentle: --materials and then we'll do it all in-house.

Commissioner Tuley: I'll so move.

President Jerrel: And I'll second and say so ordered.

Erik Bentle: You've got all my attendance sheets?

President Jerrel: Yes.

Erik Bentle: And I believe that is it.

Joe Harrison, Jr.: Erik, would you submit both of those--

Commissioner Tuley: Quotes?

Joe Harrison, Jr.: Yeah, quotes that you received. Can you submit those into the record?

Erik Bentle: When I get the bill for them I turn them in with the quote to Purchasing to Jerry.

Joe Harrison, Jr.: Right, but as far as tonight--

President Jerrel: We need a copy.

Joe Harrison, Jr.: --if you would make copies of both quotes. Okay.

President Jerrel: Yeah, we need to have them in our--

Joe Harrison, Jr.: Records.

President Jerrel: --records.

Erik Bentle: Sure.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Alright, County Attorney.

Joe Harrison, Jr.: We received five bids regarding the Bender Road Bridge No. 220 removal and replacement. That's VC99-09. They are as follows:

Company name	Amount bid
Gohmann Asphalt & Construction Clarksville, IN	\$303,713.50
Ragle, Inc. Newburgh, IN	\$208,000.00
Phoenix Construction Company Evansville, IN	\$171,571.50
TD & O, LLC Evansville, IN	\$175,000.00
CCC of Evansville, Inc. Evansville, IN	\$182,851.05

I would ask that you take these bids under advisement and review them for their responsiveness.

Commissioner Tuley: I'll so move.

President Jerrel: Second and so ordered.

Joe Harrison, Jr.: The other item I wanted to bring up is that tomorrow there is going to be a hearing on the Department of Correction lawsuit that was filed in the Vanderburgh Superior Court that has now been moved up to Gibson County and we've got a hearing on the preliminary injunction in front of Judge Palmer tomorrow afternoon. I think that's all I have.

President Jerrel: Any questions?

Commissioner Tuley: Uh-huh.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Yeah, today Roger Lehman dropped off a contract that the Board of Public Works signed on September 2nd between Liv Watson of Gaither Rutherford and the Board of Public Works for the GIS consulting contract. The terms...the previous contract expired at the end of August and they extended it from September to July 31, 2000. The pay and the conditions remain the same. They were wanting the Commissioners to ratify it tonight as well. Everything is the same as the previous one.

President Jerrel: Another one where they pay and then we pay them?

Tony Greubel: Yeah, we pay the Board of Public Works and then they pay Liv.

Joe Harrison, Jr.: That's fine. I just glanced at it. They're just renewing it for another

year. It's the same contract. It's an extension of one year.

Commissioner Tuley: Okay.

President Jerrel: I think they hired her after the person they originally hired from Jasper didn't work out.

Commissioner Tuley: Okay, then I'll move approval of the contract as submitted.

President Jerrel: I'll second and say so ordered. Is that all?

Steve Craig - Burdette Park

President Jerrel: Okay, Burdette Park.

Steve Craig: Today Lee Askins, he is a Deputy Sheriff, had called Burdette and wanted me to bring it up at the meeting that our Advisory Board had turned down the use of our buses for the three day use because they wanted to use it for the Veterans Memorial--

Tony Greubel: Vietnam Veterans Traveling Wall Exhibit at Alexander Memorial Park Cemetery.

Steve Craig: Yeah, I would have never got all that out. They wanted to use it for that and the Advisory Board voted on it last Thursday and unanimously voted it down because they've always done that in previous votes because we do have a lot of people that want to use our buses and we've never let anybody use them, but he did want me to bring it up before the Commissioners.

President Jerrel: Well, I would rather go along with what they want. I know that they must have reasons and you've discussed that you haven't let anyone else use them?

Steve Craig: Right. Because Mike Wathen has wanted to use them. I mean, there are several county agencies plus some private people wanted to rent them and use them. We got into it several years ago with the insurance company and talked to them and he said that they could get some kind of rider or something as an outside insurance (inaudible).

Commissioner Tuley: Yeah, I don't have a problem with that, with not using them, because you've got a history of turning people down. I don't want to say, well, they don't want us to do it and we're not going to do it because they are an advisory board.

President Jerrel: Right.

Commissioner Tuley: The ultimate falls back on us, but I think the argument for not doing it is a good argument so I tend to agree with them and I think they're right.

Steve Craig: I do, too.

President Jerrel: I agree with Pat. You know, I like to be cooperative, but I think under the circumstances that we would probably be better served by not doing it.

Steve Craig: Okay.

Commissioner Tuley: It makes it a little bit more difficult to turn down the next one if we--

Steve Craig: Oh, yeah, especially when you've got people out there that sees our name all over the side of it and that will give people ideas that, you know, we do put them out for use and we don't.

Commissioner Tuley: Right.

Steve Craig: And I had inserted some facts on days that we were closed due to school starting early this year and I was wondering if you had time to look at it.

President Jerrel: That's really becoming a--

Steve Craig: A problem.

President Jerrel: It is becoming a problem.

Commissioner Tuley: Oh, there is no question. We were talking about this this morning. I'll give you an example. We have an above ground pool ourselves.

President Jerrel: Yeah.

Commissioner Tuley: Kids get out of school May 22nd and it's still fairly cool. I mean, we're not ready to go swimming. I didn't even open it up until Memorial Day weekend and then it was a little cool when I opened it then and I had to put a solar cover on it. We closed it yesterday and no one has been in it for three weeks. Once they start back to school and when they get home from school they don't care to go swimming.

President Jerrel: Well, it has an impact, this starting and ending date of the school year affects businesses in the recreational area and also the day care.

Steve Craig: Yeah, well according...well, we was closed two weeks this year. We were open for ten weeks on the day camp and last year it was 12 weeks and the difference is \$27,587 just on our day camp. The total expense is \$117,567 just based on the days that we was open in July.

President Jerrel: The schools originally made this decision for the purpose of completing the semester before Christmas break so that the kids wouldn't be...it was really more for the high school kids because they didn't want to have to come back and take finals. It just sort of happened and I guess it gets...the school calendar is a pretty contentious issue with a lot of people, but there is no question it is affecting--

Commissioner Tuley: Yeah, I'm sure the rationale and the reasoning behind doing it is good for the School Corporation, but for us, like I say, people in recreation it is detrimental to us.

Steve Craig: The question I've got to ask is they said it's closing earlier again next year. I mean, how come it keeps knocking off two or three days?

President Jerrel: You know, do you think that it would hurt...I mean, I'm not working

there any more, but there is a calender committee and I have a sense of how they handle things. There is a calendar committee and, you know, it might be a good idea, Steve, maybe if you drafted a letter.

Commissioner Tuley: I still work there, so you go right ahead and run with that one.

President Jerrel: Okay, but I think if you drafted a letter and asked the committee to at least consider that facet when they're...you know, because if they're going to get back to where it starts in July.

Commissioner Tuley: I don't know.

Steve Craig: I had heard that.

President Jerrel: Ask them if it's going to continue to get earlier and earlier because of that, you know, you want to do some long range planning and I think that's a reasonable question to ask. I mean--

Commissioner Tuley: No.

President Jerrel: It's a reasonable question for you to explore if we want to make plans for the pool and those facilities. If there aren't going to be any clients there and we more or less...the EVSC drives the parochial and private schools, too. The director in charge of that is Jean Baresic, J-e-a-n B-a-r-e-s-i-c. She is the Assistant Superintendent. She would be in charge of that committee, I believe.

Commissioner Tuley: I would think Jean would be, yeah.

President Jerrel: I think she has.

Commissioner Tuley: She is curriculum director, so I would think that's right.

President Jerrel: Maybe if you would call her and just maybe even come down sometime and talk to her and let her maybe just hear from your perspective and she can tell you what they think.

Steve Craig: I would like to know because, I mean, originally I understood that they were saying that about five years ago, but every year they keep shaving a few more days off and it's like if they got it to work five years ago then why I don't understand why we're shifting.

Commissioner Tuley: I can't really remember. I think we got out two years ago on May 26th. We got out last year May 22nd. I think we get out this year the 24th.

President Jerrel: She could maybe explain how that happens. You know, why.

Commissioner Tuley: Yeah, why. I understand it's going to be a day maybe every four years because of leap year and stuff.

President Jerrel: Yeah, right.

Commissioner Tuley: I don't know.

President Jerrel: But I think it's a legitimate question to raise because we're making

a significant investment so we need to know. We're not trying to dictate what they do.

Steve Craig: No. I would just like to know what the future holds. You know, I'm not going to go down there and argue, you know, education versus, you know, entertainment, but I would like to know what we're looking forward to and what direction we need to go.

President Jerrel: I think that's...well, I'll be interested in what you find out.

Steve Craig: Okay. You have my work schedule.

Weekly reports

President Jerrel: Yes, we do. We can do all of them. We've got Soil & Water Conservation, Ozone, Garage and the Burdette Park.

Commissioner Tuley: I'll move acceptance of the department head reports.

President Jerrel: I'll second and say so ordered.

Steve Craig: Thank you.

President Jerrel: Thank you.

Consent items

President Jerrel: Are there any questions about the consent items?

Commissioner Tuley: I will move approval of them. There wasn't anything added to them were there?

President Jerrel: No.

Commissioner Tuley: I'll move approval of the consent items as submitted.

President Jerrel: And I'll second and say so ordered.

Old business

President Jerrel: I don't have anything under old business.

Commissioner Tuley: I've got one thing under old. I got a call from Commissioner Dave Rector over in Warrick County.

President Jerrel: Yeah.

Commissioner Tuley: Several months ago, and I don't remember exactly when it was, is John still here?

President Jerrel: No.

Commissioner Tuley: I should have done it when John was here. They asked us for some help with Bluebell Road in Warrick County where we were going to fill in that radius for them. That business is there and the trucks are really starting to eat up because they're missing that and we haven't got out there and got that done yet.

President Jerrel: Yeah, we need to do it.

Commissioner Tuley: He called and wanted to know if maybe we could try to push it in before the season turned bad.

President Jerrel: Yeah. You need to let Erik know that.

Commissioner Tuley: Need to get John and Erik both out there.

President Jerrel: I don't have anything else under old business.

New business

President Jerrel: Under new business we have an appointment to take the place of Mark Mattingly who sent in a resignation.

Commissioner Tuley: Okay, then I'll move the approval of the appointment of Nancy Helms of 8925 Old State Road, Evansville.

President Jerrel: I'll second and say so ordered. Tony, will you send her the necessary papers? Motion to adjourn?

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered.

The meeting was adjourned at 6:26 p.m.

Those in attendance:

Bettye Lou Jerrel
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Chuck Whobrey
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
September 27, 1999**

The Vanderburgh County Board of Commissioners met in session this 27th day of September at 5:37 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda is the introduction of those people up in front of you. On my far right is Tony Greubel, the Superintendent of County Buildings; next to him Joe Harrison, Jr., the County Attorney; on my far left is Charlene Timmons, our Recording Secretary; Suzanne Crouch, the County Auditor, is next to her; Commissioner Richard Mourdock is to my left; and my name is Bettye Lou Jerrel. I would ask for you to join me in the Pledge of Allegiance. I'd like to welcome the students. Are you Mr. Beadles' students or USI students? USI? We'd like to welcome you and please feel free to ask any questions if you are curious about something and don't know what is going on.

Approval of minutes

President Jerrel: The first action item is the approval of the minutes of the previous meeting and we're going to have to defer that because Commissioner Tuley isn't here this evening and Commissioner Mourdock was not here last week.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: We did have an Executive Session this evening that began at 4:30 and ended at 5:30. Present were Commissioner Jerrel, myself, County Attorney Harrison and Ms. Crouch and that session dealt solely with personnel matters and I would move approval of those summary minutes.

President Jerrel: I'll second and say so ordered.

Jerry Bryan - City/County Purchasing

President Jerrel: The next item on the agenda is Purchasing, Jerry Bryan.

Jerry Bryan: Good evening. The first item is permission to extend the contract for fuel. This is APA025-99 with Busler's. On the 13th of September I came before the Board to asked for the normal cycle of bids for the year. In the meantime the vendor came in with firm pricing for the year and, Joe, we have a year extension in the contract. I've been before the Board of Public Works and they have approved it and I would ask you to approve it also.

President Jerrel: Is that okay?

Joe Harrison, Jr.: Yes, that's fine. There is a renewal provision.

Jerry Bryan: Yes, sir.

Joe Harrison, Jr.: And the Board of Public Works decided to exercise that option to renew and you're asking for the Commissioners to do the same?

Jerry Bryan: Right, it's about a 50-50 between the city and the county of all the filling stations that Busler's has, etc.

Joe Harrison, Jr.: That's fine.

Commissioner Mourdock: Is that at a fixed rate, Jerry, on a price per gallon basis?

Jerry Bryan: Yeah, it's a cost plus seven, Mr. Mourdock.

Commissioner Mourdock: Oh, okay. Alright, it's not a fixed price based on a per gallon?

Jerry Bryan: No, it rolls with the opus and they were so far under last year and they said that they would keep that same pricing this year.

Commissioner Mourdock: Okay.

Jerry Bryan: Yes, sir.

Commissioner Mourdock: I'll move approval of the extension as requested.

President Jerrel: I'll second and say so ordered.

Jerry Bryan: Okay, the second item I have before you is on APA008-2000. That is the bid package for batteries. What happened on this, Joe, was a little glitch. The packages went out, the advertising didn't get into the paper through an error in our part. The vendor in the meantime sent me a letter asking for firm prices to extend for the next year. So we canceled the bid package with...we canceled the bid packing...or the bid package like the cycle and we decided to honor his firm prices for the year.

Joe Harrison, Jr.: Has the Board of Public Works--

Jerry Bryan: Yes, the Board of Public Works--

Joe Harrison, Jr.: --honored that?

Jerry Bryan: Yes, sir.

Joe Harrison, Jr.: And you're saying no advertisement went out?

Jerry Bryan: No advertisement. That was the glitch. If we would of had an advertisement we would of had to continue the cycle.

Joe Harrison, Jr.: Right, okay.

Jerry Bryan: Yeah.

Commissioner Mourdock: So we're formally looking to move the cancellation of that

bid letting?

Jerry Bryan: Yes, sir.

Commissioner Mourdock: So moved.

Jerry Bryan: And then...so we would have the firm pricing, Mr. Mourdock, for the next year for our batteries.

Commissioner Mourdock: Right. I'll move the cancellation request as requested.

President Jerrel: I'll second and say so ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

Jayne Berry-Bland, Treasurer - Approval of copy machine lease
--

President Jerrel: The item D, the Treasurer has requested that we postpone the item that she had included.

Permission to advertise ordinance amending Chapter 15.20

President Jerrel: The next item is County Attorney.

Joe Harrison, Jr.: I would like to have permission to advertise an ordinance. It's 15.20. It's an amendment to that particular ordinance. It has to do with the Building Commissioner's Office and to ask permission to advertise that. There would be a hearing on October 11th, would be a public hearing, and the second reading would be the following week on the 18th of October.

Commissioner Mourdock: I'll move approval of the advertising of the proposed ordinance amending Chapter 15.20.

President Jerrel: I'll second and say so ordered.

Final reading - Ordinance amending Chapter 10.16 speed limits
--

President Jerrel: The next item on the agenda is the final reading/public hearing ordinance amending speed limits. John.

John Stoll: Before that ordinance is adopted there is one change that we're going to need to make to that. We had proposed putting Darmstadt in at 30 miles per hour from the city limits up to Mohr Road and we were mistaken in assuming that the city had theirs down...that they had First Avenue at 30 miles an hour down in front of Central High School. They've got that posted at 40 miles an hour right now so we don't want to have the speed limit go from 40 to 30 to 40 and keep jumping the speed limit up and down and confusing motorists, so in order to avoid that I would recommend that the ordinance be amended to have Darmstadt Road remain in there right now at 40 miles an hour until we can do a more detailed evaluation to determine where we might want to lower the speed. The primary problem we've got

up there is an accident problem due to a curve up in the area between April Drive and Mohr Road. Before we lower it for the entire length I would rather leave it as is for now at 40 and then maybe make some changes again at a later time.

President Jerrel: Okay, would you want to point to me--

John Stoll: Sure.

President Jerrel: Do you mind looking and telling...there are two Darmstadts. Make sure which one you're talking about.

John Stoll: The city limits to Mohr Road leave that at 40.

President Jerrel: It's 30 now in this advertisement?

John Stoll: Correct.

President Jerrel: So you want to simply delete them from this or do we change them?

Joe Harrison, Jr.: No, make it 40.

John Stoll: Make it 40.

President Jerrel: Okay.

Commissioner Mourdock: Is one of the possibilities there, John, that you'll come back to us or somehow otherwise communicate with the city and the city would reduce to 30?

John Stoll: I doubt they would change theirs because they had changed all theirs around at one time when they altered all the speed limits up and down First Avenue. They've gone from 30 to 40 and back and forth. I don't know all the history on it, but they did change theirs in the past and I doubt they would want to change it again.

Commissioner Mourdock: And where precisely is the city limit on that side?

John Stoll: It's up around Campground Road. Up around Highland School.

Commissioner Mourdock: Okay, it comes through, Highland School is just outside the city, right?

John Stoll: Correct.

Commissioner Mourdock: Okay.

President Jerrel: It forms a V.

Commissioner Mourdock: Right.

John Stoll: Right. So we just need to take a look at it up there around Mohr Road in a little greater detail before we make a blanket change from the city limits to Mohr Road.

Commissioner Mourdock: Okay.

President Jerrel: Are there any other streets or roads you want to refer to because we'll take testimony from anybody that is here?

John Stoll: One other one that was omitted when that was done was the new frontage road we just built out between Matrix and Azteca. Right now based on the current ordinance that speed limit would default to 45 and 30 would be a much more appropriate speed limit, so if we're going to have to amend it I would propose that we add that in there as well.

President Jerrel: When we talk about amending we need to...we'll have to have another...?

Joe Harrison, Jr.: Yes, what we'll have to do is we can separately make motions for an amendment to this ordinance this evening, whichever changes are suggested and then next week we would go ahead and approve the entire ordinance with the amendments and then thereafter we'll have to publish the amendments that were made this evening. Not the whole ordinance again, but we'll have to at least publish if you approve the Darmstadt Road modification and any other change that he talked about we would obviously have to publish those changes in the paper, but we wouldn't have to publish the whole ordinance again, just the changes made to the previously advertised or published ordinance relating to the public hearing last week. Wasn't there a public hearing last week?

John Stoll: Right.

Joe Harrison, Jr.: Okay.

President Jerrel: You'll probably be asked some questions, so if you want to...is there anyone here that wishes to speak to the traffic? Yes.

Unidentified: You took care of the problem temporarily anyhow.

President Jerrel: You want to give us your name and your address?

Jack Kirwer: I'm Jack Kirwer. I'm a resident of Mount Pleasant Road and I go work everyday through Darmstadt Road. He's took care of one of the problems, but it sounds like it's temporary. I didn't want the speed limit lowered. I think it's dangerous when we go back from 30 to 40 and the city is not going to change theirs I don't think because they tried it one time and they had so many protests out there that people would--

President Jerrel: So you're happier if it stays at 40?

Jack Kirwer: I'm happy if it stays at 40. I do think, and the only reason I came up anyhow, I do think that the shoulders need to be looked at out there. If you drop the wheel off of the road you're right, you know, you could have an accident that way very easily because there are no shoulders out there and I think that you've got the easement to put shoulders in and I think paved shoulders would, you know, three foot or whatever you can manage to do on the side of the road there would really help a lot. It might help some of your accidents.

President Jerrel: He's listening to you. Erik Bentle, that is our Superintendent and

he'll go take a look at those.

Jack Kirwer: It's pretty narrow. You know you've got some...I don't know what you call them. You put up your barriers there you've got them right next to the road.

Erik Bentle: Yeah, we've looked at that already.

Jack Kirwer: You drop one shoulder off and you hit your barrier. It should be, I think, if you had bigger shoulders it would be a lot safer road and you wouldn't have to talk about lowering the speed limit.

Commissioner Mourdock: Is the issue there in part, Erik, right-of-way?

Erik Bentle: No. The issue...what they do is they rock them. In the past we rocked all the shoulders and the rock washes out so they need to be rocked again. That's what we're going to start when we finish paving.

Commissioner Mourdock: I meant the barricade.

Jack Kirwer: It needs to be paved, not rock shoulders.

Commissioner Mourdock: If we've got some kind of--

Erik Bentle: Well, it's kind of hard to pave them shoulders because on that dirt like that they just crumble. They won't stay paved.

Jack Kirwer: Maybe you need to get a little bit wider there, you know, if you had more room.

Erik Bentle: You would have to acquire more easement there.

Jack Kirwer: I think you've got enough if you just pave it.

Erik Bentle: Well, we'll look into it.

Jack Kirwer: Okay.

Erik Bentle: But right now we're looking into rocking it.

Jack Kirwer: Okay, thank you.

President Jerrel: Is there anyone else that wishes to speak to the ordinance?

Joe Harrison, Jr.: What was the second recommendation? Was it to add another street?

Commissioner Mourdock: That was regarding the frontage road in front of Matrix, that we come back and add that to this document.

John Stoll: Right.

President Jerrel: Can we call it the Matrix frontage road?

Commissioner Mourdock: What we had discussed at one time when SIGECO

agreed to participate--

President Jerrel: Oh, I'm sorry.

Commissioner Mourdock: --was that we name that Norm Wagner Drive.

President Jerrel: Norm Wagner Drive. I forgot about that.

John Stoll: I can bring an acceptance form in next week to accept the remaining portion that we just built for that road and it will have that name on it if that's okay.

President Jerrel: Give me an opinion. Can we have a final ordinance for all but those?

Joe Harrison, Jr.: Yes, what...no. What I would propose to do is that you make these amendments tonight and then next week you can have a final reading on these changes. And then the changes that were made will have to be published, but you'll just have another final reading next week since you made an amendment tonight.

Commissioner Mourdock: So we won't accept anything tonight?

Joe Harrison, Jr.: No, but make an amendment regarding Darmstadt Road and the amendment adding Norm Wagner Drive at whatever the speed limit he said, 30.

John Stoll: Thirty.

Joe Harrison, Jr.: And then approve the whole thing next week a second time and then we can publish what we have to publish thereafter.

Commissioner Mourdock: Okay. I'll move therefore that we amend the proposed final ordinance to be worded that Darmstadt Road from Evansville city limits to Mohr Road be set at 40 miles per hour as opposed to 30. Let me do them separately, so that is one motion.

President Jerrel: And I'll second and say so ordered.

Commissioner Mourdock: Secondly, I would add that we add to this with a 30 mile an hour speed limit that section of what heretofore has been called the frontage road in front of Matrix and that road be designated Norm Wagner Drive.

President Jerrel: And I'll second that motion and say so ordered.

Joe Harrison, Jr.: That's 35?

President Jerrel: Thirty.

Commissioner Mourdock: Thirty. Is that not what you said, John, thirty?

<p>Public hearing - Vacation of easements Crosslake Drive and Circle Front Drive</p>

President Jerrel: Okay, moving along. The next item on the agenda is the first reading/public hearing for vacating the easement at Crosslake Drive and Circle Front

Drive.

Les Shively: Members of the Board of Commissioners, Madam President, my name is Les Shively representing the petitioners. This is the date set for public hearing. I believe the Auditor's records will show that notice to the adjacent property owners were given. We have received letters from all utilities that the utilities have all voiced their consent with the exception, and this is really not a descent, but there is a water line in this right-of-way and EMC simply wants to be sure to know in advance is their line going to stay there because you know vacating the right-of-way does not affect utilities that are in place. So they want us before we begin construction to let them know if we are going to relocate their line or leave their line in place. We are going to relocate and we will contact Mr. Butler with EMC to make those changes. Yes, sir.

Joe Harrison, Jr.: Do you have the green cards?

Les Shively: I have the copy. I think the green cards were already given to the Auditor's Office. My staff told me that.

Joe Harrison, Jr.: Or at least copies. I don't think they've received them, but if you do that would be great.

Les Shively: These are copies.

Joe Harrison, Jr.: Thank you.

Les Shively: This is just a matter of procedure, if it is approved this evening is there any further action necessary?

Joe Harrison, Jr.: There will be a final reading next week, but I don't think it's necessary for you to be here.

Les Shively: This will act as the public hearing?

Joe Harrison, Jr.: Yeah.

Les Shively: Okay, great. We have a closing set for the 18th of October.

President Jerrel: Okay.

Les Shively: If you have any questions I'll be more than happy to answer them.

Joe Harrison, Jr.: There might be some people here.

Les Shively: By the way, this had to do with that project that you rezoned last week.

President Jerrel: Right. Okay, is there anyone else that wishes to speak to this? It is a public hearing on first reading. Hearing none, is there a motion?

Commissioner Mourdock: I'll move approval of the requested vacation of easements for Crosslake Drive and Circle Front Drive as requested.

President Jerrel: And I'll second and say so ordered. We'll have the final hearing next week.

Les Shively: Thank you very much.

President Jerrel: You're welcome.

Voters Registration - Submit polling places for General Election

President Jerrel: Item H is Voters Registration submit recommended polling list. You have before you the recommended polling list. Is there a motion to accept this?

Commissioner Mourdock: You might want to--

President Jerrel: Yeah, permission to advertise.

Commissioner Mourdock: Okay, I was going to suggest since every now and then these have some public controversy to them, I don't know that this was advertised in such a way that this was specifically a public hearing, but is there anyone here wishing to address the polling place issue? I thought we had a member of the press heading for the microphone there.

Unidentified: Got paged.

Commissioner Mourdock: Okay. Seeing none then for the purpose of advertising I would move approval of the 1999 General Election polling places as submitted.

President Jerrel: And I'll second and say so ordered.

Any group or individual wishing to address the Commission
--

President Jerrel: This next item, I, is for any group or individual that wishes to address the Board. If there is anyone here now that would like on any issue to ask any questions. No students want to ask anything? Are you all registered to vote? Good.

Commissioner Mourdock: Ooh, I didn't see every head nod there.

Unidentified: I didn't either.

President Jerrel: You have until Monday. If you don't register by 4:00 on Monday then you won't be eligible to vote in this coming election. You can register by getting a card and filling it out and putting it in the mail. The quickest and fastest way to assure it is to go to the first floor and the Registration Office is there. Since you're all here and before we move to the department head reports, I'm hoping...is this your professor? I'm hoping that he'll start thinking about something if we ask him in a public meeting.

Unidentified: I'd be glad to.

President Jerrel: The complete count committee that we're organizing and going to announce Friday of this week relates to the upcoming census. In Vanderburgh County we've had a low count in many instances among certain populations and we're putting together a committee to help develop plans and, of course, the target areas would be universities because you're eligible to register...to be counted in our

census and we need some help from the university on how to do this on your resident students. Let me just give you the reason why. So many things are influenced by an accurate count. Our highway funding formula is one for all the roads in Indiana, for the whole United States for that matter. All of the title programs that receive federal funding at USI and all of our schools are influenced by that count. This is an effort that doesn't have any tinge, there is not politics for this. You don't have to be one party or the other. This is just a project. If the students could help with that project that would be the most wonderful thing in the world because we need to get the word out and we need to make sure that the people that turn in that card do so in a prompt way and it will happen next spring. We're going to have a big news conference on Friday trying to kick this off and we would sure welcome your support.

Commissioner Mourdock: Sounds like the public service kind of thing that ought to get a student a little extra credit or something.

Unidentified: Well, I have a student group and a few of them are in here. There is also a political science group that we have a pretty good relationship with. (Inaudible, comments made from audience.) I would be glad to talk to him and see what we could put together. I know how important the census is. I used to work in government, so I know it's important to know where your people are and get credit for the people you have.

President Jerrel: Well, perhaps when we have our big announcement on Friday, it's going to be at noon, so if you're out and about come on down. It's going to be outside and we're going to have a news release. Yeah, outside on Main Street, but that's all just to get the word out. The big job is getting it out over, and over, and over again so that people really do fill out that form and send it in. We're going to...we hope you'll think about that as a project.

Commissioner Mourdock: And just for the record, sir, all of our notes are verbatim, what is your name?

Ron Roat: Ron Roat, R-o-a-t.

Commissioner Mourdock: Ron Roat, okay.

President Jerrel: Roat, R-o-a-t.

Commissioner Mourdock: Okay, thank you.

Ron Roat: Because it only has four letters nobody can spell it. If it was (inaudible) we would all get it right.

Commissioner Mourdock: There we go.

President Jerrel: Thank you very much.

Commissioner Mourdock: Alright, thank you. Thanks, Mr. Roat.

John Stoll - County Engineer

President Jerrel: Okay, we'll move on. The next item is the department head

reports. County Engineer.

John Stoll: First I would like to recommend that contract number VC99-09-01, the Bender Road Bridge, be awarded to Phoenix Construction for the amount of \$171,568.10. They were the low bidder on the project and all their paperwork was in order. There was one slight error on their bid and the total that they had listed on their actual bid was \$171,571.50, but they had an addition error on their itemized proposal which actually reduced it by \$3.40 down to \$171,568.10. Subject to that, it's recommended that it be approved.

Commissioner Mourdock: So moved.

President Jerrel: I'll second and say so ordered.

John Stoll: Next I would like to recommend that we accept streets in Section A and B of Ashley Place Subdivision. This is 330 feet of Eickhoff Road, 490 feet of Aster Lane, 470 feet of Sunflower Circle and 360 feet of Trillium Way. This subdivision is located off of Eickhoff Road, the north end of Eickhoff Road, north of Hogue Road. All these streets were inspected as they were constructed and it's recommended that they be accepted for maintenance.

Commissioner Mourdock: So moved.

President Jerrel: And I'll second and say so ordered.

John Stoll: Next I've got a Notice to Bidders for contract number VC99-10-02. This is the Oak Hill Road sanitary sewer. This is the Barrett Law sewer that will serve the area of St. George Road, Rode Road, Bexley Court and Oak Hill Road. It's recommended that this be approved.

Commissioner Mourdock: It's been a long time coming. So moved.

President Jerrel: I'll second and say so ordered.

John Stoll: Still got a ways to go because the terms of the contract I believe we're going to put a June 30, 2000 completion date, so it will still be a while before it's available for use but it's closer.

Commissioner Mourdock: That will have liquidated damages beyond that date?

John Stoll: Yes. The next item I've got is a correction for a street acceptance that was done in 1998. We received a letter from the developer's engineer on The North Greens Subdivision Section 5. They had requested we would accept 206 feet of Wilderness Green and a couple of months later when the subdivision plat was recorded they had changed the name to Mallard Pointe, so in order to provide a record of why Mallard Pointe all of a sudden appears on our accepted road list and Wilderness Green disappears from the accepted road list we wanted to get this run through the meeting.

President Jerrel: How are you spelling that?

John Stoll: M-a-l-l-a-r-d P-o-i-n-t-e.

President Jerrel: Okay.

Commissioner Mourdock: I'll move that we accept the correction.

President Jerrel: And I'll second and say so ordered.

John Stoll: The final item I've got is the disclosure page for the INDOT permit, the INDOT driveway permit, for the Vanderburgh Industrial Park. Since the county is involved in the financing and construction of the industrial park the county needs to sign off on a disclosure page agreeing to the terms of the driveway permit. I've had Joe review this and he was okay with the language on it and based on that it's recommended that this be approved by the Commissioners.

Commissioner Mourdock: And this is what, a disclosure?

President Jerrel: Because we're paying for it.

Commissioner Mourdock: But what are we disclosing? I'm missing something.

John Stoll: We're agreeing to the terms and conditions of the INDOT permit for the work on the Highway 57.

Commissioner Mourdock: Ah, we're disclosing our acceptance of those?

John Stoll: Right.

Commissioner Mourdock: Okay, I'll move acceptance of this memo.

President Jerrel: And I'll second and say so ordered.

John Stoll: There is no signature line, so I would say just sign somewhere around there.

President Jerrel: Okay.

John Stoll: That's all I have unless you have any questions?

President Jerrel: Any questions? No. Thank you very much.

John Stoll: Thanks.

Erik Bentle - Superintendent of County Highway

President Jerrel: County Attorney...or, okay, he is up.

Erik Bentle: Skipping right over me, isn't she?

President Jerrel: Yeah, I did. I had you checked off. I knew you were coming next.

Erik Bentle: Okay, you've got my weekly reports and my work schedule for this week. I've got a handout I want to give you here.

President Jerrel: I also got your evaluations. I appreciate that very much.

Erik Bentle: Okay. It's kind of ironic Mr. Kirwer brought up the shoulders. What I am

wanting you to approve is a shoulder maintainer for the County Highway. How we do it now is just dump gravel in the road and then we use the grader and grade the gravel off to the side of the road. That causes a couple of problems. It doesn't give us a good surface on the side of the road for a shoulder and it also causes the grader blades to tear the edge of the road up. Not only does that, it tears the grader blades up too. This shoulder maintainer fits on the front of a front-end loader. The trucks back up to it, dumps the load and it conveys it off and smooths it to a smooth surface on the side of the road so it gives us a two foot shoulder, one foot shoulder, whatever we need to put down in that area. With a grader it's kind of hard to put anything but maybe a foot shoulder on the side without getting into people's yard with the grader. This is something I think the highway could keep busy year round.

President Jerrel: What about our grader, the one that was in need of fixing?

Erik Bentle: The grader?

President Jerrel: Or was it the gradall?

Erik Bentle: The gradall, they pulled the motor in it Thursday and it should be back in probably Wednesday.

President Jerrel: Okay.

Commissioner Mourdock: Well, it's ironic that Jack Kirwer mentioned shoulders, it's ironic you mentioned shoulders--

Erik Bentle: Wasn't it though?

Commissioner Mourdock: --because I wanted to talk to you tonight about shoulders, too, Erik.

Erik Bentle: Yeah, we've got probably half the roads in the county need shoulder improvements done to them.

Commissioner Mourdock: Yeah.

Erik Bentle: With this machine we can probably double if not triple the amount of roads that we do per day.

Commissioner Mourdock: Yeah, you haven't mentioned yet one of the better reasons for getting better shoulders and that's simply to have better drainage going off the roads.

Erik Bentle: Better drainage and as far as safety--

Commissioner Mourdock: Safety.

Erik Bentle: --it just--

President Jerrel: A no brainer.

Erik Bentle: --it's unbelievable how dangerous the roads can be without a shoulder on them.

Commissioner Mourdock: The only question I have in the presentation you're giving us here, or this bit of information, it appears to me this is a very specific one to fit our trucks, correct?

Erik Bentle: No, it doesn't fit the trucks.

Commissioner Mourdock: It fits the loader?

Erik Bentle: It actually sits on the front of the front-end loader. You remove the bucket.

Commissioner Mourdock: Okay, the same question applies then. Is this going to fit specifically a loader that we already have?

Erik Bentle: Yes.

Commissioner Mourdock: Are there other makes and models out there that would also specifically fit the make and model we have so that we can get a competitive price?

Erik Bentle: No, I have checked and this is the only company that sells this type of shoulder maintainer. The rest that I have found fit on the back of the dump trucks and convey it off from a truck, but then you've still got to use the grader to smooth them out.

Commissioner Mourdock: How do we know that we are getting the most competitive price on this then?

Erik Bentle: Well, this is...I've checked so far ten different companies that sell this type of equipment, this shoulder maintainer, and this is the only one that I could find that sells this type that fits on the front-end loader where it doesn't tie the trucks up.

Commissioner Mourdock: Would you be bidding this out among various suppliers of this same piece?

Erik Bentle: If we can get the ones to match this piece of equipment, yes. The reason I can't use the ones that fit on the dump trucks is because we're getting ready to put the salt spreaders on them.

Commissioner Mourdock: I understand. Yeah, I understand that.

President Jerrel: What about...where is this company located?

Erik Bentle: It's from Deeds Equipment.

President Jerrel: What I was going to say is it would sure be nice to see it in action.

Erik Bentle: I've got a videotape of it that shows it in action. Yeah.

President Jerrel: Have you, okay?

Erik Bentle: Yeah.

President Jerrel: That would be good.

Erik Bentle: I can bring it up to your office.

President Jerrel: Either that or we're about due for a safety meeting. I could come out early some morning and we could look at it.

Erik Bentle: Okay. I think it would be beneficial to us and the way we do it now we tie the grader up, we tie another operator up in the broom cleaning the road up after him and then we've got to have a roller man and this does all of it by itself.

Commissioner Mourdock: Yeah. Joe, do you have any suggestions? I think you understand my point there. And quite honestly, even if the company that manufactures this it's entirely like that they kind of franchise it out and the way they network their franchises we may only get one price for this.

Joe Harrison, Jr.: Yeah, I think it would be preferable if you could bid it out and you may only get one response, but then again prior to doing that you're going to have to make sure you've got funding in place and you may have enough now. I don't know what kind of funding you need for this, but you've got to have the funding in place first at least before you award bids.

Erik Bentle: We've got that.

Joe Harrison, Jr.: Okay. Now, is it going to be under...what's the approximate amount of this?

Erik Bentle: Approximately \$23,000.

Joe Harrison, Jr.: Okay, well you can get quotes. You can get three.

Commissioner Mourdock: But there is only one manufacturer.

Joe Harrison, Jr.: Well, he may not...yeah, I guess.

Erik Bentle: I've checked ten different other companies or nine other companies and nobody can come up with this same type of equipment.

Commissioner Mourdock: That fits what we have now.

Joe Harrison, Jr.: Right, but then again he can still make an attempt to secure three quotes even if they tell you they don't have it.

Erik Bentle: Even if they're not this type of equipment?

Joe Harrison, Jr.: That's right. Just say this is what you're looking for.

Erik Bentle: I've already got that, I just didn't bring it with me.

Joe Harrison, Jr.: Okay.

Erik Bentle: Because it wasn't the same type of quote, you know, for the same equipment.

Joe Harrison, Jr.: But written documentation that has been sent out and responses back from them saying they don't have it. But if it's going to be under...if you think

it's going to be under \$25,000 you can do it the quote route.

Erik Bentle: Yeah, that's what I thought.

Joe Harrison, Jr.: Okay, but we're going to need three.

President Jerrel: Is this hot mix?

Commissioner Mourdock: Just gravel. It's just for the shoulders.

President Jerrel: Yeah, I know but they show--

Commissioner Mourdock: They show some other things.

President Jerrel: It looks like hot mix to me.

Erik Bentle: Yes, you can also run hot mix through it for shoulders, gravel, pea gravel, it doesn't matter.

President Jerrel: That's what this picture is.

Erik Bentle: What it is, this is a conveyor that conveys it out to the side and this thing here actually smooths it out and packs it down as you're going along.

Commissioner Mourdock: You're thinking most of time you would only be running stone though, right?

Erik Bentle: It would be stone. That's all we do on shoulders.

Commissioner Mourdock: Yeah, right.

President Jerrel: Okay.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: What he may want to do is come back next week with quotes from three saying this is the only quote he has and he asked for others and they've responded that they don't have it, but you're going to have to produce at least three responses saying they don't have this.

President Jerrel: And you ought to have one telephone call to some place--

Joe Harrison, Jr.: Yes.

President Jerrel: That has used this product that you can talk to somebody like yourself and tell you what to expect from it.

Erik Bentle: Okay. That's all I have.

President Jerrel: Okay, thank you.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Last Thursday the city and the county kicked off their United Way campaign. That will last until October 15th.

President Jerrel: October 15th, is it? When are we going to put everything out? Has it started?

Tony Greubel: Yeah, we've been distributing the materials now.

President Jerrel: Okay.

Tony Greubel: That's all.

Weekly reports

President Jerrel: We have the reports from Burdette Park, Soil & Water and the Ozone Officer.

Commissioner Mourdock: I'll move acceptance of those as filed.

President Jerrel: I'll second and say so ordered.

Consent items

President Jerrel: You have the consent items before you. Are there any questions?

Commissioner Mourdock: I'll move approval of the consent items as filed.

President Jerrel: And I'll second and say so ordered.

Old business

President Jerrel: Is there any old business to come before us?

Commissioner Mourdock: One bit of old business. We have the committee on local access for roads.

President Jerrel: Yes.

Commissioner Mourdock: And we were short one person from the north side and I would move a Mr. Les Lantaff who is a volunteer fireman up in Scott Township to

serve from the north side.

President Jerrel: And I'll second that motion and say so ordered.

Commissioner Mourdock: Okay, and, Tony, would you contact him then, please? He comes highly recommended. Tony has known him for years.

President Jerrel: Good.

Commissioner Mourdock: I was a little hesitant with that reference, but...!

New business

President Jerrel: Any new business?

Commissioner Mourdock: Nope.

President Jerrel: In their packets are the...is the information that I asked you to put in regarding the ICS' proposed legislation, is that in there?

Tony Greubel: I think I put that in their mailboxes instead of in the packet.

President Jerrel: Okay, then I would just urge you to read that because I would like to set a couple of alternative dates for a meeting that we devote to the legislative members so that we can develop at least some dialogue with our legislators to know where they're going in this coming session and if there is anything that we can help them discuss and perhaps find out if they would be willing to help us with some issues. I don't know what dates are good, but probably the first two weeks are the easiest.

Commissioner Mourdock: Yeah, and we discussed doing that at a regular Monday night session.

President Jerrel: Yes, uh-huh.

Commissioner Mourdock: So I'm all for it.

President Jerrel: It would probably be a good idea, Tony, if you could call. I spoke to Representative Avery and he said, you know, he would need to check his calendar and I did not call him back that very day because I didn't know how you feel about this and Pat and I have spoken to Pat about it. Do you want to try to do it on the 11th of November?

Commissioner Mourdock: Okay.

President Jerrel: I mean, October, excuse me. The 11th of October.

Commissioner Mourdock: Okay.

President Jerrel: Because that's Solid Waste and we don't have anything after our meeting. Could you do some calls to them and see and tell them that we would begin the meeting at 5:30 and it would probably last, you know, 45 minutes or an hour. Whatever time they would need and that the purpose is for us to develop

some dialogue with them before they go in November for their organization meeting.

Commissioner Mourdock: I'll move then formally that we dedicate the meeting of October 11th to our legislative meeting.

President Jerrel: If that's okay with them, if we can get them, the majority.

Commissioner Mourdock: Sure.

President Jerrel: And I'll second and say so ordered. Any other business to come before this Board?

Commissioner Mourdock: I was just going to add one quick comment for the students that are here.

President Jerrel: Okay.

Commissioner Mourdock: I've been here for almost six years...just completing my fifth year and that meeting when we have the state legislators here talking to them about what this county needs from state government it seems like such a logical thing that county government ought to be communicating that way with state government and it has never happened, at least in the six years that I've been here. That's just...it's one of those duh, how come that doesn't happen, so I think that will be a very interesting meeting.

President Jerrel: Okay, motion to adjourn?

Commissioner Mourdock: So moved.

President Jerrel: So ordered.

The meeting was adjourned at 6:14 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jerry Bryan
John Stoll
Jack Kirwer
Erik Bentle
Les Shively
Ron Roat
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

**Vanderburgh County
Board of Commissioners
October 4, 1999**

The Vanderburgh County Board of Commissioners met in session this 4th day of October at 5:36 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the County Commissioners' meeting to order. The first item on the agenda I would like to introduce to you the people before you. On my far right is Tony Greubel, Superintendent of County Buildings; Joe Harrison, Jr., the County Attorney; Commissioner Pat Tuley; my far left Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance?

Approval of minutes

President Jerrel: The first order of business is the approval of the minutes of the previous minutes.

Charlene Timmons: There are two sets.

Commissioner Mourdock: Yeah, there should be two sets of those.

President Jerrel: There are two sets, one the meeting of September 20th and Pat will need to vote on that one.

Commissioner Tuley: I'll move for approval of the minutes of the September 20th meeting.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: And I'll move approval of the minutes of September 27th.

President Jerrel: Oh, and I'll second and say so ordered. I'm the only one that is here every time, right?

Commissioner Mourdock: The last three weeks.

President Jerrel: That wasn't nice.

Certification of Executive Session

President Jerrel: The next item on the agenda...oh, I'll say so ordered on the minutes. The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: And I'll move approval of the summary minutes of the Executive Session from this evening which began at 4:30 and ended at 5:30 and dealt with pending litigation and county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Open bids VC99-09-03, Replacement of Broadway Avenue Bridge No. 272 VC99-08-01 Concrete repair of various roads</p>

President Jerrel: The next item is the County Engineer for bids.

Commissioner Tuley: Do you just need a motion?

President Jerrel: For...to open bids.

Commissioner Mourdock: Oh, so moved.

Commissioner Tuley: Second the opening of the bids.

President Jerrel: Okay, and there are two items that they'll be opened for.

Commissioner Tuley: Three, isn't it?

President Jerrel: Three?

Commissioner Mourdock: Yeah.

John Stoll: Two.

Commissioner Tuley: Oh, two?

John Stoll: The Vanderburgh Industrial Park project will have to be delayed for a week because the Sewer Department made some comments about the sanitary sewer design for that project which will necessitate some design changes and Bernardin Lochmueller is supposed to get those plans revised and in the contractors' hands tomorrow or Wednesday, so we're postponing that one week.

Commissioner Mourdock: Alright, let me be specific then. First of all I move for approval of VC99-09-03 for the opening of bids.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Second, I would move approval of opening bids for VC99-08 for road materials.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>Final reading - Vacation of easements Crosslake Drive and Circle Front Drive</p>

President Jerrel: We next have the final reading of the vacation of the easement at

Crosslake. Is there anyone here to speak to this?

Commissioner Mourdock: Seeing none, on final reading I'll move approval of the request for the vacation of easements for Crosslake Drive and Circle Front Drive.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I think we need a roll call.

President Jerrel: Yes, I was just...Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Final reading - Amendment of Chapter 10.16.010 Speed limits
--

President Jerrel: The next item is the final reading on the speed limit ordinance.

Commissioner Mourdock: John, I know you've made a couple of changes pursuant to the discussion of last week specifically on the section from Darmstadt Road from where to Mohr Road?

John Stoll: From the city limits to Mohr.

Commissioner Mourdock: Okay. And we added in Norm Wagner Drive which is normally what we have been calling the frontage road out just south of Azteca and north of Matrix so those are now in the package.

John Stoll: Those are the two changes from last week.

President Jerrel: Right.

Commissioner Mourdock: I don't know if there is someone here to speak to this.

President Jerrel: Is there anyone that wishes to speak to the speed limit ordinance? Seeing none, is there a motion?

Commissioner Mourdock: On final reading then I would move approval of the ordinance amending the speed limits, Chapter 10.16.010 for speed limits for various sections of county roads.

Commissioner Tuley: Second.

President Jerrel: So ordered. I'll call for a roll call. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Marsha Abell - Courtview 2000

President Jerrel: The next item on the agenda is the County Clerk, Courtview package.

Marsha Abell: Thank you. I'm Marsha Abell, the County Clerk. I sent all three of the Commissioners and also the County Attorney a memo regarding the problems that we're having with this particular piece of software. Mr. Cottun is here with me this evening. Luckily this did get us some attention. Courtview...Crawford Consulting Courtview's vendor flew in here this morning to meet with us to make sure that when we reported to you tonight it would be a good report. I will tell you that they have agreed to give us five more additional days of someone here to find out why the computer system is making the errors that it is making and they're supposed to fix it and make it work properly for us. We're scheduling the time and I suspect that they will be here yet within the next couple of weeks. We would like to have conversion ready by the end of October. That's a big process and it takes a lot of manpower hours so they want to get it done at the same time. I'm just here to tell you that I am optimistic, but I don't want to put this aside yet until we've got this thing completely taken care of because it has caused some major problems in the court systems with the errors it has been making. There is still the six-eight split problem with the Circuit and Superior Court and as of this morning it looks like they're going to want to charge us an additional approximately \$20,000 to make this computer system do that. Until I know from Judge Knight whether or not that is a requirement I won't be addressing that to the Council, but that may become a major problem. That's not a state statute, it's actually a Vanderburgh County ordinance and consequently they don't feel it was part of their original package.

President Jerrel: Is that...and have you talked to the judges and they feel they have to have that? I mean, there is...

Marsha Abell: Judge Knight was in the meeting this morning.

President Jerrel: Oh, okay.

Marsha Abell: I guess before they had the six-eight split there was some problems with some of the judges becoming the major ones to hear certain criminal cases and there was some problems with the possibility of judge selection and that's why they went to the six-eight split to make sure that it was properly done.

President Jerrel: For the record I would like to read that in.

"All cases in Vanderburgh County, Indiana in which the highest crime charges of felony shall be randomly assigned by the Clerk of Vanderburgh County to the Circuit and Superior Courts of Vanderburgh in the following ratios: Eight cases are to be assigned to Vanderburgh Circuit Court for each six cases assigned to Vanderburgh Superior Court."

Marsha Abell: I'll just have to let you know where we go on that. Judge Knight and I are going to meet about it before we go back to Crawford, but it's a major change in their computer system that they don't feel they should be responsible for since it's a local ordinance and not a state statute.

President Jerrel: Did you have anything to say? Any questions from the Commissioners? Thank you very much for doing that. I didn't come in, but I listened to you, sort of outside the door, and I'm glad that you were able to reach this kind of an agreement.

Marsha Abell: Is there something you wanted to ask me, Mr. Harrison?

Joe Harrison, Jr.: The only thing I wanted to say is that the eight-six split I believe that is a court directive of April 25, 1995 between the Circuit and Superior Court.

President Jerrel: So it's not--

Joe Harrison, Jr.: It's not an ordinance, it's just a directive from the court.

Marsha Abell: Oh, okay, from our court?

Joe Harrison, Jr.: Local rule.

Marsha Abell: Right, right.

Joe Harrison, Jr.: Which applies to both the Circuit and Superior courts.

Commissioner Mourdock: So we'll just hang loose and see what happens.

Marsha Abell: And hope it works.

President Jerrel: Thank you very much.

SCT - Approval of software maintenance

President Jerrel: The next item is the approval of software maintenance renewal contracts for SCT.

Bill Cottun: Thank you. We have--

President Jerrel: You want to give your name?

Bill Cottun: My name is Bill Cottun. I'm the Account Executive for Systems and Computer Technology. We manage the city/county government computer network. We have two requests before you tonight. The first is for Tiburon which is for the three packages that we currently run on our mainframe network. THRUway, which is a software to connect the servers across the network, TT/RECON, which is a software utility that allows us to provide remote user support and TAPESYS, which is the backup software for the VAX servers. The total amount of that is \$41,090. That is for one year's support.

President Jerrel: I have one question.

Bill Cottun: Yes, ma'am.

President Jerrel: Is Tiburon still in business as Tiburon?

Bill Cottun: Yes, ma'am. They are being purchased or have been purchased, one of the two, by a larger company, but they are still providing support for the applications that we currently have for network administration. They are also providing a software package for the Evansville Police Department and I think that's the package of particular concern that we have right now. These costs do not address the Evansville Police package specifically. These are for network support. We need to provide this for the network to be able to do backups and remote support and those kinds of things, but we are working with EPD on their concerns about their package that they have for support.

Commissioner Mourdock: Given that they have been acquired, do we take on any unusual risk here that they may just go away once they have been swallowed up?

Bill Cottun: I don't know that right now we have a high level of exposure. They do want to continue doing business and if they were to withdraw from this jurisdiction then I think it would make it very difficult for them to sell their new client server product that they brought out, so it's going to be a...it would not be in their best interest to pull out of this product. There is some concern about that.

Commissioner Mourdock: Is it a fairly widely used product?

Bill Cottun: Their mainframe product which we currently use has a very large user base. What they're trying to do is move to client server and anytime you're doing that there is a transition issue about what you want to support and what you don't want to support.

Commissioner Mourdock: If they do walk away from it do we have any recourse?

Bill Cottun: I would have to defer to counsel on that, sir. I don't think that it would immediately put us in jeopardy. The product would still run and we are in the process over the next year to 18 months of looking for replacement and going to client server anyway and the question really is do we go with their client server product or will we go with another vendor. Depending on the position they take over the next year is going to determine whether we stay with them or go with another vendor.

President Jerrel: Okay, just keep us posted.

Bill Cottun: Yes, ma'am.

President Jerrel: Do you want to do the other one and then we'll--

Bill Cottun: The Software Partners is the software maintenance renewal also. That is for network support and that runs from December 1, 1999 to November 30, 2000. That cost on that is a total of \$3,655.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval of the agreement for extended services for software support and maintenance fee as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun: Thank you very much.

President Jerrel: Thank you.

Any group or individual wishing to address the Commission
--

President Jerrel: At this time on the agenda we have an item that just is for anyone that wishes to speak to the Commission, so if there is anyone here that would like to say something now is the time to say it.

Susan Wolf: Hello, as I imagine you'll recall we came to you--

President Jerrel: You want give your name?

Susan Wolf: I'm sorry, I'm Susan Wolf. As I said, we came to you in May with petitions asking for a public hearing to discuss the design and safety of the proposed University Parkway also referred to as the Eickhoff/Koressel Road project. At that time you suggested that we meet with County Engineer, John Stoll, and representatives of Bernardin Lochmueller. We agreed to do so and in June we met with them as the beginning of a dialogue to address our concerns. At the end of that meeting Mr. Stoll told us that he would send us information about the most recent traffic counts for the area, which we requested, and results of his looking into traffic problems that we pointed out at the overpass into the USI campus and proposed changes for the entry into USI, anything that he could find out about that. Now that was almost four months ago and we have not yet had any communication from Mr. Stoll. We met with your representatives in good faith as you asked us in May and we were seeking in that time to discuss and clarify some of these issues that we really feel have a significant...could have a significant impact on the traffic patterns and the safety of the west side. We're still waiting for answers to some of these questions therefore we again request that you set a time and a place for a public discussion of the proposed University Parkway. At this time we really still believe that our questions can best be answered in a public meeting. Thank you.

President Jerrel: Thank you. Do you have any questions before I ask John?

Commissioner Mourdock: No.

President Jerrel: And when you speak of a public meeting we do everything we do in a public meeting. Whether or not something is called a public hearing, that's semantics.

Susan Wolf: Exactly. That's exactly right.

President Jerrel: Okay, John, do you have any comments?

John Stoll: She is correct, I have not sent the traffic counts as of yet and to my knowledge no new studies have been done by either EUTS or INDOT for any evaluations of anything within the USI interchange. I spoke with them briefly after we met with the people who are opposed to the Eickhoff project last June, but as far

as contacting them since then as far as detailed studies I have not, but I can get that in the works.

President Jerrel: Did you look at the plans that were at...okay, and you talked about the public INDOT hearing so everybody is up to speed on all of that?

Susan Wolf: Yes, we did discuss and several people who are here who are on the steering committee with us that are working to investigate.

President Jerrel: Right.

Susan Wolf: And we understand many of the plans, we just still have questions about traffic flow in the area and consideration of that which we really feel that we still need to address. As the population in that area increases and the population at USI increases and the talk about traffic pattern changes and we are aware of this because we have been aware of it all along. Some people aren't aware of proposed patterns and so forth because the road has not affected them and will not affect them and this is our knowledge.

President Jerrel: I think the project status is right-of-way is being acquired.

John Stoll: Not yet. The right-of-way engineering has been done and it was delivered about a week and a half ago to my office, so all the legal descriptions have been prepared for the first two miles.

President Jerrel: So it will come to us?

John Stoll: As far as right-of-way acquisition goes we'll have to enter into another agreement with Bernardin Lochmueller to actually start the appraisals for the right-of-way acquisitions.

President Jerrel: Okay.

Susan Wolf: But again this is around our questions as to what will happen with things like stoplights on top of the overpass and so forth. All of these, and I'm not prepared and you're not prepared to have a major discussion and that's not my point right now.

President Jerrel: Right.

Susan Wolf: I just want...we wanted to come back and say, okay, we're still waiting. We asked for this information and we feel that it is pertinent to the traffic pattern in the area.

President Jerrel: Sure. When we get...when you get the information for, you know, answers to the questions that you requested then we'll set a time where we'll sit down and talk about it with the designers.

Susan Wolf: That would be very good. We would appreciate that. Thank you. And you'll contact...you still have my information to contact me so that I can get it to the group?

John Stoll: Yes.

President Jerrel: Okay, thank you.

Susan Wolf: Thank you.

Commissioner Mourdock: I want to be sure what I just heard. I think I heard two different things. Bettye Lou, I heard you say that when we get the information we'll start the ball rolling, but I also heard John say that you have some information already, is that right?

John Stoll: I'm not sure what existing traffic counts are available as far as in great detail in regard to the interchange. The rest of the road is on a new alignment, so really there is no traffic count data that is going to be of any benefit.

Commissioner Mourdock: Okay. So those two things are the same though? That's the point I am trying to make. That, Bettye Lou, the information you're saying once we get the information that information is what John is talking about?

President Jerrel: Well, anything we get that relates to Eickhoff/Koressel.

John Stoll: It was my understanding at the meeting last June, and correct me if I am wrong, it was that the traffic problems at the interchange are creating some problems. The interchange doesn't operate properly right now and that was one of your main problems.

Susan Wolf: Right, and then what changes because you suggested then that there would be a stoplight on top of it.

John Stoll: There is a possibility of that.

Susan Wolf: To bring the traffic in and those are things that we're going...you know.

Commissioner Mourdock: And have we requested a traffic count from the state or can we do one ourselves?

John Stoll: EUTS can do those. I have not contacted the state and the state is responsible for the interchange because we did turn that over to them. So I would guess EUTS and the state would work together to get that data, but I'll have to do some checking to make sure and get you an answer at least as far as the studies go next week.

Commissioner Mourdock: Okay, do you want to...okay, next week.

John Stoll: And let you know at least who would do it and what data they gather.

Commissioner Mourdock: Okay, so next week we'll be hearing from him.

President Jerrel: Right, and then we'll call you when we have the information.

Susan Wolf: Okay, great. Thank you.

John Stoll - County Engineer

President Jerrel: Okay, under department head reports. First, County Engineer.

John Stoll: The first item I've got is a letter from J.H. Rudolph in regard to contract number VC99-06-02, the Virginia Street extension. The completion date on the county's portion of that contract was established in the contract as September 24, 1999 and because that date has since come and gone and the project is not completed Rudolph has requested a time extension. The reason that they're asking for the time extension is because they're trying to build a portion of the road within Section 5 of Cross Pointe Subdivision at the same time they do the county's portion of the road and the county's portion is about a fourth of what is being built within the subdivision. I said a fourth, probably a third. Anyway, on the basis of the fact that our portion is not usable unless they get their portion done within the subdivision Rudolph is asking for this time extension and a portion within the subdivision is not being completed due to the utility conflicts. We need to get some fire hydrants relocated and some water lines moved, so on the basis of the fact that we can't use ours until that is done it is recommended that this be approved.

Commissioner Mourdock: I'm not going to try to repeat that, I'll just say so moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Sounds like a good idea. The next item I've got is an agreement with Bernardin Lochmueller & Associates for an amount not to exceed \$16,100 for the evaluation of the slope failures out on Gregory Court in Deerfield Subdivision. This is a portion of the road that failed due to some excavation that took place on the embankment and as a result of a court order last week we finally have the right to get out on the property to do the soil borings and survey work and things like that, so this agreement will allow Bernardin to get the soil consultant hired and to do some survey work in order to do some preliminary design. We'll have to follow this up once they get the soil data with a more detailed evaluation and then the actual final bid drawings, but this will at least get the ball rolling to where we'll know what direction we need to go to repair the road.

Commissioner Mourdock: I'll move approval of the signing of the contract with Bernardin Lochmueller for the soil slope study.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a memo that outlines the final cost on the Evergreen Heights Barrett Law sewer. The final construction cost was \$121,615.43. The engineering costs with Morley and Associates were \$35,211.87. Utility costs with SIGECO were \$2,590. The legal fees from Barnes & Thornburg and Bowers, Harrison, Kent & Miller are \$10,000. That makes the project a total of \$169,417.30. The project is complete. The Sewer Department says that they will accept the project for maintenance tomorrow, so on that basis it is recommended that the county officially accept this project.

Commissioner Mourdock: Do you recall what our original estimate was?

Joe Harrison, Jr.: \$225,000.

Commissioner Mourdock: \$225,000 and we came in at \$169,000.

Joe Harrison, Jr.: Right. That's correct.

John Stoll: This came in well underneath what the original estimates were.

Commissioner Mourdock: So we need a motion there. I'll move approval of the final report of the \$169,000 plus figure for the Barrett Law sewer for Oak Hill as presented.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: No, that was for the Evergreen.

Commissioner Mourdock: Evergreen.

Joe Harrison, Jr.: Evergreen Heights. I'm sorry, and also if you would move acceptance of the Evergreen sewer also.

John Stoll: I said the wrong sewer. We just put the other one out for bid.

Commissioner Mourdock: Okay. I amend the motion to be the Evergreen Subdivision.

Commissioner Tuley: Resecond.

President Jerrel: And I'll say so ordered.

Joe Harrison, Jr.: And also a motion regarding the--

Commissioner Tuley: Acceptance?

Joe Harrison, Jr.: --acceptance of this sewer.

Commissioner Mourdock: And I'll move acceptance of the sewer as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Thanks.

John Stoll: Next item I've got is a request for a sidewalk waiver for Enterprise Park Subdivision. This is a commercial/industrial subdivision that is going to go on the east side of I-164 north of Oak Grove Road. This will be an extension of an access road the state built. They're going to provide a curb and gutter street extension off this asphalt access road that the state left. There are no other sidewalks in the vicinity of this subdivision and the road that the state built doesn't have curbs and gutters so on that basis it is recommended the sidewalk waiver be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a request for acceptance of 2,365 feet of Norm Wagner Drive. This is the portion of the frontage road that we just constructed this past couple of months.

Commissioner Mourdock: I'll move acceptance of the full length of Norm Wagner Drive as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got another road plan that deals with an access road that the state built. This is the one that is on the south side of the trailer park at I-164 and Lynn Road. When the plans for this trailer park were originally submitted back in '92 they called for the ditching along the access road that the state built to take place from Lynn Road all the way to the west end of the access road and then they were going to install a pipe at the end of the road and then drain out into the detention pond out in this area. In order to have a smaller ditch now Morley and Associates has prepared a plan for the developer, Gene Whitehead, to come back to this point next to Canyon Court and they'll drain everything east of Canyon Court to Canyon Court and then they'll drain everything west to Canyon Court as well. They have submitted a proposed cross section of that road and ditch section on this sheet here so they basically end up with a smaller ditch down along this side of the road and since this is already an existing accepted county road going with a smaller ditch would be beneficial as far as the county is concerned. They're asking for approval to amend their ditch plan accordingly and then in conjunction with that they'll put a 36 inch pipe underneath this access road and then they'll also drain from the west end of the road on the south side down to this point as well and then they'll come out the retention pond like that.

Commissioner Mourdock: Will that 36 inch pipe be under the county road?

John Stoll: Yes. This--

President Jerrel: Tell me where this is.

Commissioner Mourdock: I-164.

John Stoll: I-164 is right here.

President Jerrel: Yeah.

John Stoll: Here is Pollack Avenue.

President Jerrel: Okay.

John Stoll: And then there is Lynn Road and this loops around and goes down by river camps down in this area.

Commissioner Mourdock: This is the only thing south of I-164 that is still basically above flood waters.

John Stoll: Right. The Angel Mound Boat Ramp is down here.

President Jerrel: Okay.

Commissioner Mourdock: (Inaudible.)

John Stoll: Lynn. This area is the portion of the trailer park where you see the trailers that have already been put in. This plan may need to be approved by the State Board of Health since they were the ones that had the original jurisdiction and approval of the overall trailer park back in '92, but in order to get this moving ahead as far as within our right-of-way I would recommend that we approve this subject to we're only approving within our right-of-way and the developer is still going (inaudible) required for modifications (inaudible).

President Jerrel: (Inaudible.)

John Stoll: Yeah.

Commissioner Mourdock: I'll formally move approval then of the road plan for the Eastbrook Mobile Home Park as requested.

Commissioner Tuley: I'm not sure that was a road plan as much as it was a ditch plan, wasn't it?

John Stoll: It was a ditch plan underneath the road.

Commissioner Mourdock: If it was a ditch plan is it something we really should do as Drainage Board?

John Stoll: (Inaudible.)

President Jerrel: Do you want to amend the motion?

Commissioner Mourdock: Yeah, I'll amend the motion then to say it's the road ditch plan.

Commissioner Tuley: Second.

President Jerrel: So ordered. At this point in time...was that all? Oh, okay. We need a motion to have the Building Authority alerted to the fact that we want another system. This isn't working. We'll put it on the record.

John Stoll: The last item I've got is a street plan approval request for the Vanderburgh Industrial Park. These plans have not been brought to the Commissioners as of yet. These plans basically are just for a loop road and a cul-de-sac (inaudible). The road exceeds the county's standards for width and minimum pavement thickness. (Inaudible) is recommended that those plans be approved.

Commissioner Mourdock: I'll move approval of the street plans for Vanderburgh Industrial Park as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I've got.

President Jerrel: Just a brief question. This just occurred to me and I didn't think of it before Susie Wolf left, did she call you?

John Stoll: No, she didn't.

President Jerrel: Okay, thank you.

Motion regarding sound system

President Jerrel: Before we move to the County Garage let's put on the record regarding the sound system.

Commissioner Mourdock: I'd be glad to do that. This sound system is deplorable and I move that we have the Superintendent of Buildings send a strong forceful letter and get help from the County Attorney if necessary to get the Building Authority to do something with this rotten system.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle - Superintendent of County Highway

President Jerrel: Okay, County Garage.

Erik Bentle: Erik Bentle, County Garage. You have my work schedule for this week and my weekly reports. The other thing that I have is we're down just below 12 percent on our paving. We're finished with our ditching, but still doing some odd and ends ditching that are called in on work orders, but what I would like to request is that we have Alan Court, Chris Court and Eric Court which is approximately 900 feet total left on the paving list and I would like to drop them off this year and redo the First Avenue Bridge and the intersection at Oak Hill and Heckel instead. (Inaudible.)

President Jerrel: Any comments?

Commissioner Tuley: The bridge, the decking?

Erik Bentle: Yeah. The First Avenue Bridge is sinking again. We just have Rudolph...I think it was Rudolph, wasn't it?

John Stoll: Jerry David.

Erik Bentle: Jerry David just resurfaced it at the end of summer. Anyway, they just redid it not too long ago and it's sinking in and it's getting to be a traffic hazard, so since we've got the paver going we need to put another coat (inaudible) and find out what is wrong with that bridge.

Commissioner Mourdock: What was the third one? Heckel Road, First Avenue and...?

Erik Bentle: Heckel Road and Oak Hill. The intersection is in terrible shape. We're going to go out there and wedge in the intersection.

Commissioner Mourdock: Okay, and which three are you taking off the list?

Erik Bentle: Eric Court, Chris Court and Alan Court, all off of 11th Avenue. We'll put them on the list next year.

Commissioner Mourdock: Okay, and they'll be first out next year?

Erik Bentle: First out next year. They're right there by the shop so we'll do them, jump right on in and if we have any trouble with the paver next year starting out that would be a good place to start.

President Jerrel: And if we would get a warm spell you could maybe even do them this year.

Erik Bentle: If we can get them to run mix for us, yes.

President Jerrel: Yeah. Is there a motion?

Commissioner Mourdock: Yeah, I'll move that we go ahead and change the paving plan as suggested. However, if at all possible to get those other three done off the--

Erik Bentle: It just 900 feet total.

Commissioner Mourdock: Yeah, I would still like to see us try to get those done. We told people we were going to do it and if we told them that I want to do everything we can to get it done.

Erik Bentle: I do too, but I figured these were in a little bit worse shape than those were.

Commissioner Mourdock: I'm not questioning the call, that's fine, but we also told people when we did the street plan that was our point and we want to do what we told them.

Erik Bentle: Sure. That should finish us up around 100 percent.

Commissioner Mourdock: Good.

Erik Bentle: Within a week of our deadline so we did pretty good I think.

Commissioner Tuley: Is that a motion?

Commissioner Mourdock: That was a motion.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: The other thing I had was I requested three quotes on the shoulder maintainer and I have them in your packet. The quote from Deeds is still lower than the other two. Carlisle sent a quote in for a different type of machine. That was the

closest they could get to matching our specs that we wanted on the shoulder maintainer and then Southeastern sent a quote in that was just astronomical.

Commissioner Mourdock: What's the major difference between the Carlisle quote...or the Carlisle equipment and what you need?

Erik Bentle: The Carlisle equipment is just a belt feeder that hooks on the back of the pickup...or the dump trucks and the one that we're wanting is actually a piece that fits on the front of the front-end loader where the trucks back up into it so it don't tie our trucks up with that piece of equipment on them because we're getting into snow season here and most of our trucks will be tied up with plows, but we'll have three trucks running with the shoulder crews and we don't want to have them tied up with that piece of equipment on it.

Commissioner Mourdock: Okay, so for the record you would not consider the Carlisle a responsive bid because it wasn't the type of equipment?

Erik Bentle: No.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move that we approve the purchase of the HTC Model 2000 Hydraulic Conveyor for \$23,020 as requested.

Commissioner Tuley: Second.

Erik Bentle: I've got a picture of it here if you guys want to look at it.

President Jerrel: And you have the funding in place?

Erik Bentle: Yes, (inaudible.)

Commissioner Tuley: I'll second the motion.

President Jerrel: So ordered.

Erik Bentle: That's all I have.

Commissioner Mourdock: Speak real briefly if you would, Erik, on the thing that Edgar Whitman at Baseline and Old Petersburg. That's the one that you said you went out and looked at and you were going to extend the pipe.

Erik Bentle: That was Baseline and Old State.

Commissioner Mourdock: Old State?

Erik Bentle: Yes. That's a real narrow intersection with both them two joining right there at that four way stop and that one southwest corner it's got a pretty good sized drop-off in that ditch and we're going to have to extend that drainage pipe that runs under Old State there approximately four to six feet and build that shoulder out. If you've got a large truck you can't hardly turn that corner without getting into the ditch.

Commissioner Mourdock: Tony, would you mind...would you give Mr. Whitman a call

tomorrow and let him know that we discussed it this evening and what the work plan is. Do you have a schedule for that, Erik?

Erik Bentle: We'll probably get on it here within the next week.

Commissioner Mourdock: Okay, make sure you add that, Tony.

President Jerrel: You want to keep this?

Joe Harrison, Jr. - County Attorney
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President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: Okay, I'll see if I can go quickly so we don't have to listen to this static. First of all I want to read the bids that were submitted. First on VC99-08-01, that's concrete repair of various county roads.

Company name	Amount bid
Concrete Pavers, Inc. Evansville, IN	\$123,560.25
Phoenix Construction Company Evansville, IN	\$107,045.00
A & M United, Inc. Evansville, IN	\$110,393.00
TD & O, LLC Evansville, IN	\$90,099.00
J.H. Rudolph & Co., Inc. Evansville, IN	\$120,392.00
Deig Bros. Lumber & Construction Evansville, IN	\$97,548.30

I would ask that you take these bids under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The second batch of bids relates to Bridge No. 272, that's replacement on Broadway Avenue, project number VC99-09-03.

Company name	Amount bid
Phoenix Construction Co. Evansville, IN	\$72,294.00
CLR, Inc. Vincennes, IN	\$109,422.00

Deig Bros. Lumber & Construction Evansville, IN	\$139,562.80
CCC of Evansville, Inc. Evansville, IN	\$52,844.48
TD & O, LLC Evansville, IN	\$50,630.00

I would ask that you take these bids under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next item I have relates to the Evergreen Heights Subdivision sanitary sewer project. A few minutes ago John Stoll submitted the project cost amount as well as...and that was approved by the Commissioners and also the Commissioners approved the acceptance of the project. Along with that now we start the assessment phase of the project and I have in front of me a preliminary assessment roll which sets forth the principal amount that each homeowner would have to pay at this point. If the homeowner decides to finance the project over time there will be interest and other costs added to the principal sum. There are 27 homeowners to be benefitted by the project and I have in my hand a copy of the preliminary assessment roll which I would like for the Commissioners to accept this evening and I have a notice which I have prepared to be published in the newspaper within the next couple of days for a public hearing concerning the approval of the preliminary assessment which is in front of you and I would like to have a hearing scheduled for October 25th at 5:30 for the consideration of the assessment roll. So really I am looking for two motions. One to accept the preliminary assessment roll as submitted reflecting the project costs submitted by John Stoll this evening and a second motion permitting public or legal advertisement for a hearing on October 25th concerning the consideration of the assessment roll.

Commissioner Mourdock: I'll move approval of the submitted preliminary assessment roll for the Barrett Law project for Evergreen Heights.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. And the amount, \$6,274.71, seems to get a new sewer and to use this Barrett Law is a reasonable way to get this done.

Commissioner Mourdock: When all those 27 folks left here if they thought it was going to be what did we say, \$225,000 is what the project estimate was, they ought to be very happy it came in at \$169,000. We may have actually pleased someone which is novel. Second then I would move that we schedule for October 25, 1999 the hearing for the final approval of what is currently the preliminary assessment date.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I will provide Charlene with the notice and I also have a disk for her convenience so she can...it will be a little easier for her to get that in the newspaper. Also, I have a proposal from Bernardin Lochmueller & Associates with regard to a survey that they are going...that they would wish...that we have asked that they conduct concerning the Civic Center Complex grounds in connection with the property currently owned by the Building Authority. There is a proposal in front of me for the sum of \$7,300 lump sum for their services in connection with a survey that they will perform and submit to the county and it is my understanding that the City of Evansville is also willing to contribute some portion of that lump sum fee should the Commissioners decide to follow through with that this evening.

Commissioner Mourdock: I'll move approval that we implement the survey for the property of the Building Authority for the amount requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Let me see, I think there is one other item regarding the Department of Corrections lawsuit. That is still pending. The county did amend the complaint recently and filed that with the Gibson Circuit Court. The temporary restraining order is still pending. It has been in effect for about 30 or so days now. More than that, probably 35 days. There is a motion to dismiss pending before the court and it has been briefed and there should be a ruling within the next week or so I would think with respect to that motion. That's all I have.

President Jerrel: Thank you.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Superintendent of County Buildings.

Tony Greubel: Yeah, I have four items tonight. First of all, submitting a final list of 1999 surplus county vehicles to be sold at auction this Thursday. I'm also going to submit the titles for signature for those vehicles to be sold at the auction. The second item, I'm submitting a lease agreement between the county and the Radisson Hotel for the Weights & Measures Department. It's addendum number eight and there is no change from last year. The rent is the same and all conditions for the rent. This is going to be from January 1, 2000 to December 31, 2000.

President Jerrel: Do you want to stop there just a minute. Since these are items that require motions would you want to let us--

Commissioner Mourdock: Yeah, let's do them backwards, I guess, but I'll move approval of amendment number eight to the lease agreement with the Radisson Hotel Evansville for housing the Department of Weights & Measures.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Second I would move approval that we sign the titles for the surplus vehicles as recommended by the Superintendent of County Buildings so they can be auctioned.

Commissioner Tuley: Do we go ahead and sign them before they're sold, I guess, so they can be transferred at the time of the sale, I guess?

President Jerrel: They're not valid unless we never turn them over to anybody.

Commissioner Tuley: Okay, second.

President Jerrel: So ordered.

Tony Greubel: Actually, do I have permission to sell them for almost anything at that auction? If somebody offers \$100 just get rid of it.

Commissioner Mourdock: Well, if it's an auction--

Tony Greubel: Within reason.

Commissioner Mourdock: If it's an auction it goes to high bid.

President Jerrel: I thought you did a really good job last year.

Tony Greubel: Thank you.

President Jerrel: So, I mean, I think Tony did a good job. I went over and watched him, so I think he did a good enough job I'm not going to go this year.

Tony Greubel: Okay, the third item is about two weeks ago the county signed a demonstration project application that the Planning Council submitted and inadvertently the Planning Council forgot to include the Assurance Statement and the state notified Phyllis Donahue of the Local Planning Council and we can still submit that, but she wrote that today for us to sign tonight.

Commissioner Mourdock: Did you say assurance or insurance?

Tony Greubel: Yes, assurance.

Commissioner Mourdock: Okay.

Tony Greubel: She just dropped that off this afternoon.

Commissioner Mourdock: So we need to accept this--

President Jerrel: Yeah.

Commissioner Mourdock: --Assurance Statement for the Vanderburgh County Local Self Sufficiency Planning Council to go in with the formally submitted grant request, so I move that we do that.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: And then the final thing is from the Prosecutor. They were needing...Mr. Levco...the Prosecutor, Stan Levco, has already signed it. The president of the County Commission has to sign it. It's just a Federal Equitable Sharing Agreement. It has to do with seizure of drug property and how that's split between the county and the federal government. If you want to hold it--

Commissioner Mourdock: That's alright. I'll move signing the...what was it called? Equitable--

Tony Greubel: Federal Equitable Sharing Agreement.

Commissioner Mourdock: the Equitable Sharing Agreement for--

Tony Greubel: Actually one of them is for the Vanderburgh County Multi-Agency Narcotics Task Force and the other is with the Vanderburgh County Prosecutor and Mr. Levco signed both of them.

Commissioner Mourdock: I'll move approval of the two Equitable Sharing Agreements previously signed by the Prosecutor.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's it.

Weekly reports

President Jerrel: The next item on the agenda, moving along, we have reports from Burdette, Soil & Water Conservation and Ozone Officer. Is there a motion to accept all the reports?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Under consent items are there any questions? If not, is there a motion?

Commissioner Mourdock: We need to withdraw from the consent items at the request of the Assessor the item or the one page that she had provided regarding surplus property.

Commissioner Tuley: Assessor or Auditor?

Suzanne Crouch: Auditor.

Commissioner Mourdock: I'm sorry, Auditor. I'm sorry.

Suzanne Crouch: If Dennis Buickel is the Auditor I can be the Assessor.

Commissioner Tuley: I want to go back to being Treasurer then!

Commissioner Mourdock: I want to go back to being a private citizen.

President Jerrel: Tony, is that...I didn't see that in there.

Commissioner Mourdock: It was the last page is what I had.

President Jerrel: Okay.

Commissioner Mourdock: But with the exception or once we withdraw that one document I would approve the motion for approval of the consent items.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: Is there...you have your meetings attached.

Old business

President Jerrel: Is there any old business that needs to come before the Board?

Commissioner Mourdock: No.

New business

President Jerrel: Any new business? Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:29 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Marsha Abell
Bill Cottun
Susan Wolf
John Stoll
Erik Bentle
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
October 11, 1999**

The Auditor’s Office strives to provide accurate and verbatim transcripts, however due to severe distortion in the sound system, speakers not stepping to the microphone to speak, and microphones not turned on before speaking, parts of the tape are inaudible. These portions are noted in parentheses.

The Vanderburgh County Board of Commissioners met in session this 11th day of October at 5:34 p.m. in room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I’d like to call the Board of Commissioners’ meeting to order. At this time I’d like to introduce to you the people before you. On my far right is Tony Greubel, the Superintendent of County Buildings; County Attorney Joe Harrison, Jr. is seated next to him; Commissioner Pat Tuley on my right; far left, Teri Lukeman, who is our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. And I’d like to ask you to join me in the Pledge of Allegiance now.

Approval of minutes

President Jerrel: Thank you. The first item on our agenda is the approval of the minutes of the previous meeting. Is there a motion?

Commissioner Mourdock: I’ll move approval of the minutes of October 4th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**State legislators
Legislative matters of importance to county government**

President Jerrel: The next item on the agenda and the one that we’ve really called this meeting for is to hear from our state legislators and let them hear a little bit from us and at this time I’d like to introduce to you: we have Representative Jonathon Weinzapfel -- want to raise your hands --; Senator Greg Server is next to him; Representative Vaneta Becker; Senator Stan Lutz in the back of the room. Is that -- Larry, I’m sorry. We have a “Stan” in the employ of the county. Did I get everybody? We don’t really have a formal presentation to make to you, but we felt it was important that the -- we have a problem with our P.A. system that we worked on this afternoon, but it obviously is not fixed. We thought it was important that before you have your organization day, that we have a chance to get input from you on perhaps procedures that you would like for us to follow as Commissioners in getting ideas to you, perhaps even have suggestions on methods that we might use to reach other legislators and we are well aware of all the material that comes across the table from you. At this time I’ll just ask my fellow Commissioners if they have any particular things they would like to discuss with you and then we have other people in the audience that have presentations or suggestions that they would like to raise and it will be a very informal session because it’s our meeting and it’s going to be devoted to the legislative issues. Pat, do you have...

Commissioner Tuley: Basically, as I was talking down the hallway with several of you, my concern is because we talk about needing to communicate and I was just trying to get a feel for how you would like for that communication to come and I know that you get just massive amounts of information presented to you with the different bills and everything that you are looking at, and I know that things can get lost in the shuffle and I was just trying to hear from you what way or what means you would prefer to hear from us on a particular issue of importance to us representing different people in Vanderburgh County. Some of the comments I heard, pick up the phone, voice mail, e-mail us, FAX us, get the information to us. I also asked how important is it maybe sometimes to have more of a formal -- Dennis Avery, I didn't know -- did Dennis get recognized?

President Jerrel: No --

Commissioner Tuley: Just walked in. I guess I was looking down and didn't see you, Dennis. You know, in a letter on our letterhead signed by all three of us, or how, and in (inaudible) case, it really would depend on the particular issue such as we were talking about the Food & Beverage, something like that, that is somewhat controversial. If the Board as a whole feels supportive of it, something more formalized like a letter signed by all three Commissioners addressed to each of you and sent out to you might be the way to go. But on individual other things, just a simple phone call, just something letting us know you need to know how we feel and what would like to hear our input. You get out there and you've got a lot of people pulling your arms wanting this, wanting that, but you really need to hear from us along with the constituents who will be contacting directly, but you need to hear from us in terms of the people we represent. And I think that's the dialogue or the kind of meeting we'd like to have here tonight is let's address those issues and figure out what it is you need from us and what we need from you.

President Jerrel: Richard?

Commissioner Mourdock: First of all, all of you, I appreciate you coming in to join us tonight and please do not interpret this meeting as somehow being a summons from the County Commission that's here to say you guys haven't been communicating with us, because as I said at the meeting last week, quite honestly, there's probably more fault on this side of the table than on your side. Last year, as you all recall, we did have one ball that almost fell between the cracks shall we say, on some funding over here for The Centre. And if anything, that just shows us and I hope shows those of us on both sides how we do need to work together better. I guess my comments here in starting off would just be two-fold. Number one, I would very much like to know, since you all do have your series of town meetings and you do get a lot of letters from constituents, I'd like to hear what you see as being your main issues individually that you're going to be carrying to the state this year. And then secondly, I would also like to give you some points of view that we have regarding issues that the county has been dealing with. I think each of us probably has an abbreviated list that we could discuss this evening, but the two of them on the top of my mind are certainly with the community corrections issue being what it has been here recently. The legislation that was passed as far as sending folks back our way was again one of those issues that I don't think anyone really understood the full meaning and the full impact of how that would affect a given county. But in this county with the jail overcrowding problem that we have, that thing could be devastating to us. As you know from reading the paper, our court case was basically thrown out in that particular issue, but we feel there has to be a legislative remedy to make it more fair and more workable. The second issue that's very much on my mind is one that I am

sure every county representative carries to every state legislator all the time which is funding. How can we get better funding for our roads and even more particularly, I am curious to know if there is any way that we could start to have more of an effective home rule. Commissioner Jerrel brought up at a meeting a few weeks back, I guess maybe six weeks back, as we met with people from Kentucky and the surrounding counties as to the extension of I-69 and how those studies might be done and how that road might someday be built, she raised the issue and I thought very tactfully, of the idea that maybe the state could put the funding in the county's hands and the county could then put it out to bid and the county could do things that traditionally have been left to the state. Now I realize that sounded like heresy to some who were state employees at the table. I mean, that's the kind of talk that Sam Adams and Nathan Hale kicked around about 200 years ago. You know, let us do it here, let us do it our own way. But I would challenge each of you with the thought that local rule really does work and if there's ways that our local southwestern Indiana delegation can work together to help move more of those projects down into the county's hands when the county is willing to take the bull by the horns, I'd really like to see that come to reality. One third topic, and this goes back a little bit to what Pat was saying a moment ago, how can we be most effective? And I don't mean that just as we, the County Commissioners of Vanderburgh County, and I don't even mean it in the sense of we the County Commissioners of southwestern Indiana, but I mean those two groups plus our local representatives up in Indianapolis. How can we work together better to have more clout in the legislature to get more for this part of the state? We hear the phrase Kentuckiana so much sometimes I think it's the 51st state. Is there a way that our collective county units can work together better to have more impact with each of you so that you can have more impact with the state? With that, Bettye Lou?

President Jerrel: That's it. I guess, let's start, Dennis, you're right by the podium. Let me ask you a question and then maybe we can get some interaction with the other members also. You're on the Ways & Means Committee, that's the committee that deals with funding, is there likely to be any opening of the budget at all?

Dennis Avery: I don't know at this point. I wish I did know because I receive that same question a lot and I have discussed it with our Ways & Means Chairman and also with Ways & Means staff people and they don't know at this point. I do know that there are a number of things that we will have to address that deal with the budget. The lawsuit on tobacco, for example, that's an issue that we're supposedly going to look into this session and if we do, then that opens up the issue of the budget and once you open it up, we can do basically what we have the numbers to accomplish and so it's just really too early to tell. As far as our priorities which someone asked, Richard, I believe, while ago, I don't know that we have priorities at this point. It is very early. The session doesn't start until January and I know several of us, they've just recently requested our drafts and I've requested a couple of things be drafted, but I always end up with more bills than I have room for because during the short session we will be limited to five bills and I am afraid, I am glad to say that usually local units of government do come forward and request certain things, so that always takes up a couple and so perhaps you will have some suggestions before January as to some of the things that we will be looking at.

President Jerrel: Maybe, Vaneta, are you and Greg with Dennis on the state hospital issue? Why don't you two come up and the three of you tell us where that is.

Dennis Avery: Well, of course, where we're at on the state hospital is that the state is going to build a new state hospital. I guess it's the first new hospital, state hospital

in the state of Indiana since the children's psychiatric center on Morgan Avenue and it's going to cost about 29 million dollars. We've given the authorization to bond for it and this last session is a part of the bill that we've talked a lot about. I also included an amendment in the bill that would create a study committee on use of the state hospital, land, once they build a new state hospital and declare the other land surplus and that's probably the next step. And also the siting of the new state hospital because I was very concerned about the proposed site. I had the southwest corner where the soccer fields are at. Are Vaneta and Greg coming?

President Jerrel: They're coming.

Dennis Avery: I was kind of hoping they were on the way.

Commissioner Tuley: They're behind you all the way, Dennis.

Dennis Avery: They're backing me up. But I do believe that the area legislative delegation agrees on this issue and we're all going to be working together on the study committee and we'll be coming up with an appropriate site and hopefully when we have community input, appropriate use of the surplus property at the state hospital.

Vaneta Becker: I think Representative Avery has indicated, I mean, we are working, our next meeting for the state hospital advisory council is next week. I think it's on Monday, the 18th. And we are supposed to give the state three more alternative sites. Ralph Nichols has indicated one. As a committee there's three or four of them. I think Dennis has one. We all had one together as a delegation and we also had one we did not want them to use, two of them actually that we don't want them to use. But all of that is going to be, we're going to come as a committee together and make those recommendations and it's going to be real timely. We're supposed to send them back by the first part of November to the state. Now this commission will continue on and we're in effect for two or three years.

President Jerrel: How much authority do you all have?

Vaneta Becker: We don't have the final authority. The Governor's Office basically has the final authority, but they certainly do listen to our recommendations because they also recognize that we know what the community wants and that if the community doesn't like what they decide, we're going to hear about and then they're going to hear about it and so they certainly, I think, will give great weight, tremendous weight, to our recommendation. We had a commitment from them that they would not consider the southwest corner in writing during the last session and they have now said they may or not consider the southwest corner, so you understand how frustrated that makes us at times when we feel like we have a commitment and a promise and then state government does not keep it. But we're going to try to make them keep it.

President Jerrel: Vaneta, that's an example, I mean, we could help on that.

Vaneta Becker: I think it would be helpful if you would maybe as a board, if you wanted to even come to some of our meetings or even just communicate with us. I mean, the southwest corner is critical because, first of all, I don't believe, and we as a committee, as an advisory committee do not, I think we agree together that that is not a good corner for mentally ill patients and our first responsibility is to provide care for the mentally ill. But I think we can do that on that about 190 acre tract that

we have left and still maintain the integrity of the soccer fields that the community has used and the green space. And it's not going to be easy to balance all of the various interests and save every tree and still maintain the Evansville Christian School, I think, they use some of the southeast corner and that was really where we wanted them to go but then you also have some of our constituents who want to use it for farming right now. They have gardens there on the southeast section as well. So I think our ultimate goal is to make sure we provide a good safe place for the mentally ill, but also to make sure that we also keep the integrity of the community partnership that we have developed over the years. I just had a meeting with someone this afternoon who told me and gave me some of the history. The original plot of ground for the Evansville State Hospital was 900 acres, over 900 acres. We are now down to about 190 acres and some of that has been through legislation in many cases that we as a delegation have worked on. The Stepping Stone facility that is out there that's operated by Southwest Indiana Community Mental Health Center, that's something we got the land for them. That was originally part of the State Hospital tract, also Associated Patient Services, The Red Cross is now going to be locating there on the back side on the Lloyd Expressway section. And then 16 acres were deeded to one of the youth sport facilities on the Lloyd and Vann Avenue, the northwest corner. So all that is important and I think you can be helpful to us as a commission just by further supporting the fact that we don't really want that southwest corner used. And I think as far as your input, I think it's important, I think you could always reach us by FAX, by voice mail. I think one of the other things that you might keep in mind is that we do have meet your legislator forums here during session every second or third Saturday morning just to hear from either elected officials or our constituents about issues of concern. And very few people take advantage of that. There are very few people who really show up for it unless there is just one or two blazing issues at the time, we might hear from, and we do hear from the same group all the time. So certainly I would encourage you to send a representative there, especially on something where you're in agreement, I do think your letterhead or letter signed by all of you together that you can either mail or FAX to the state house because we can then show both sides of the aisle that this is something that the community, our commissioners, in a bipartisan manner agrees on. So those are some things -- do you want me to stop and I'll let Greg and Larry go? We can always pick up.

Larry Lutz: I will be very brief. I just want to thank you very much for the invitation to be here. This is my first time that I can recall in the 16 years that I served in the House and the first year in the Senate that we've ever had a meeting with commissioners prior to the fact, that we're going into sessions usually after the fact when some legislation needs to be corrected. I might emphasize how important it is that you get your ideas to us prior to the deadline of filing bills. Maybe your Counsel could prepare not necessarily in bill form but maybe a general outline of what you would like to have done here in the county.

Commissioner Mourdock: Excuse me, Senator Lutz, what date is your final cutoff date?

Larry Lutz: The tenth.

Commissioner Mourdock: The 10th of November?

Larry Lutz: The tenth of January.

Commissioner Mourdock: Okay.

(Inaudible comments made away from microphone)

Larry Lutz: Introduction of bills. And since we're limited to bills in the short session it is extremely difficult in the short session to amend the bill and try to get your necessary work done in the short session particularly because you have to have the permission of the author many times. If we don't have a like subject it can't be introduced, so it's extremely difficult to amend the bill unless we have the consent of the author which is unlikely in the short session because they have their own priorities. So I would urge you to prepare some sort of a list, a priority list of what you would like to see done and get it to us as soon as possible. Representative Becker touched on one thing I would like to elaborate on a little bit. Southwestern Indiana has a unique reputation in the General Assembly as to the ability for us to work together to get things done for our area. We are unique because of our ability to work between Democrats and Republicans, work together towards the general idea and the purpose for our area. So it's not like this all over the state. We have proven that we have to stick together in order to get anything for our area of the state. We're willing to do that and if you get to us early enough, let us prepare this legislation because we have split houses, the Democrats control the House, the Republicans control the Senate, it's going to take cooperation from all of us to get anything passed. If you can get that to us early enough, I am sure that we will work together and help you out, too. I'd like to extend the invitation to you as well as you've extended to us to be here, that during the session at least one of you or somebody from your staff could come once a month to Indianapolis and keep us briefed on what you'd like to see happen and we can tell you the progress of the various bills up there. So thank you, once again.

Greg Server: I think that covered most of it. Thank you very much for inviting us. This is the kind of thing we probably ought to do more often before session. You have the cutoff date and we need those ahead of time and in contacting us, I think all of us, we get a phone call from one of you folks at our desks and we're going to answer it as quickly as we possibly can. And things move so quickly in the legislature that communication by phone is usually the best way and get us whatever you want us to do and then we can tell you that we need a resolution or we need whatever else it is that we need, and if we have communication earlier and we know we need those, we can get that. I think Larry touched on it, we do have the unique ability and we are unique among other areas in the state that we do work together, both Republican and Democrat, when we can work out our differences ahead of time on whatever things we have and then we can come in with a united front and we usually have to work around Indianapolis and so usually what we have to do is take a minority of Republicans and Democrats and the two minorities make a parity and we can usually get what we want.

President Jerrel: You know, that brings up something just that I'll mention. This is the IAC's program that they are going to be pushing like most state organizations have a list of things, but I went to the Bloomington IAC conference two weeks ago and it is a very hostile environment about the judicial issues that were, you know, particularly the return home of the prisoners, early release. But there were other issues and for instance, we do have a correctional program and work release program that Richard mentioned that we think has merit for this -- it has merit for a community to have something like that. But we don't get near the funding that other work release programs have. In fact, I think we're probably the second largest and we get about fourth or fifth in the money. Indianapolis gets about 1.3 million and we get \$110,000 in general numbers. We don't know how to handle that. We need help from you on that issue and that isn't something that we need to spend a lot of

time with, but our budget is slowly being completely eroded by judicial mandates and that's a lot of what the IAC is about. Because in some counties they couldn't give raises because they have to support the jails or the inmates at the youth care places. I mean, we spend at least \$30,000 a month just on a few juveniles and our own youth care facility. But the work release that does have merit and we need to talk to you about how to approach with your help.

Greg Server: We're getting the ball rolling here.

President Jerrel: Well, that would be a big help to us.

Greg Server: I think community corrections has not been a big thing on the horizon up until just recently and --

Commissioner Mourdock: Do you mean statewide, Greg, or just locally?

Greg Server: Both, statewide, and we really haven't looked as local legislators as to how much we get compared to other communities and once we find that out, then we can start working on that and I think other communities are going to be doing the same because that's going to be a hot button issue.

President Jerrel: We need a strategy.

Greg Server: Yeah, we're going to need a strategy on that one because that's Luke Kenley's baby and he sits on Finance, and so that's going to be a very difficult one. But the argument that we're going to be able to use is the fact that if we're going to do this kind of thing then we're going to have to have some dollars follow it. And we need to make that, along with other legislators, and I think they're going to be doing that as well. Again, you've got to get a groundswell, got to reach a point of where you've got enough other people that are concerned about it that they can start beating on Kenley.

Commissioner Mourdock: That is exactly right. Sometimes it's easier to start a big fire than it is a small one and you need the right accelerant as they say over at the fire department and that was one of the reasons unashamedly we say that it is one of the reasons why we filed the lawsuit that we did. And it may seem to some it's a community corrections issue, and when you say that in this community, people think oh, that it's the SAFE house. But it isn't just community corrections at the SAFE house, it's also at the jail, and what we have over there with almost to the point where we have people sleeping in shifts on the floor, it's with the courts and the way things move through there and the need for more courtroom space so we can move all those cases through. In my six years on the board, I have to say it's probably the most frustrating problem that I think this board has seen because it is so much our responsibility and yet so much beyond our control. And how that message is delivered up in Indianapolis by all of you, please, carry that pot of fire if you will, because that one is burning very bright down here and we'd all three of us look forward to working with you on that one.

Greg Server: I think one of the key things that you mentioned is that you need to have strategy.

President Jerrel: We need a strategy.

Commissioner Mourdock: Exactly.

Greg Server: And I don't know that I can give you that strategy right now but it's something we need to sit down and talk about and come up with because I think that's key. You've got some key people who are pushing this and controlling it and so it's going to have to have a strategy to do an (inaudible).

Commissioner Mourdock: When Luke Kenley called me at home on a Saturday morning I knew we had at least hit a nerve, so that was positive.

Greg Server: But he didn't say he was willing to.

Commissioner Mourdock: That's correct.

Greg Server: You don't hear judges say that very often.

Dennis Avery: I don't want to defend Luke Kenley --

Commissioner Mourdock: Dennis, can you move to the mike a little closer. We have a hard time picking it up.

Dennis Avery: It's not my intention to defend Luke Kenley or anything, but we had a really tough concern this last session because the corrections budget was going through the ceiling. We have that same problem at the state level. It's the largest increase in funding, spending of state government is the corrections budget. One of the reasons is we keep passing laws mandating the sentences, saying certain offenses are non-suspendable, three strikes you're out and stuff like that. We keep passing these bills and eventually the prisons fill up. Just the administrative cost of the prison between Wabash Correction Facility is about 50 million. That's not counting the cost of construction which is incredible, for one of those prisons is 50 million. And the total cost of that building, the add-ons was over a hundred million and yet just the administrative cost is around 50 million dollars and that's one prison. And it's growing like crazy and so Luke was looking for options and one thing about those prisoners that you don't want to come to Evansville, they're coming to Evansville. They're going to be released and if not on the date the DOC sends them here, they'll be released subsequently a few weeks or few months later and do you want to transition them into the community or do you just want to dump them into the community and so a transition program is a good idea and that's what Luke is talking about and also Bill Alexa, but the problem is the funding was not sufficient. If we expect you to receive those inmates, then we should adequately fund the program and I understand that and I am very sympathetic with that concern, but the fact is that they are coming and we ought to transition those people back into the community. At one point in Evansville we did have a real good transition program over on West Buena Vista, I forgot the name of the facility, but it closed when the state quit sending people into the program. This was just after the Metheeny issue in St. Joe County where the state said no, we don't want to release any more of those people because bad things happen. And yet, those people are coming into the community so we need to work on a good transition program to get them into the community without just dumping them on us because that's going to happen, too.

Commissioner Mourdock: And again, this is the reason for this little discussion and I don't mean to monopolize the whole evening with this particular issue, but again, just to carry everything you just said, Representative Avery, I totally agree with it. It is a well intentioned program, it's something that needs to be there, but keep rolling the thing out, the bottom line effect is it keeps more people in our SAFE house where we're just about at capacity, which keeps people from coming out of jail so

they have people sleeping on the floor and when somebody files a lawsuit, who's picture ends up on the front page of the paper? Once it's happened to Commissioner Tuley. It's the County Commissioners that get sued and my point in saying that is just there is no isolated solution to this program because it's like pushing in on a balloon. You push in one place, it pops out somewhere else and that's why we're just saying we all need to work together.

Larry Lutz: I just want to make one quick comment for your information. Senator Kenley did provide in his bill that none of this can happen, none of these releases can happen without the approval of the local judge. I might suggest you might meet with your local judges and tell them how desperate your situation is because they have to have the judge's permission before any of this can happen. With that --

President Jerrel: That would be about another...discussion.

Jonathon Weinzapfel: Like everyone else, I appreciate the opportunity to join everyone here this afternoon. Pat and I were talking out in the hall right before the meeting started about what kind of communication I guess that we should be developing and the relationships we should be building between local officials and the state legislators. For controversial issues such as an Innkeepers Tax, obviously we're going to want to see a consensus in support of one position or another. On anything else, use your computer and e-mail messages is the best way to communicate, at least with me. I check and answer all my own e-mail. Phone calls, that's the type of thing that we need to hear. There's so many lobbyists up in Indianapolis. In fact, I'll take the back stairways and go down a level to get to my office so I can avoid the hallway where these people are swarming. And typically, they're going to present an agenda which, even if it's the county association which doesn't necessarily pertain to Vanderburgh or in my case, Posey County. And so that's why it's so important to know what, of this agenda, what is really important to Vanderburgh County. We need to talk specifics and we need to just -- pick up the phone and call when something comes up. That's what needs to happen.

President Jerrel: You know, Jon, you're saying something, and Larry just did and Greg, on this issue of increased responsibilities on the county for deviant behavior of one kind or another, whether it's alcohol, drugs, just socially unacceptable behavior that gets someone either in jail or DOC or SAFE house, I see two people here. And I want both of them, I think, probably have comments.

Dennis Avery: Are they deviants?

President Jerrel: They're not deviants but they are part of the solution. You know, we're all in this together. I mean, we're all part of this larger community and we get the good and the bad. It begins with children with unsatisfactory homes, it also is very important what happens to them throughout their school, we have the school superintendent here. I think he has some remarks he wants to make. I have some people that are interested in welfare reform. Phil, I don't know if you have any comments you want to make or anything, but this is all really one big issue. It has it's components, but it's one big issue and it is a social issue that to some degree we cannot control. But we have to do it and you are really our messenger and I guess we need your help.

Jonathon Weinzapfel: I was going to say, it is a two way street. It's not just your responsibility to contact us. We need to be talking to each of you when issues come up that we feel that we can be helpful on or be involved with. One example is the

regional meeting coming up, I believe it's October 22nd. When the idea first hit the newspaper I talked to Pat about it and had offered to call the County Commissioners in Posey and Gibson who I had individual personal relationships with and encouraged them to get involved. Those are ways that we can be helpful to what you're doing, so I'll just throw that out.

Vaneta Becker: If it's okay with you, I did do some research, a little bit of research on the community corrections issue because when I read the article in the newspaper that compared us to several other communities, I was pretty much outraged by the lack of funding coming here. And so I thought, well, I am going to write the Governor's office as well as the Department of Corrections and just ask them and also do some individual research with our House Ways & Means Committee staff people as to why and they called DOC. They called the Department of Corrections. And I have a letter here that basically, that I'll be happy to share with you. I have not received a letter back yet from the Governor or from the Commissioner for the Department of Corrections, but our House Ways & Means Committee letter, he indicates here that part of the problem, and I am working on a bill draft on this. He says that Indiana's community corrections program was created in 1979, public law 120-1979, the current program is directed by IC 11-12. The specific provision which impacts Vanderburgh County funding is IC 11-12-2-8A, and then he quotes, puts in parentheses, the statutes: Counties may not use funds received under this chapter to replace their spending for correctional purposes or to construct or renovate county jails. And he goes on, he gives us a little more information. First of all, it says, as you requested I have looked into the issue of community corrections funding in Vanderburgh County. The Evansville Courier wrote in, Indiana is stingy in granting local correction funds, that Vanderburgh County was not getting their fair share of community correction funding. Given the information as presented in the article, one would most likely come to that conclusion. While this may appear to be bad news for Vanderburgh County, the good news is that Vanderburgh County has been very progressive in instituting community corrections prior to the state becoming involved. So one thing you can take a lot of pride in is that Vanderburgh County was doing it before the state. This progressive behavior created the disparity between the funding levels because Indiana law does not allow state community correction dollars to replace existing county spending. Since Vanderburgh County was ahead of the curve and already spending dollars when the state program began, very little state dollars were directed to Vanderburgh County because state dollars were very limited and they were trying to encourage other counties to institute and to start programs like Vanderburgh County did. It says that at the time that the law was created it may have been a good idea to restrict the state funding to program expansion only statewide. Maybe it's time to review this policy. I'd be happy to further investigate this issue and do a thorough comparison of Vanderburgh's funding level relative to other counties. And I've asked him to follow up and I've also asked DOC to give us -- I mean, I don't know, have you all asked for additional dollars? Has there been a request for more dollars?

President Jerrel: You're looking at three people that just assumed a responsibility that we really had not taken before and we are just learning a lot of this ourselves and as a former County Councilman, we just simply tried to fund what was requested. And if, in fact, we're being penalized then you all could help us a great deal to look into this.

Vaneta Becker: I am. And one of the other things that I also wanted to bring to your attention and I will be happy to provide you with a copy, I read a recent editorial, I don't remember what date it was but it deals with the SAFE house and that violent

felons are still being placed there. There are state statutes on the books and I have had them faxed to me today that prohibit certain violent offenders from being there. And one thing you can do about your population is to make sure that you're not getting people who are not supposed to be there in the first place. If they've been convicted of certain sex crimes, rape, they are not supposed to be there, certain sexual abuse offenses, they are not supposed to be there and so I would certainly encourage you to make sure that people there are supposed to be there and I know that you all have a director of that program and you don't personally do it but you oversee it. So certainly I would be happy to share that information because that was a concern that Representative Avery and I had a few years ago was to make sure that violent offenders were not in the SAFE house and we went to -- and Server carried it in the Senate and we went to great lengths to pass the statute specifically prohibiting certain violent offenders from being in the SAFE house. And from what -- I don't know, I certainly am not privy to those personal case files, but there are lots of -- according to the Evansville Courier there are lots of violent offenders that are there that are not supposed to be there, so I would certainly encourage you. And that statute is -- I'll be happy to share this memo with you on the statute, but it's actually 35-38-2.6-1 that provides the exemptions for the --

Commissioner Mourdock: One of the things that Sheriff Ellsworth has done since he's taken over the facility over there and also the advisory board is to basically, by resolution, adopt that same set of criteria.

Vaneta Becker: Okay, good.

President Jerrel: They cannot be sent there directly. Their sentences can be modified and they can be sent there after the fact, but we've done a lot to get that out of the way.

Dennis Avery: I understand a lot of what they adopted by resolution is current state law, though.

President Jerrel: It's hard to believe.

Commissioner Mourdock: Yeah.

Dennis Avery: And as Vaneta said as well, that those people can't be there, so it's common sense that they should be (inaudible). I received a similar letter to Vaneta when Susan wrote the article in the paper, I was likewise outraged and I wrote a letter to the DOC and they responded to me. I am sorry they didn't respond to Vaneta, I'll talk to you about that, but --

Vaneta Becker: I am sure it's in the mail.

Dennis Avery: And pretty much they outlined what Vaneta just said is that we, our community, and I think due largely to Judge Miller years ago and his foresight and his leadership, he stepped forward and created the SAFE house and I think did a wonderful job and we owe a great deal to Judge Miller for that; however, we did it on our own, without state help and as a result, we have this critter out there, the SAFE house, and we're not receiving sufficient funding for it and that's unfortunate. And I was not aware that we were receiving almost nothing for our efforts until I read it in the paper.

President Jerrel: And we're saving them money.

Dennis Avery: And that's really unfortunate because I am not criticizing you all, but someone should tell us those things. We do not have ESP.

Commissioner Tuley: We're learning the same way you are, quite honestly.

Commissioner Mourdock: And that's why I prefaced my remarks earlier tonight, and maybe it was just before you walked in the room, Dennis. But please don't feel you were summoned here to --

Dennis Avery: I am a little late tonight because on the West Side we have this Berlin Wall. I didn't get shot at or anything, but it was almost as bad just trying to get here and that's another issue that -- my hands were shaking trying to get here, but that's another issue.

President Jerrel: We've got, Phil, do you want to come up just a minute? We've got the Superintendent here and we've got some Burdette people back in the back that want to say something to you guys, so come on up.

Phillip Schoffstall: I don't know about the audience, but it's really hard to sit here and not respond.

Commissioner Mourdock: And before you start, Dr. Schoffstall, let me add something. All of our notes from this meeting are taken verbatim, so if you do wish to speak and address a question either to us or to the state legislators, it's important that you go to the microphone and state your name and address.

Phillip Schoffstall: Phil Schoffstall, 7600 Marx Road, Evansville, Indiana, west side on the other side of the wall. Bettye Lou and Commissioners, I want to thank you for the invitation, area legislators, I appreciate your willingness to take the time to be here. I think it's important to say publicly to each of you that your responsiveness to us has almost been excellent. I've never had a phone call that didn't get returned or a letter that didn't get an answer from all of you, so I really appreciate that. I recognize that your ability to act on what we say is balanced by your responsibility to consider other factors. We tell you that we always give you all the information you need, but I respect that you sometimes want to get some other information. I want to do a few prepared remarks and then I want to say some things in response to what you have said here tonight. In my career, legislative control of public education has eroded significantly during the last 25 years. What were once local decisions made by school boards are not made in Indianapolis either by the Indiana General Assembly or with the State Department of Education acting on what they interpret as your mandates. I certainly support calls to accountability, have no problem with being accountable to anybody, in fact, as superintendent, I am pretty much accountable to the world and that's the way it should be. I guess I would encourage you to resist over legislating, and I think that's a real problem. I would ask you to leave alone those things that we can do at the local level. Let me give you two examples: you recently mandated a report card being published in the newspaper. The last two years we spent \$12,000 on something that most people cannot read. We've done a report card for 13 years that's much cheaper, more widely acceptable than what you folks required us to do. I think that was a waste of money. I think that was an example of over legislating something that could have been left to the local community. Another example has to do with testing. You've done the ISTEP+ requirement and we've taken about ten days of time that should have gone for teaching, to give children the test. Now the last session you added another test and that's called the International Test of Math & Science. I am here to tell you folks that

if you think the ISTEP is in trouble, wait till we get these results back because you won't be able to make any sense out of those whatsoever. When you compare Evansville third graders with third graders in Burma, try to draw some conclusions, you are really out on a limb, a shaky limb. At the State Board of Education meeting, we were all encouraged to participate in the National Assessment of Educational Testing, that's another test. Neither of those tests provide one iota of information to the local schools. It doesn't help a third-grade teacher at Culver or Cynthia Heights or Scott or any of our schools do anything. It goes to satisfy some special interest group and I'll leave it to you to assess why they think that's important. I think I know. The area of school finance is always critical, you can't have kindergarten and a nurse in every building and counselors and all those things that we do without adequate funding. The last five years our funding has been between three and four percent and most of you heard me say that when you folks leave Indianapolis, the actual amount that we get is never as much as what your leaders tell you it's going to be. And we have the same problem this year. You left Indianapolis in April thinking that we were going to get X percent of dollars and we built our budget on what you told us and what the State Department of Education told us, so forth and so on. Four separate times we were told what our budget was going to be funded with in terms of Excise Tax. The last time we go for our hearing guess what, we're only going to get 80%, maybe 85%. Greg has been working to help us and I think they've promised Greg it's up to 90% now. And we still don't know where that other ten percent went since you guys left Indianapolis, it has gone away. I would tell you what our Indiana Urban School Association is going to propose to you but it's the same old stuff, it's kindergarten, it's alternative schools, it's language -- English as a second language for those kids who struggle, and we have a lot of those in Evansville, and text book support which probably won't happen but we're going to bring it back to you again. Now my response to a couple of things, you talk about the community corrections and you and Judge Miller and the Commissioners were progressive...boy, have I heard that before. We've had kindergarten here full-day for 14 years without a dime of support from the state of Indiana. And if you have 14 years that you have to operate the community corrections without any support because you were progressive and started doing this before it was required like we did with kindergarten, I don't know where you are going to get the money. I will tell you that we have just about reached the end of how much progressiveness we can stand in terms of kindergarten and nurses and media specialists and counselors, none of which are fully funded. None of them. So we are either going to sink back to the level of those who haven't done these things, or you are going to have to help us with our money. Now I spoke to the school board association about a week ago and I made the point and there was a couple of legislators there who were a little offended. And I said, you know, we're not asking you for your money because it doesn't belong to you. We're asking you to use our money. We're the ones that have sent it to Indianapolis. So we'd like to have some of it back to invest in children. The surplus in the state budget began about the time that the state passed the responsibility for teacher retirement and social security back to the local school board. You're the recipient of getting some of those things passed back to you that previously have been state responsibilities. Now at some point we're going to have to decide whether or not the locals, whether they are school board or commissioners or mayors or whatever, can fund the things that used to be state responsibilities while we continue to amass a surplus of two plus billion dollars. So, I appreciate you being here. I sincerely appreciate the fact that you always respond and you try to help and you do. I want to make that clear. You all try to help and we do have a unique situation here as Larry and Greg alluded to in that we don't have Republican problems or Democrat problems in our schools, we have learning problems and I don't expect a Republican to solve it or a Democrat to solve it. I expect all of you in

good spirit to work together which is what you do. When I talk to my colleagues in South Bend and Ft. Wayne and so forth, it's well, did you talk to the Republicans or did you talk to the Democrats? No, I didn't talk to anybody I talked to our representatives and they are bipartisan in trying to help solve problems. So I commend you for that and ask you to keep that up. Now I'll be happy to try to respond to my comments. I get a little excited when I hear this stuff about state responsibilities being passed back to locals because we can't take too many more local responsibilities passed back to us.

President Jerrel: You know, Phil, this is a little sum of money here that, don't leave, that Tony handed me. He said what about the 1.5 million we spend on the incarceration of juveniles? Now those juveniles probably came through and didn't do well and left school in some fashion.

Phillip Schoffstall: At one time that was paid for by the state of Indiana and now it's paid by local taxpayers. It's in our budget.

President Jerrel: And it costs us at least one and a half million. We just went back for another appropriation to get us through the end of the year.

Phillip Schoffstall: But see, that's how that two billion dollars came about because those things that the state was paying with our money is now being paid out of our own pocket at the local level.

President Jerrel: It sounds like double-dipping doesn't it?

Phillip Schoffstall: Well, it does to me in the kindest sense. I am not saying anyone is doing anything crooked, but --

President Jerrel: No, no, no, but I am talking about --

Phillip Schoffstall: And again, I don't know how much progressiveness we can afford. Fourteen years is a long time to do kindergarten. Forty other states do it. Forty. A real quick story. Two weeks ago I had a lady from Alabama in my office. You know, Hoosiers like to make fun of people south of the river and all of that stuff and we don't have a right to, I can tell you that. But this lady from Alabama sat down and she said when she came in, she was a nice looking lady, she was doing what mothers do all over the country when they are being transferred to a new community. They want to know what kind of school is their kid going to go to. She sat down and she started talking about what we have and so forth. And we said well, you'll be pleased to know we have full-day kindergarten. She got this blank look on her face and said what other kind is there? Well, in Indiana, we only pay for half a day kindergarten. What do you do? Teach them half a day and send them home? Yeah, that's what we do in most places. As she walked out the door she said what have we been transferred to? We have never had anything but full-day kindergarten in Alabama. So I leave you with that and I'll be happy to talk to you any time.

President Jerrel: I like the idea of broader strategy. I know you guys are laughing, where this is going. But we need to touch those nerves in Indianapolis that you can perhaps build some coalitions with some fellow communities that have the same problems we have.

Phillip Schoffstall: Thirteen years ago I was bending Vaneta's ear about some issues and I won't forget what she told me, she may have forgotten this, she said, would

you go back to your colleagues and get your act together and then we can do some things. Well, we formed an Indiana Urban School Association. And only 40 percent of the children in Indiana: Ft. Wayne, South Bend, Kokomo, Anderson, Muncie, Indianapolis, Evansville and New Albany, we now get a little bit of attention. We didn't get any attention before we formed that coalition, I can tell you that. I don't know if it's possible, you folks live in a different world when you get into the politics of it. I don't know if it's possible for you to get a coalition formed in Evansville, Ft. Wayne, South Bend. I think you did it when the river boat was an issue. I think that's how we ended up with it.

Vaneta Becker: No, not really. Basically, the river boat --

President Jerrel: Vaneta, come on up to the -- if you're going to talk so we can --

Vaneta Becker: The river boat happened and it was a very unique session. There was not a budget and we had split houses and Mike Phillips was Speaker of the House and Bayh was against river boats and he lobbied strenuously in the Senate to defeat that bill and they finally put together, Senator Server did put together some kind of a coalition in the Senate as far as allowing a local referendum with Gary and Ft. Wayne and a few other folks. I mean, it passed the House fairly easy but it was dead upon arrival in the Senate and it was a compromise to get out of session that it happened. Otherwise, if you tried to do that today, it would never happen. Those circumstances were unique and it would never happen. But it wasn't any wonderful planning unfortunately, or fortunately depending upon your perspective because there are a lot of people who are real unhappy that river boats actually passed and there is a group statewide. And that's one of the things that we hear about and one of the things that we as legislators have to continue to do is to protect the funding that Vanderburgh County receives already from the river boat. You don't recognize the fact that there are legislators who want their fair share of your river boat, our river boat money here because they think now that those are statewide dollars and that they ought to get a fair share, too. And we hear that all the time. There are people who have filed bills to or amendments to do just that, to apportion on a county by county or population basis the statewide dollars for river boats. And so we are always -- we have to deal with those kinds of issues as well. And I guess I wish it were easy. You're really talking to the choir in many cases here because we do work in a very bipartisan fashion and Dr. Schoffstall talked about all the kindergarten, you don't have to convince one of us here about all-day kindergarten. We have either authored it, co-authored it, voted for it, supported it every single time that we've had the opportunity. Unfortunately, I don't think the Governor did his homework. He had an opportunity to get it in a cafeteria plan and would not accept it in this last session and now he says he is not going to bring it up again in the short session. So, and if he doesn't, if he does not support it and vigorously get out there and work for it, it's not going to happen. It's going to take leadership from his office to make it happen. That's where, if you remember the A+ program when Bob Orr was Governor, I mean, it takes the Governor pushing for major changes in education. And I will also tell you that there are some Democrats and Dennis knows this and Jonathon, I am sure does too, there were Democrats, while there were Republicans that weren't gung ho about all-day kindergarten because maybe their community isn't particularly -- they don't have it, and there was a lot of concern from superintendents about classroom space and having to dip into and raise property taxes to pay for the space because it was never an issue that they were going to pay for the space. And so you also have that kind of opposition from it. A lot of other superintendents wanted it for remediation. They wanted other things, they want to use that money for other things, summer school, whatever. So it was not -- and that's why the cafeteria plan I thought

was a good compromise and unfortunately, it did not happen at the end of the session. And I do hope it comes back because we know the benefits of it, we have been a progressive community. You know, as far as a report card, and I have to respond to that because Greg Server and I worked like dogs to try to get that literally, to try to get that changed in this session and I passed it in the House three times. Three times we could not get a hearing in the Senate and because the State Chamber of Commerce was opposed to it. That was their baby and they believe that they need more accountability and that the report card affect, their lobbyists told me, oh Vaneta, we weren't opposed to your bill originally because our bill would have required an ad in the newspaper eight and a half by eleven saying where you could get a copy if you wanted it, the local superintendent's office and they could get a copy of it, it would still have to be the Internet place site for it which most people in a business community are computer literate enough to find that if they want it. And originally they were for the bill and they came at the end and I had the Department of Education, they backed off because they wanted something else in legislation and they traded the report card, their support for the report card. And we had the School Board's Association, Superintendents Association, we had everybody together on that piece of legislation and the State Chamber of Commerce killed it in the Senate.

President Jerrel: You know, that's part of ours, too. Suzanne, how much do we pay for our ad?

Vaneta Becker: You have to publish, too.

President Jerrel: We have to publish, too.

Vaneta Becker: And some of the legislators said well, the counties have to do it, the school will have to do it, too.

Phillip Schoffstall: Then everybody ought to have to do it if it's public tax dollars.

Vaneta Becker: That's right. But it's my understanding, too, and maybe your tabloid will tell you that --

President Jerrel: Tabloid!

Vaneta Becker: I have been told that there may be a bill from the Indiana Association of Counties there that they may come back and try to get some forgiveness on some of their publication costs, too, and that maybe we could partner that together. Now my concern about that is I think it will kill the whole thing. But for thinking people and this lobbyist from the State Chamber says Vaneta, I wasn't opposed to your bill but I heard from people who serve on my education committee who tell me they get all their information about the schools from the newspaper. Now do you believe that? First of all, there are an awful lot of folks out there that don't take the newspaper and so nothing goes to them and if you happen to be busy that day and don't have time to read a six page, full-page ad with little bars that nobody can understand, that will not tell you what you're looking for as far as education goes. And now, to try to appease me, what they have told me is that they are going to try to raise the money from communities, from the business community to pay for that report card. I said well, good luck.

Phillip Schoffstall: If they had to pay for it, they'd make some changes because nobody can read it.

Vaneta Becker: But I did suggest to them (inaudible -- comments not made from microphone)

Phillip Schoffstall: (Inaudible -- comments not made from microphone) get nothing from the river boat and we get nothing from lottery in terms of operational expenses. Some of the lottery money (inaudible). But I get people every once in a while that call, why don't you use some of your river boat money, some of your lottery money, when there's not a dime (inaudible)

President Jerrel: Steve, just a minute Jonathon, Steve Craig is in the back of the room and I know you guys -- he would like very much to just mention to you a project, we didn't really understand how Build Indiana worked. I mean, we really didn't and now that we do, Steve wanted to make a brief presentation to you. He is the Superintendent of Burdette Park. He's our director and he wanted to show you something. We were very appreciative of the money that we did receive from Senator Server and Representative Becker from their allotment but I thought it would help if Steve could do that.

Steve Craig: Thank you, Bettye. I may have the cure for some of the problems that you guys brought up while ago about the overcrowding of jails and the SAFE house being full. In 1989 we recognized the lack of summer and child care programs for school aged children. Parents are always faced with keeping their children stimulated and entertained. We began developing a program that would serve as a summer day camp for children ages six to ten that would be safe, educational and fun. At that time, the idea for a county owned park piloted program such as this was revolutionary; however, we realized that we had a unique situation at our facility that would be conducive to such a program. We had all the facets necessary to provide children with all the summer activities they would enjoy doing at one location. We began the first summer with hopes of serving approximately 400 children during the summer break. Since that time we have expanded our current maximum capacity of approximately 1100 children during the summer. Again in '91 we realized the need for a program that would spark interest of older youths ages ten to fourteen. We're also aware of the national effort to get children interested in science and technology. We joined efforts with a national corporation to develop a hands-on educational pilot program to meet these needs beginning in 1992. In 1996 we received the outstanding county achievement award from the Association of Indiana Counties. Today we serve approximately 1300 children in these two programs and are turning away hundreds of children each summer due to the lack of facilities. We are currently using four rental facilities to house these programs because of inadequate space. Our largest rental facility is not only inadequate in size for our rapidly expanding children's summer program, but it's also inadequate for the size of most of our larger functions. Our largest facility will only seat approximately 200 people. We have turned away 77 requests just last year for a larger facility. We are requesting funding to build a facility that would house both of our summer camp programs and provide the patrons a facility that would also meet their needs during the school year when camp would not be in session. It is very critical to meet the demanding needs of parents and provide their children with a summer program where they can experience all the joys of summer and fun and have an opportunity to enrich their minds while exploring with their hands-on science and other areas of learning. They can swim, play sports, do crafts, hike, fish, read, play games, receive swimming lessons and be enrolled in sports camps just to mention a few of the many activities that are available on location. We also provide an opportunity for urban children to discover broader aspects of nature. Today it takes both parents working to adequately provide for their families. We feel that our program allows parents to

work while letting their children have an enjoyable and safe summer. We strive to eliminate the need for latchkey children by providing a stimulating program for children ages six to fourteen in either recreation, education or both. During the off season the Discovery Lodge would provide the community with a much needed larger rental facility for weddings, company functions and (inaudible) banquets, dances, arts and crafts, fairs, etc. Vanderburgh County has an insufficient number of affordable large rental facilities. The number of citizens that are turned away from both the children's summer program and the needs for a larger rental facility (inaudible). I think programs such as these may cure the problems of overcrowding our jails in the future. If we've got stuff like this for the kids to do now in the summer, not to say that none of our kids will end up in jail or the SAFE house, but it would be safe to say that we won't have as many as the kids that couldn't attend these programs. My dad told me an ounce of prevention is worth a pound of cure. I think if we get to the kids at this age now, maybe we won't have the overcrowding in our jails. So I want to thank Vaneta and Greg for the money that they've earmarked in the Build Indiana funds already and I hope the rest of you see it in your hearts to look at this program and help us out.

Commissioner Mourdock: And before we respond we need to change the tape.

Steve Craig: For the total project would be 2.7 million dollars and we have about 700,000 in place so we are still needing two million dollars.

President Jerrel: We're doing site preparation and the design and a lot of this we're getting in kind contribution, so we wanted you to know (inaudible)

Dennis Avery: One thing, and I know we all talked about this last session, and Vaneta just asked me about it, too, you all get about two million dollars a year in river boat money, one point something to two million, where does that go?

President Jerrel: Infrastructure.

Dennis Avery: But that's kind of broad. Where does it go?

Commissioner Mourdock: It goes into three areas. It goes into Infrastructure which can be anything like (inaudible) drainage ways, we dedicate a third of it to our local Welfare To Work planning counsel which was sort of a mandate that came down and was to set up the planning counsel so we built on that, and the other third was for ongoing economic development projects in the county.

Dennis Avery: Indiana's Build Indiana Fund goes basically to capital projects throughout the state of Indiana and -- is that this one or --

Commissioner Mourdock: We haven't figured it out, we apologize.

Dennis Avery: And I know as legislators we've all received a very significant list of requests and we had to allocate that money based on priorities and it does sound like a laudable goal, the project, and I would obviously like more information. One question I had and I have not had a chance to talk to anyone about it, but have you done any kind of study, have you talked to other programs around the city or county as to whether there is any duplication because it sounds to me like a lot of the things that are in that building is also being proposed out at the Evansville State Hospital by one of the organizations, a hands-on, discovery type museum and I don't know if that's the case or not. But I just would encourage you to cooperate with --

coordinate with other community projects and to make sure that it's not something that's duplicated by another project.

Commissioner Mourdock: Good point.

President Jerrel: Phil, do you want to --

Phillip Schoffstall: My knowledge of that isn't that great except to say --

Commissioner Mourdock: Phil, come on up to the mike or we won't get it.

(Inaudible)

Phillip Schoffstall: And 1990 would have been, that's when summer school funding was cut and that's part of the need that we have for children now because they're not in school in the summer. And when summer school funding was cut it was about the time you folks got active in trying to pick up the ball. We had 7,000 kids in summer school. That's what Steve is trying to address. These children need to have something in the summertime. Summer school funding isn't there so he's trying to pick it up. I don't know if there are others doing it, but if there are, they certainly aren't doing it to the tune of 7,000 children.

President Jerrel: This is a different kind of setting.

Dennis Avery: It's not a proposal for the Evansville State Hospital. (Inaudible -- comments not made from microphone) it's a hands-on discovery center and I am just wondering if there is any duplication here of effort and if there is --

Vaneta Becker: (Inaudible -- comments not made from microphone)

President Jerrel: No, this is a totally different kind of program and this program has the outdoor setting that the students can enjoy with the education. I mean, you've got a setting that kids are -- you can't get them to sit like you all are doing right now. They don't like to do that and they need some room to move around and, but we need to have that kind of setting to help get the release of energy that the kids have and still funnel into the proper channels and that's what education is all about is being able to help kids learn and stay occupied and keep them from getting into some kind of problem that causes bigger problems.

Dennis Avery: And in discussing this issue with (inaudible -- comments not made from microphone) that seems to be what they are telling us. And it's not just that they have it in the shopping center or the mall that they're in now, I think it's Washington Square. They were using the mall (inaudible) I am just wondering, you ought to make sure that you coordinate your efforts. I am not suggesting that yours is inferior to theirs or anything, just that you work together.

Commissioner Mourdock: I think you're making an excellent point, Dennis, and that is something we need to coordinate both through Steve and the other group. You had mentioned when you were at the microphone the Build Indiana Fund, could you talk for a few minutes or any one of you talk about that? Greg had his hand in the air.

Greg Server: Let somebody else talk because I've got a night school class to teach and teach a little economics, I hope.

Commissioner Mourdock: How fitting that it.

Greg Server: They're just a bunch of eager sponges, they just soak it all in. Very quickly, Build Indiana Fund, we work as a delegation because we have a lot of requests and we try not to duplicate requests so we can maximize the number of dollars that we can extract our dollars back that we can extract from Indianapolis. So having that information early so we can parcel it out among ourselves, Republicans and Democrats, we try to work together to make sure that we don't duplicate and we can maximize our dollars. I'll let somebody else explain a little bit more of that but I also wanted to say with the committee out at the State Hospital, we're going to be meeting and your input as County Commissioners and any other officeholders, we'd be deeply appreciative. We're just trying to put together a package that will work for the patients as well as the community rather than having some pointy headed bureaucrats from Indianapolis come down here and tell us where that hospital is going to be and what they're going to do with the surplus property and then the community reacts and then they come rushing to us like they did on the football fields after -- with the National Guard Armory. We're trying to avoid that kind of thing and having input by the community. And so your input and if you have anybody else's is greatly appreciated.

President Jerrel: Can Tony call you about meetings?

Greg Server: That will be fine, yes. And other than that, thank you for inviting us. Yes we do need to plan a strategy and hopefully there will be a supplemented budget, but I probably think there will be even though they are saying they're not because you've got to remember the year 2000 is coming up. We've got a two billion dollar surplus and I'll bet you by October it's going to be closer to three. And that it's not what have you done for me, it's what have you done for me today and with a Gubernatorial election coming up I think we're going to have a supplemental budget. So I think we need to plan a strategy and we need to have a formula and get in there and thank you very much.

President Jerrel: Good job and thank you, Greg.

Jonathon Weinzapfel: I just wanted to mention, obviously Burdette Park is in my district and this is a very important project, I believe. I did receive some information from you, I believe it was in late January. We talked about communication and getting things early. It was a little bit late as far as making sure we could get something in the House budget. Build Indiana Funds isn't an exact science. We probably found out maybe the second week into January about how much money would be available. Dennis and Greg mentioned they received numerous requests. I think each of us kind of takes a look to see what kind of local support there is for it. We want to make sure that this is something that is going to help the community at large and that there is going to be another investment in the project besides simply state Build Indiana Fund dollars. Again, I don't know if there is an exact science, but it's a matter of just trying to pick and chose what the priorities are and then battle to keep them in from the House budget over to the Senate and hopefully getting them in the final version of the budget.

Commissioner Mourdock: In your case, Jonathon, where part of your district is in Vanderburgh and part of it's in Posey --

Jonathon Weinzapfel: I have to tiptoe.

Commissioner Mourdock: Is there any statutory requirement as far as how that money is spent within a district or within a county?

Jonathon Weinzapfel: No.

Commissioner Mourdock: So it's strictly your call in the sense of what you and the others decide.

Jonathon Weinzapfel: And trying to prioritize, yes. And working with the rest of the delegation. Obviously, we are all aware of the importance of this project and we were able to get some money in the final budget.

President Jerrel: Am I correct, do you get -- like you got in the House \$300,000 and Vaneta as a minority member for \$200,000 and in the Senate Greg got \$300,000 and Larry got \$200,000, and then you all made your decisions? That's not how it worked?

Dennis Avery: Larry ended up with \$500,000.

President Jerrel: Larry got \$500,000? How much did you get?

Vaneta Becker: (Inaudible -- comments not made from microphone)

President Jerrel: You got \$500,000? Okay, and so --

Jonathon Weinzapfel: And especially as one of us, as individuals or even together as a group, looking at something that's two and a half million, you wonder well, if I am just putting in -- and I am looking at spreading this throughout the district, if I am looking at, well, I could allocate \$50,000 to it, that doesn't make a dent.

President Jerrel: Oh, it does, though. We've --

Jonathon Weinzapfel: But when I am looking at when they're asking to have the state fund the whole thing, then...but again, this is something obviously we were able to get into the final version.

President Jerrel: What was in the final version?

Jonathon Weinzapfel: Of the budget. There is what, \$150,000, I believe. What was in the final budget?

Vaneta Becker: Actually, for Burdette (inaudible -- comments not made from the microphone).

President Jerrel: Vaneta, you're going to have to speak -- we do verbatim minutes, so...

Vaneta Becker: I actually asked for some research on this but with Columbus Day, the state office was closed today and I had asked them last week and I still didn't have it. I know that I had an appropriation and I think my total initial appropriation was about \$150,000 and this is not an exact science, it's politics. And it's partisan politics at it's worst at the State House because those who control the gold control the flow of that gold. And if you're in the majority in the House you get more money than if you're in the minority. It doesn't matter that we all represent 55,000 people a

piece. That's the way it is and it's the same way in the Senate. And Republicans did it wrong in my opinion when they were in the majority because I think that money ought to be on a per capita basis. We all represent people and we should all get the same percentage. But it has never been that way. It is a little better now than it has been as far as disparity. But that's one reason why, and I represent three counties so Chandler got some money for sidewalks and Evansville got some money as well and that was one of the things we all had priorities together that we were concerned about. If I could see that some of those other things like Greg and I both had, Scott Township Volunteer Fire Department on our list and we both got it. We didn't both need it. I mean, they could use the money but we ended up with duplicate appropriations in that budget bill in some cases. The rehab center got more money than they needed. But the bill had errors in it, the budget bill, I mean, it's an example of again, I think, government not doing a thorough job of reviewing what it is that they're voting on. When they bring a bill out at 10:30 or 11:00 at night the last night and that's it and we have asked on both sides of the aisle to the leadership, don't do that. We want that budget bill 24 hours in advance. In fact, we had a commitment that we would have it this year. We did not get it. And it's not pretty, but I do think one of the things that you need to do on this particular project is to make sure, have some graphics for folks to look at, have a total budget picture, give a little more information because I do know that that information was pretty late coming and if you've got to decide, if you've got to kind of try to work as to your priorities and that's a big hit, two million dollars, especially when the county does receive river boat funding that you can use for whatever you want to. But I think that you certainly -- I know I got \$90,000 for it and then ended up getting an additional \$50,000 in this last group. We had a ten million dollar special fund that was in there that wasn't earmarked for anything and they ended up dividing it among all legislators and the Republicans in the House each got \$50,000 and I earmarked mine for Burdette Park and I know Greg Server had some money. And I am not even sure that there might not be a little more. That was the other thing I was trying to find out because I thought possibly that Larry had it on his agenda, too. We try not to duplicate what one person has because there is no reason to do that which is why it's always good if we can work together. But the Build Indiana Fund is not, there used to be a committee and Senator O'Day served on that committee and we were supposed to make recommendations to the General Assembly, but that was never done. It's always been -- and we never know for sure. It's always a last minute thing that comes down at the very end as to how much money they are going to put in there when it passes the House there is some money in there, but not very much and usually what happens in the House with the Democrats is -- what happens in this: the Democrats put in Democrat projects in the House, Republicans put in Republican and take out all the Democrat projects when it gets to the Senate, and the Senate puts in all Republican projects and they send it back to the House and then it goes to conference committee and then you end up with compromise.

President Jerrel: It isn't pretty is it?

Vaneta Becker: It isn't pretty. Somehow it does work but not the way we always would like it to.

Dennis Avery: I was hoping we would get a chance to ask you all some questions today. One thing that's been a concern to me for quite some time is several years ago Representative...well, the Indianapolis people had a sports development zone package that provided money for a sports development zone in Indianapolis and they remodeled several of their sports facilities and it was a great project. What they did was or the money that was derived from the operations of those facilities, they

would keep it, the state money, I mean, the income tax money, the sales tax money, they would keep it for those particular projects. And so we as legislators from other parts of the state say well we have professional sports teams, too. And we do, we have the Otters. So we amended the bill to allow us to keep the money from not only Bosse Field but also from several other public facilities in Evansville and yet we gave the ability to do that to county government and to city government and the only -- it's my understanding, the only project that has been requested so far is -- I think it was done by the school corporation for Bosse Field and I don't believe we've been able to keep any of the money for Roberts Stadium, for the Coliseum, The Convention Centre which is now being constructed, so we have not lost anything to this point, but we will start losing money because we've not passed an ordinance, a city or a county ordinance. And yet we're losing a very significant amount of money because of the failure to pass that ordinance. And the last time I checked, it was still just Bosse Field.

Commissioner Mourdock: Didn't we do an --

Joe Harrison, Jr.: Dennis, we did a year or so, passed a resolution, I know, this body. One of the things that I wanted included in there was The Centre as a matter of fact, and the state informed us that we couldn't do that because it was under construction and we had to wait until it was opened and now it's open so we're going to revisit it and try to capture the funds generated from the facility. I think at that time --

Dennis Avery: But you were rejected, I believe, because you included the Aztar facility because you own the land, technically.

Joe Harrison, Jr.: Well that's the city, that's not the county.

Dennis Avery: Is that the city's ordinance?

Joe Harrison, Jr.: I don't know, but we passed one for Burdette.

Dennis Avery: It's all part of one single package that you gave to the state and that they rejected, I understand, and I am just wondering are we going to be pursuing another one?

Joe Harrison, Jr.: Well, we've got our own separate resolution and it was my understanding it only included Burdette because the county only owns certain pieces of property and we owned the auditorium at the time but now, technically, the Building Authority owns The Centre, but it was my understanding that because we leased the facility that they were going to permit us to include that in as well. We do own a portion of the property over there still. But they said wait until the facility is completed, that was --

Dennis Avery: Do you own the Coliseum?

Commissioner Mourdock: We have it leased.

Joe Harrison, Jr.: We included the Coliseum in there and we included, I think, even the Old Courthouse. But certainly The Centre is the big one and Burdette, we already had that in.

Dennis Avery: I know the city, of course, would be able to include probably Mesker and probably Roberts Stadium.

Joe Harrison, Jr.: And I think probably golf courses and all sorts of --

Dennis Avery: I think they were going to reject golf courses. The latest is that they don't like golf courses being put -- that's not really, does not bring in conventions and that seems to be one of the standards they are using now. Does it bring in conventions and can it be used by conventioners and that's why, I am not sure about municipal parks, too, they're frowning on municipal parks the last time I talked to them. But I am just encouraging you to work with the city and get your list in so we --

Joe Harrison, Jr.: Can I work with you on that? I mean, if you have --

Dennis Avery: I'd be happy to work with you but you just need to get your list together and your request to the state budget agency.

Commissioner Tuley: You're saying it should be a jointly done effort between the city and county government --

Dennis Avery: I think so. At this point the school corporation owns Bosse Field and they made an immediate request and we've been getting \$19,000 a year which is not very much money when you look at what we could be receiving as a result of passage of that legislation.

President Jerrel: What if we need a little tweaking on this Centre because of the financing?

Dennis Avery: There is a concern and I don't believe the state has to accept -- you're talking about the convention center?

President Jerrel: Right, because it's a lease rental agreement, the bonding is through the --

Dennis Avery: I haven't been to the last session to clarify that it would be accepted. Rebecca Dixon asked me to introduce that amendment and I did and it passed the House and the bill died in conference committee so it was one of a number of bills that died in conference committee dealing with that subject. There was also a question of the historic courthouse making sure that they also fall under the standard because that was being proposed by a Ft. Wayne legislator because they apparently have a historic courthouse and that would have also applied to make sure that the Vanderburgh County courthouse does also even though there's probably not a lot of income derived from the operation of that, but there is some.

President Jerrel: Well, if we get in a bind, maybe we might revisit that. Is there anyone else that would like to say something to the legislators or that you would like to ask us?

Dennis Avery: Could I ask one more question? This last session, part of the Build Indiana Fund request was I got \$90,000 in the budget to air condition the Superior Court chambers and we have a commitment from the local judiciary that they will utilize those chambers for hearings and I believe that Richard went over there --

President Jerrel: Show him a picture, Richard.

Dennis Avery: -- and has expressed his interest --

President Jerrel: Here it is right here.

Dennis Avery: -- supporting the project and we're going to need more money than the \$90,000 for air conditioning --

President Jerrel: Well, it is going to cost a bunch but there's the plan.

Dennis Avery: and these -- I am glad to see that you guys are on the ball then. It needs to be painted, they need a computer system obviously, they need some rewiring, but the \$90,000, I think \$60,000 will air condition the Superior Court chambers but I think that they are also talking in terms of air conditioning the whole level because the People's Repertory Theater, they want theirs air conditioned, too. And I think that \$90,000 will help air condition that, too. But there is a lot that needs to be done. I think county government, it's a county owned building and you ought to -- it's a wonderful facility and you ought to step up to the plate and help in regard to that particular project. I am willing to help more (inaudible).

Commissioner Mourdock: I appreciate hearing that because as Senator Server said, we need a strategy and it's certainly my heartfelt belief as I've become immersed in this criminal justice system mess that we have, one of the solutions, one of the assets this county has that a lot of counties do not have, is we have the option of that building for space. I will predict any time Vanderburgh County will someday in the not too distant future again be using 100% of that building and we need to have a strategy as to how we can make that happen over a period of years so that it's done right. There are a lot of old courthouses in the state, I think in Monroe County, Dubois County, that have been done very well. They've taken old facilities and renovated them and made them very useful and I would love to see that happen to that facility.

President Jerrel: Okay.

Carol Davis: My name is Carol Davis and I think most of you know that I've been lobbying a lot for children's rights especially at risk children. And I am glad to see that Dr. Schoffstall and the legislators are here tonight. Last year I got the Senate to introduce a resolution trying to get them to investigate all aspects of child abuse in Indiana and it was killed in the Senate. Vaneta and Brian Hasler were good enough to introduce the resolution in the House at the last moment. We got it introduced and it was killed also. But from July of 1997 through June 30, 1998 there was an increase of over 40% from the previous year of child deaths in Indiana. According to me, that would be an epidemic, but it seems like there's nothing, nobody is paying any attention to it. Right here in Evansville we've had quite a few deaths and child beatings and this is something that just absolutely blows my mind and they were talking about the river boat, the river boat passed like you said on a compromise which was Senator Larry Borst gets 65 cents out of every boarding fee for his horse racing industry in northern Indiana. I think he's gotten that long enough. I think if we could all work together and get some of that money back down here where we could investigate child maltreatment right here in Vanderburgh County. I have tons of information. I've been doing all this on my own for a long time and the federal government, I just got something from them also today, the at-risk and delinquent youth. There needs to be a coordinated federal effort and the same way we need to do that with Vanderburgh County and the state. There is lots of money available with the 65 cents and the federal money, there's billions of dollars from federal money available. But we all need to get together and talk about this and have some dialogue. These kids are all dying and being abused and nobody is doing anything

about it. I mean, as one of the city councilmen told me last week, unless you get together a bunch of people and come down, we're not going to do anything. I mean, I can't believe that. I mean, these kids can't go downtown. He said, well, get with churches or something. Why do we have to do that when the statistics are this startling? These kids don't deserve this and all the politicians right now are out campaigning, but I haven't seen one of them that's brought any of this up. It's like it's our dirty little secret and we're not mentioning it. In Indiana, the average age is two years old of the kids that die, so we're missing them with this, we're missing all these kids and we need to get a dialogue put together with everybody. And the one reason I moved back here to Indiana and especially Evansville, I think that everybody here really is concerned about kids and I think the only two reasons that I can see that this is not being looked at seriously is ignorance or indifference. And I think if we educate people we can do something and really make something nationwide that would really help kids all over because we are -- I called the Coroner's Office the other day. You know, so far this year before September was even over there were 17 kids on the slab in the Coroner's Office right here in Vanderburgh County. That's pretty astronomical in my mind.

President Jerrel: Well, you are making your first step tonight, you're on the record verbatim and our minutes speak for us and you've had a voice and perhaps this will be a beginning.

Carol Davis: I hope, and I know that Vaneta has been great working with this and Brian Hasler stepped right up to the plate with it and they introduced it. Unfortunately, it didn't get very far but if we keep on it -- unfortunately, we have to have a Senator introduce the bill this year because of the short session and both the Senators are gone. I am working on one in northern Indiana that hopefully -- if we just investigate all aspects of child abuse, child maltreatment is what I call it because child abuse people have a tendency to think of only the parents or somebody abusing. The child maltreatment to me means the government is abusing them by not taking care of them, the perverts are abusing them, but we're going hand in hand with it by not doing something. I just want to thank you all and thank you guys for being here.

President Jerrel: Dennis?

Dennis Avery: I appreciate Carol's advocacy and she has discussed these issues with me for several years but I really take exception to the fact that no one does anything as she has said on several occasions. I've entered the existing child abuse law which mandates reporting the child abuse, I authored that; I authored the bill that created the guardian ad litem program, which is an attorney representing the interests of the child in court; I authored the court appointed special advocate program which is an advocate to represent children; I authored legislation requiring x-rays and photographs be taken of abuse and neglect. At every session I have a child abuse package that I introduce in the legislature and most years it passes. There are some years it doesn't pass because it fails in the Senate. We have a Senator up there, Senator Gregg that is very fond of killing certain bills. But I have been working on this issue for the entire time that I have been in the legislature. Usually Indiana advocates for children comes to me and asks me to introduce their legislative package and it's always legislation that serves the best interest of the children and one of the problems that we do have is we do have advocacy organizations in Indiana that are trying to go the other way, trying to repeal mandatory reporting of child abuse, trying to say that welfare departments do not have to investigate the child protections teams within the welfare department, do not

have to investigate reports of child abuse, trying to say that you can't report child abuse anonymously and if that happens, that would be a tremendous step backwards. I authored the legislation that allows anonymous reports of child abuse to be made. I authored the legislation that created the child protection teams within the welfare department. I authored the legislation that created the child protection service. I authored the legislation that created the child protection team that works with the welfare department giving them expert advice. So I've been involved in child abuse issues for as long as I've been in the legislature.

Carol Davis: Dennis Avery has done quite a bit and I appreciate that, but the problem is, something is not working. I don't know if you know this or not, I know you introduced the guardian ad litem, but did you know the judges here are appointing guardian ad litem from the welfare department? That is a blatant conflict of interest.

Dennis Avery: (Inaudible -- comments not made from microphone)

Carol Davis: Right, so this is what I am saying. Seems like everybody learns one thing in school and that's from the music teacher, me, me, me. I understand that everybody has done things and I don't mean to be politically incorrect that no one has done anything. Maybe that was the wrong phrase and I apologize because I do know he's done things. But that's the problem, we're all not coordinating everything together. You're doing things and they're doing things, but we're not getting together and putting it together because obviously, we're failing when 41 or 41% of the kids, there's an increase in child deaths in Indiana, we're failing in my estimation (inaudible). I mean, that's a failure to me and we need to do something.

President Jerrel: While Vaneta is walking to the podium...you know, for those of you with your pencils and paper from USI, right? This is kind of a good example of free flowing interaction of different units of government and citizens and it gives you a good feeling. It may be bad on the recording secretary at the end of the table who has got a bad mike, but I want to say that it's also important because this is government maybe in one of its finer moments. Vaneta?

Vaneta Becker: I just wanted to add that as Carol has said, Representative Hasler and I, we did have a resolution to look at this again because there are always new problems, there are always new issues and I am not, as long as there are people who -- some of them are not educated, some of them are not trained to be very good parents, some of them are just bad people, you're going to have child abuse unfortunately. But I think as a state we need to, and as a community do everything we can do to help children and to prevent it where possible. I can tell you, and I did indicate to Carol prior to the meeting that there is a statutory or actually an interim study committee looking at this issue on October the 26th and they've said if you know anybody Vaneta that wants to present testimony on child abuse please have them appear and I told Carol to call my office, it's on the agenda and we would love for her to be there and to have anybody else that is interested in the issue to also -- I think it's a probate study commission, but I might have the title wrong so you need to -- criminal justice commission. But anyway, they are looking at that, they called me specifically last week and so that's going to be on the agenda for October the 26th. And one of the things, our resolution did end up passing the rules committee, it just died when Representative John Gregg killed a lot of bills at the end of the session and you can blame either side of the aisle for a lot of things that died, but they died. And those were some of them and there was one that continued, Family & Children's Services. There was one that dealt with (inaudible) I mean, there were some things that were pretty important that I think you will see hopefully, the General

Assembly address early on in the session either, I don't know whether it will be organization day or early in January. But I do think we have to continue on those efforts and usually FSSA comes with their recommendations as well. But one of the things I wanted you to be aware of as Representative Avery indicated, there are groups and organizations out there that are trying to undo all the child abuse statutes on the books. In fact, we had a bill on public health along with Representative Hasler. We had a bill that was introduced in the House by another representative and we had a hearing on public health and the child advocates were there, Family & Children Services were there to all speak in opposition to this bill because at least according to them by all the child advocate groups as well as FSSA, it would have done away, you would have had, it would have done away with anonymous reporting for one thing. Now the guise around it or the arguments for it were parents who felt like their rights had been violated in northern Indiana. They felt like they were unfairly accused of child abuse and unfairly investigated and I don't know whether that's the case or not because their legislator brought the bill. It did die in committee. Fortunately (inaudible) was not given to that bill. But I do -- I want you to understand that as Commissioner Jerrel has said, it's a very complex, anytime we try to do anything in government, I think we all have the best of intentions no matter what our perspective but we don't always reach the same conclusion as to what needs to be done and certainly I am sure he felt like he was representing his constituents. I felt like the bill would have died if (inaudible) had been taken. It was going to be defeated because I talked to enough of the committee members to know that they had concerns about it as well. But we do face that every session as well trying to undo some of the things that we've done and passed (inaudible) and I am going to have (inaudible).

President Jerrel: We're going to move on. (Inaudible) We want to thank you for coming and we sincerely do want to be (Inaudible).

Dennis Avery: Several people indicated that you have (inaudible) once you reach a consensus -- you don't have to reach a consensus either, you can let us know even if you disagree, what --

Commissioner Mourdock: We're so gun shy because of the Open Door Law that how we meet and when we meet, that's kind of difficult for us. And just one question that goes back to the three of you who are left, I said this at the very outset and it sounds Pollyannaish, I guess, but the idea of getting local funding and local control back for major projects is one that I realize that in the short session isn't likely to happen, but as a philosophy, I would just ask you to consider this. I realize that not every county has an engineering department that has the capabilities of doing the design work and doing the construction management work that we have in Vanderburgh County, but again, I would challenge you to think how much quicker with the state mandating goals and highway construction standards, if that type of thing was shifted to us I'll guarantee you we would get it done faster, better, quicker, cheaper here at the local level. And there are probably other things, other examples of county government where that can happen as well. I'll guarantee you, somehow Marion County has gotten that done in the past and if there is some way that it can be done in Vanderburgh County, I know with our highway side especially, we'd really be well suited to do that. So, again, I thank you for coming. As Bettye Lou said, I think tonight this is government at one of its finer moments.

Commissioner Tuley: It was really encouraging to see the group of you take time out of your schedules and come in and visit with us because this has not been done and I have been here almost seven years and this has not been done before although

I will say, in my seven years of sitting up here that any time I've contacted any of you I've always gotten a quick response back from you which I appreciate it. And it is encouraging for me as an elected officeholder sitting up here knowing that we do have a group that I realize were from different parts of the political spectrum but we are willing to work together for our constituents because they are all our constituents and I appreciate that. I want to thank you.

President Jerrel: Well, anyone that wishes to leave may do so at this time, but we're going to move right to Purchasing and the first reading (inaudible).

<p style="text-align: center;">Health Department Memorandum of understanding with Coordinated Care Corporation, Inc.</p>
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President Jerrel: At this time, is there a motion concerning -- thanks, Jim. Mr. Angermeier, candidate for County Council-At-Large, City Council-At-Large. Purchasing, approval to -- no, the first thing is the Health Department. Memorandum of understanding with Coordinated Care Corporation.

Commissioner Mourdock: I see Mr. Elder in the audience. I don't know if Sam has any comments or Joe, if you've reviewed?

Joe Harrison, Jr.: I don't know if Sam does or not. This is an agreement between the Health Department and Coordinated Care Corporation of Indiana, managed health services essentially. It's an agreement whereby the county is going to follow the office of Medicaid policy and planning guidelines for lead screening and blood samples, etcetera for the Indiana Children Lead Poisoning Prevention Program, so it's an understanding that the county will follow those guidelines.

Commissioner Mourdock: I'll move approval of the Coordinated Care Corporation, Inc. Memorandum of understanding for ancillary services as submitted in our packets this evening.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p style="text-align: center;">Purchasing Approval to bid and advertise APA022-2000 (Paper)</p>

President Jerrel: The next item on the agenda is the purchasing approval to bid and advertise for paper.

Commissioner Mourdock: Yeah, this is for copying paper and I will move approval to bid and advertise for APA022-2000 as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p>First Reading/Public Hearing Ordinance amending Chapter 15.20 (Fences)</p>

President Jerrel: This is a first reading this evening for the ordinance amending chapter 15.20 Fences.

Roger Lehman: Roger Lehman, Building Commissioners. Not quite as exciting as what we've had so far, but --

President Jerrel: We appreciate you staying through this part.

Roger Lehman: That is no problem, it was very interesting. I was glad I was here, actually. We have a draft of an ordinance before you concerning changes in the fence ordinance. Basically, the fence ordinance hasn't been modified significantly since 1976 and prior to that I don't really know when it was originally put in, undoubtedly in the 60's at the latest. We have a lot of verbiage in here that dealt with the county property and fences, kind of in the pioneering days which have somewhat since passed and our recommendation is to make several significant deletions of some of the requirements, kind of a deregulation, if you would, things that we don't really enforce anyway. And this actually was brought to light because we were asked to enforce something that I thought was not reasonable even though it was in the ordinance and so we thought the best thing to do was change the ordinance.

Commissioner Mourdock: Question, Roger. In repealing parts of this ordinance, are you, in fact, or will there be as a result of this, any mandates for people to deal with fences that are currently constructed?

Roger Lehman: No.

Commissioner Mourdock: So we're not telling anyone to take anything down and/or otherwise modify something that's in existence?

Roger Lehman: Not exactly, and --

Commissioner Mourdock: That's the kind of answer that's the reason we have the County Attorney, right?

Roger Lehman: We've already heard all of those comments before. No, let me clarify what I am referring to, the only thing that could be looked at, actually the reverse of what you're saying, but it has the effect of perhaps doing that is on electric fences which is in the last section. Currently, the ordinance says in the county you cannot have electric fences, period. It doesn't say except at Mesker Park Zoo. Now we probably all know that there are electric fences in the county, a lot of people have them around their horses and cows and pigs, and so forth, so in the electric fence portion of this, rather than leave it like it is where it says you can't have any, or put it in fully to where you can have some and try and come up with some standards, we kind of elected to do the latter and say okay, you can have an electric fence, but let's at least protect it and put another fence outside the electric fence that says there's an electric fence there --

(Tape change)

-- and meet some minimum standards with it as far as height and some signs and

that type of thing. So, your question was, are we mandating anybody to do anything? I guess we could be, but we're really not requiring them to take them down which it says you have to now.

Commissioner Mourdock: What prompted the question was in section 4, fences of old or used material shall not be built unless the material shall be reasonably sound in the judgement of the Building Commissioner. Any fence deemed unsafe due to condition of materials or method of installation shall be removed.

Roger Lehman: Okay, that is in there now.

Commissioner Mourdock: But is that what you're saying we're really not enforcing anyway?

Roger Lehman: No. What I am saying we're not enforcing has to do with partition fences where the existing rule actually says you are mandated to build a fence between you and your neighbor and you have to pay for the front half and he has to pay for the back half, and if you don't want to there is nothing that says -- if one of you wants to do it, you both have to. The only way you don't have to is if you both agree not to. And that just seemed -- and I've been here for a long time and we've never enforced that, but there was a neighbor dispute that they were searching for ways to get at each other and it turned out that this was one of those ways. So we need to get rid of this way.

President Jerrel: And this is first reading and it's a public hearing.

Commissioner Mourdock: On first reading, I'll move approval of a county ordinance for chapter 15.20 regarding fences.

Commissioner Tuley: I assume there is no one else to speak?

President Jerrel: Is there anyone here that wishes to speak to this?

Roger Lehman: Mr. Shively was here a few minutes ago, he was the attorney for the original complaint.

Joe Harrison, Jr.: He's not here.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered on first reading and when do we want to have the second reading?

Joe Harrison, Jr.: Next week.

President Jerrel: Okay, it's already been advertised. Okay.

Roger Lehman: That's all I have for this evening. Thank you all very much.

President Jerrel: I have already asked if there was anyone that wished to appear before this board so I am going to move on to the County Engineer next.

**Liv Watson - City/County GIS Coordinator
Permission to advertise RFP for GIS project and
public hearing on November 22, 1999**

President Jerrel: Oh, Liv, I'm sorry.

Liv Watson: Liv Watson, City/County GIS Coordinator. We've gotten into a stage now where we will be sending out the request for proposals, we will be asking for your permission to advertise and Joe Harrison, Jr. and I have went through this and so have Roger Lehman and I. So I have copies of the draft here for you but I want to specifically address that this is very time sensitive because of flying and aerial photography. You have to do this within a certain time period. That means that we have just a few weeks in February and March where it's feasible to fly to get the quality of aerial photography that we want, so we would like to have this sent out and have the RFP response opened in your public hearing on November 22nd, so may I enter and distribute?

Commissioner Mourdock: Will they have to fly the entire county?

Liv Watson: Yes.

President Jerrel: Okay, we need a motion to advertise.

Commissioner Mourdock: I'll move approval of the motion to advertise for the request for orthophotography for Vanderburgh County.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: And I drafted a proposed notice and we may tweak it a little bit within the next several days but I'll speak with Charlene to see if she can help us get this out and if it's publicized next week I think that would be sufficient time.

Commissioner Mourdock: Just a thought on this general subject, as far as the targets that will be put out, I presume for the orthophotography, they will be putting some targets out there and doing some on-ground surveying?

Liv Watson: Oh, absolutely.

Commissioner Mourdock: Is that something that is part of the contract or will our own County Engineer need to be involved with that?

Liv Watson: The GIS committee has addressed that. We would like to have people present, but the cost, you don't want to finger point here because those points are very important to the accuracy that we will have people present, but the responsibility of the accuracy will be on the vendor doing the orthophotography so that we don't get the finger pointing back to us. But yes, certainly.

President Jerrel: Okay, motion, second and so ordered and you're going to do the, take a look at the advertising?

Joe Harrison, Jr.: I've got the proposed notice and I'll speak with Charlene Timmons

next week and we may make a change to it before then.

President Jerrel: Thank you for coming and I hope you enjoyed the meeting.

Motion to open bids for repairs to water slides at Burdette Park

President Jerrel: County Engineer.

Tony Greubel: Actually, before we get to the department head reports, Steve Craig had some bids for us to open in regard to the water slides, if we can just have a motion to order --

President Jerrel: Motion to permit --

Commissioner Mourdock: I'll move approval of the opening of bids as submitted to the county for water slides at Burdette Park.

Tony Greubel: Is this water slide improvements, Steve?

Steve Craig: Yes.

Commissioner Tuley: Water slide improvements, is that what they are? That's what you said.

Steve Craig: (Inaudible -- comments not made from microphone)

Commissioner Tuley: Existing, okay. Second.

President Jerrel: So ordered.

John Stoll - County Engineer

John Stoll: The first items I've got relate to Eagle Crossing North Subdivision. This is the last phase of the Eagle Crossing Development up around the golf course there on Petersburg Road. It's south of Boonville-New Harmony. I've reviewed the street plans and everything is okay on those and they've made a few changes, but those changes are included in those plans and it's recommended that those street plans be approved.

Commissioner Mourdock: I'll move approval of the street plans for Eagle Crossing North.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The developer has also requested a sidewalk waiver for a portion of that subdivision and they are requesting the waiver for the north side of Championship Drive from the eastern-most lot, lot 30 out to the end of the project at Petersburg Road. I can show you that there on the plat. From this point, this is the match line down here, so from this lot on out to the east out to Petersburg Road. And the reason they want to do that is they don't want to disturb any trees or anything on the north side of this road, they're trying to keep a buffer between this subdivision and

the adjacent property and you can see, there are not platted lots along that side of the road. There's lot 30, it's the last one, so the sidewalks stop there.

Commissioner Tuley: This is 30 here? So beyond any point where there are houses is where they want the waiver?

John Stoll: Right, and just on the north side of the road.

Commissioner Tuley: One side is supposed to have them on the other side?

John Stoll: Correct.

President Jerrel: So the only thing you'll be approving on this plan, the roadway.

John Stoll: Yes.

President Jerrel: And the sidewalk because there is no --

Commissioner Mourdock: And I'll move approval of the sidewalk waiver as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got an amended plan for the University Drive at Red Bank Road, intersection improvements will be done in conjunction with the Lowe's development out on the west side. The reason the changes came about is because INDOT had requested some modifications once the developer had applied to INDOT for permission to do work on the state right-of-way. Basically, what had happened was, the way the plans were originally submitted which is shown on that photocopy there, the state wasn't satisfied that the left turn lane length was adequate. They felt that this turn lane length was too short and would result in traffic potentially backing up out onto the Lloyd Expressway. So they requested a way to get that left turn lane to run all the way from University Drive back to the Lloyd. In doing so, now these plans originally had the dedicated right to turn only lane and then a dedicated through lane and then a short left lane. What they've got now is they'll have a shared through and right lane that splits and becomes a dedicated through and a short right turn lane and then they run the left turn lane from Lloyd all the way up separating it with this painted island here. So this will (inaudible -- comments not made from microphone) Burkhardt/Lloyd, the way the through lane and the left turn lane will be separated with a painted island. The need for the painted island comes about because they need to line these up so there's not a sight distance problem here. Any other changes will require more work down in this area where we have less right-of-way and embankments to deal with and things like that. So given the right-of-way we had to work with, we felt like this was the best solution.

Commissioner Tuley: John and I met and discussed this and (inaudible -- microphone not turned on) because I can see some real problems by (inaudible).

President Jerrel: (Inaudible -- microphone not turned on)

Bill Nicholson: (Inaudible -- comments not made from the microphone)

John Stoll: There's really not any problems out at Burkhardt and it's a similar situation, although it's a double left on Burkhardt, it's still the same thing, a painted island dividing the two (inaudible).

Commissioner Mourdock: Do you need a formal recommendation from us on this one?

John Stoll: Since we originally approved a set of plans that --

President Jerrel: Do you just want us to initial them?

Commissioner Mourdock: I'll move approval of the modifications as recommended at University Drive and Red Bank Road.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is the street plans for Kingsmont Subdivision. Here again, we've reviewed the plans and will recommend their approval. One thing I did want to point out was along Old State Road where the improvements will be made to add a left turn land into the site. Basically they were going to start up near Scott School and start tapering out to provide this left turn lane into the site. All this widening will take place on the north side of the road, so the northbound lane will stay as is. The southbound will taper out through the (inaudible -- comments not made from microphone) of this island. This is the left turn land coming into the site and will taper back in. We transitioned back to the (inaudible) right before we get into a curve on Old State Road. If they ran it any farther south they would get into ditch issues and the curve so this is a good place to stop the widening. It's 200+ feet, so it's adequate (inaudible) length. But I just wanted to point that out, because they are doing all of this widening out here on Old State Road. And it will allow for traffic to flow, continue to flow on Old State Road, turns not blocking the through lane.

Commissioner Mourdock: I'll move approval of the highway plans for Kingsmont Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a sidewalk waiver for Helfrich Hills Subdivision. This is a subdivision on St. Joe Road that has large lots with large road frontages and given the fact that it's not a small lot, high density subdivision it's recommended the sidewalk waiver be approved.

Commissioner Tuley: I don't have a question about the sidewalks because these are huge lots but it (inaudible -- microphone not turned on) just under two and a half acres supposedly got (inaudible) I keep asking the question every time I see one of these plans (inaudible).

Bill Nicholson: What's that?

Commissioner Tuley: These lots here (inaudible).

Bill Nicholson: That's been corrected.

John Stoll: I was going to say, right now I wasn't going to approve the street plans because there are a few details that I need to get with Bill on to get everything okay on those, so that could be corrected by the --

Commissioner Tuley: I asked the same question -- he had the same answer. It's been corrected.

Commissioner Mourdock: Is the question based on the sewer?

Commissioner Tuley: This is on the original one that he's done --

(Inaudible -- several speaking at once)

Commissioner Mourdock: This is Bill Nicholson, the designer.

John Stoll: Overall, the street plans look pretty good. There's just a few details that need to be added and then we can get those approved, so that's why I've just got the sidewalk waiver request for this evening.

Commissioner Tuley: This is a big issue (inaudible) about sidewalks and waivers and stuff.

Commissioner Mourdock: I'll move approval of the sidewalk waiver for Helfrich Hills.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next two items I've got are recommendations to award two contracts. First, I recommend that the replacement of Broadway Avenue Bridge #272 be awarded to TD & O, LLC for the amount of \$50,611. That amount is slightly different than what was shown on the Form 96 because the Form 96 said \$50,630 but we found that a multiplication error on the itemized proposal that reduced the overall price of the contract by \$19 down to the \$50,611. With that, I'd recommend that contract be awarded.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I'd also like to recommend that contract number VC 99-08-01 concrete repair of various roads also be awarded to TD & O, LLC for the amount of \$89,935. Here again, we found this slight error on the Form 96. It said that the amount was \$90,099, but there was a \$164 error on item number four on the itemized proposal. So here again acknowledging that error and making the true price \$89,935, it's recommended that contract be awarded.

Commissioner Mourdock: Just for the record, that error of \$164 did not impact who was low bidder?

John Stoll: No, it did not.

Commissioner Mourdock: Okay, I'll move approval of the contract as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And John, since that's two in a row here for that particular company I would ask that you send them a letter telling them that they better be a little neater.

John Stoll: Uh-huh, I can do that. And also on the subject of bids, the Vanderburgh Industrial Park bids were delayed again until next Monday. That was due to some changes that were requested by INDOT in their review of the permit application for the work on State Road 57, so hopefully, all the changes will be addressed and we can get those bids open next Monday. Next, I'd like to request approval for a professional services agreement with Earth Exploration for soils analysis and foundation recommendations for Old Henderson Bridge #1545. This would be for an amount of \$3,166.

Commissioner Mourdock: That's the slope study?

John Stoll: No, this is to get soil borings out on a bridge out on Old Henderson Road near Newman Road that's slated for replacement in '99 and it's real close to the one we did about this time last year where we took the bridge out and put a large pipe in. In this case, the bridge inventory report does not recommend replacing it with something other than a bridge, so on that basis we need to go ahead and get some soil borings done.

Commissioner Mourdock: I'll move approval of the professional services agreement.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is in regard to the request last week at the USI interchange. I faxed a memo over Friday, I don't know if it was circulated? Okay. Basically, I did some checking on that to try and find any time frames when this problem was supposed to exist and basically, the problem was told to us at that meeting in June that traffic backed up from the campus, across the bridge, down the ramp and caused congestion out on the Lloyd Expressway and I contacted the security office at USI, I contacted METS, I talked to INDOT, I talked to EUTS, I talked to Commissioner Tuley, and nowhere could anybody verify that problem has existed. The only time that the problem ever did exist, based on what the security office said was, when the stop sign was at the end of the ramp rather than for southbound traffic on Eickhoff, once the stop sign was switched and taken off the ramp, traffic has flowed freely into the university on the basis of what Mr. Barry Hart was telling me and I was out there at two of the peak time frames, one between a quarter till eight till about quarter after eight in the morning and then at a quarter till six for the night class rush and traffic was flowing smoothly in both cases. So unless we can find further evidence that there really is a problem, it does not seem that it would merit any traffic studies at this time.

President Jerrel: Should we send a letter to...

Commissioner Mourdock: I think that would be appropriate. I am also thinking that I think one of the issues that the group that was here last week, I think the whole timing issue is one of concern to them and I would suggest, John, maybe you can put together a forefront type schedule of what has to happen on the whole Eickhoff/Koressel issue and maybe I am making this broader than it needs to be, but that was certainly what they were talking about last week. It wasn't just the USI overpass.

John Stoll: Some of the issues that were brought up at the meeting that we had at Bernardin Lochmueller in June pertained to the USI interchange and also was saying why, with the road being built here, why not out in Posey County. And that was a fairly easy answer because we were wanting to serve Vanderburgh County residents with the road. There were issues regarding why are there no interchanges being proposed for the at grade intersections and the traffic didn't warrant interchanges and we were designing more of an arterial road not an interstate, so all those things came into play. But also, like you said, when is it going to happen and what steps still have to be done, things like that also were discussed as well.

Commissioner Mourdock: You know, a schedule much like the one that you can see between Joe and Tony over there which is the one for the auditorium there, that type schedule showing how all that has to come together would be --

John Stoll: That will be tough not knowing when the federal funding becomes available.

Commissioner Mourdock: I understand.

John Stoll: I will give it a shot.

Commissioner Mourdock: Difficult takes a few days, impossible is just a little longer.

President Jerrel: You have your original so you can include this also.

John Stoll: Sure. That's all I have.

President Jerrel: Thank you.

Erik Bentle - Superintendent of County Highway

Erik Bentle: Erik Bentle, County Garage. You have my work schedule this week for the Highway and Bridge crew department and the rest of my report. On the last page on that is the policy that we discussed last week and I had forwarded this to Mr. Harrison and he's done his magic to it and this is what we've come up with and I'd like to have permission to post this.

Commissioner Mourdock: When you say he's done his magic, does that mean no one can understand it now that it's written in legalese?

Erik Bentle: No, you can understand it.

Commissioner Mourdock: Okay.

Erik Bentle: It's pretty clear.

President Jerrel: Let me read yours.

Commissioner Mourdock: I certainly think it's appropriate to post it in a number of places. Please post it well. Last week or perhaps two weeks ago you talked about the three roads you were bumping off the paving list.

Erik Bentle: We're starting on them tomorrow.

Commissioner Mourdock: The three that were bumped?

Erik Bentle: Yes.

Commissioner Mourdock: Very good.

Erik Bentle: And we should have 100% by Tuesday at the latest.

Commissioner Mourdock: Okay, well you'll get credit for 103% but that's fine, that's even better. And just to formalize, I would move approval of the posting of the late policy as stated in the packet at various locations around the County Garage.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: Thank you.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Superintendent of County Buildings -- oh, County Attorney, I am sorry.

Joe Harrison, Jr.: I opened the bids regarding the water slide improvements at Burdette and there were three bids submitted. The three bids are as follows:

Company Name	Amount Bid
IPS, Inc. Somonauk, IL	\$29,656.00
Simms Painting Company, Inc. Evansville, IN	\$29,328.00
Rainbo Resurfacing, Inc. Chicago Heights, IL	\$33,700.00

They did break that particular bid into two, \$16,200 for the 324 foot slide and \$17,500 for the 350 foot slide. So I would ask the Commissioners to take these bids under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Just one other thing, on the community transition lawsuit, you all probably read in the paper that the court dismissed the lawsuit. I think it was on October 7th, basically indicating that the county didn't have standing to bring the action against the state. We did file an amended complaint before the ruling by the court. The state's motion to dismiss was based upon the complaint as we filed it originally.

President Jerrel: Not the amended --

Joe Harrison, Jr.: Not the amended complaint. However, the judge did in his ruling make mention of the amended complaint although there was no motion to dismiss based upon what was in the amended complaint. We added another count to the amended complaint. What I am looking at is to either file a motion to correct errors or maybe another amended complaint to be filed or both, maybe we do both just to cover ourselves because I don't want to -- I am not too sure if the ruling by the court is a final judgement. I think it's a dismissal and there is a right to amend. Typically, when a complaint is dismissed for a failure to stay the claim upon which relief can be granted, you have ten days from the date of the decision to amend the complaint as a right. If it's a final judgement you have 30 days within which to appeal or to file a motion to correct errors. Because I am unsure of the exact nature of the ruling, what I am looking to do is to do both, maybe amend and file a motion to correct errors, the judge will decide one way or another. And then after that ruling, I can come back to you all and if we're still in the case, I mean, if we're in the case it's a new day, if we're not at least we know what was exactly ruled on and thrown out. And then if we want to appeal from there we certainly could. The injunction has been lifted, there is no injunction but we're essentially looking at the merits of the case but we haven't been able to get to the merits of the case because procedurally we were knocked out. So if you would let me proceed ahead and either file a motion to correct errors and/or amend for a second time, that's the route that I would like to take at this time and then hopefully I will know something more within the next month.

Commissioner Mourdock: I would so move.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Thank you.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I submitted a list of the surplus vehicles that were sold last Thursday with the prices. There is one Sheriff's vehicle that does not have a price marked as sold. It was auctioned off but we couldn't -- the title is missing and we're ordering another title. When the title is found or when we get the new title we will complete the sale. That was approximately about \$1,500 we got for that vehicle. But in total, we got about \$26,000.

Commissioner Mourdock: There is a certain amount of irony that it was a Sheriff's

vehicle that the title is missing.

Tony Greubel: And then next Monday I will have some preliminary figures for what county employees gave to the United Way. This Friday we're trying to get most of that wrapped up for the county and then on -- if you'll notice, a helium tank bank there. Me and some people from the Area Plan Commission and some volunteers blew up a couple hundred balloons for the census, the opening kickoff day.

President Jerrel: We're going to count everybody.

Tony Greubel: That is all I have.

President Jerrel: Thank you.

Steve Craig - Burdette Park

Steve Craig: I really don't have anything outside of our worksheet and I was wanting to show the Commissioners the floor plan on this. We have classrooms here and we would have an office with first aid, computer rooms, kitchen, there's a fireplace and a small stage with storage on both sides. We're wanting to make this a wooden floor so that they can hold dances in there. I can't remember the guy that --

President Jerrel/Commissioner Mourdock: Mr. Moser!

Steve Craig: I remember his name.

President Jerrel: Oh, he'll be there when he hears wooden floor.

Steve Craig: But we had other requests when people found out about this from the square dancing association that if it would have a wooden floor they would be interested in renting it a couple times a month on Sunday evenings for their dances and stuff. I (inaudible) on the wood floor, they can also do their gymnastics and stuff in there.

President Jerrel: I appreciate your coming tonight. I know it was kind of a hectic way to present things but you did a nice job and I think it was important that they see it. It is a different program entirely from the hands on discovery.

Commissioner Mourdock: But the point is and Representative Avery asked the question, so the point is, he has to understand it.

President Jerrel: Sure, and I'm glad to know that.

Steve Craig: Thank you for your time.

President Jerrel: Okay, and thank you.

Weekly Reports

Commissioner Mourdock: I'll move approval of the Soil & Water Conservation District and the Ozone Officer reports and the Burdette and the County Garage report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent Items

President Jerrel: Is there a motion to approve the consent items?

Commissioner Mourdock: Move approval as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old Business

President Jerrel: Is there any old business?

New Business

President Jerrel: Any new business?

Commissioner Mourdock: I would suggest as part of something perhaps for next week or the following week and this is very much along the lines of what our Representatives are saying, but we might want to draft a resolution regarding that southwest corner over at the State Hospital grounds and actually formalize that and get that in their hands.

President Jerrel: Good idea. Is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

(Meeting adjourned at 8:03 p.m.)

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Teri Lukeman
Tony Greubel
Dennis Avery
Vaneta Becker
Larry Lutz
Jonathon Weinzapfel
Greg Server
Phillip Schoffstall
Steve Craig
Carol Davis
Roger Lehman
Liv Watson
John Stoll
Bill Nicholson
Erik Bentle
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
October 18, 1999**

The Vanderburgh County Board of Commissioners met in session this 18th day of October at 5:48 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Board of Commissioners' meeting to order. I apologize that we're a few minutes late. We had another meeting run over. At this time I would like to introduce to you our Superintendent of County Buildings, Tony Greubel; next to him is Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley; at my far left, Charlene Timmons, our Recording Secretary; Bill Fluty, Deputy Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel and if you would join me in the Pledge of Allegiance. I'm going to ask our Superintendent of Buildings to try to find somebody now. Why don't you leave and see if you can find somebody. We've got a real long zoning meeting after this and this got so bad, our mikes did, last week the rumbling it was awful and our minutes are verbatim.

Approval of minutes

President Jerrel: Okay, at this time I would like to call for approval of the minutes of the last meeting.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: We did have an Executive Session.

Commissioner Mourdock: And I'll move approval of the summary minutes of tonight's Executive Session which dealt solely with county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: (Inaudible.)

President Jerrel: Yes, the meeting took place from 4:40 until 5:40.

Open bids - VC99-10-02, Oak Hill Road sanitary sewer project

President Jerrel: The first item on the agenda is the opening of bids for Oak Hill sanitary sewer.

Commissioner Mourdock: I'll move the opening of bids for VC99-10-02 for the Oak Hill Road sanitary sewer project and...well, let me do that as one.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open bids - VC99-10-01, Vanderburgh Industrial Park

Commissioner Mourdock: And the opening of bids for VC99-10-01 which is for VIP, John, which is...?

Joe Harrison, Jr.: Vanderburgh Industrial Park.

Commissioner Mourdock: Vanderburgh Industrial Park.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: Sorry.

Final reading - Ordinance amending Chapter 15.20 - Fences

President Jerrel: The next item we'll go ahead because he'll need to open those. It looks like there is a large number. We're ready for the final reading of an ordinance amending Chapter 15.20.

Commissioner Mourdock: And Mr. Lehman from the Building Authority was here last week for the preliminary. I think it's appropriate to see if there is anyone with any comments regarding that ordinance. Seeing none, I would move on final approval or final reading the ordinance amending Chapter 15.20 of the county code regarding fences.

Commissioner Tuley: Second.

President Jerrel: So ordered. I'd like to call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Gary Heck - Welfare to Work progress report

President Jerrel: Next item on the agenda is any group or individual that wishes to address the Board.

Commissioner Mourdock: You skipped one.

President Jerrel: Oh, I did. You're next on the agenda. I just jumped right over you. Phil Lieberman would you like to come forward? You're not coming forward.

Gary Heck: I'm not Phil, but I'll come up anyway.

President Jerrel: Okay. When you get behind that podium I can't see you.

Commissioner Mourdock: Yeah, we need to get a lower podium.

Gary Heck: I know I have lost a few pounds, but I did better than I thought. I have one correction to this written report.

President Jerrel: Gary, give us your name.

Gary Heck: Gary L. Heck, Phillip Lieberman & Associates and I'm representing the IBAP/Gatekeeper program. On page four of your report, the third paragraph down, I have an incomplete sentence there that I need to point out and take full blame for. I'm going to go ahead and verbally correct it and then I'll send you a corrected written version later. It's a paragraph that starts:

"In the spring of 1996 the six month concurrent..."

There should be a period behind the Vanderburgh County W2W Council and then I need to add the Welfare to Work Council made a recommendation to the Board of Commissioners and then I'll get that sentence cleaned up for you. I wanted you to know that I did recognize it after the fact and I would have caught it if I hadn't of had to get down here right away. Just to let you know where we are to date we started this particular project with a contract with the county in July of 1997 and it was retroactive back to July 1. We opened up an office at the C.K. Newsome Community Center on August 25th and then on March 12th we moved to a larger facility inside the same structure doubling our floor space. Since August 25th through last Friday we've had 2,249 requests for information and applications and we've received 1,220 of those applications back that we have been working on. Within the four service categories that we have there has been 384 families served with 630 children in the child care service area. Now this particular one is a great service to Vanderburgh County because we're the only county to my knowledge that has a child care program over and above what the federal government and the state also provide and it has come in handy a few times in our history, so I just wanted to point that out to you. Transportation users, there have been 99 users. Job training and skill enhancement, which is what this particularly works for, there is 49 users to date and in the safety net 503 users and that's for a total of 1,053 altogether. I won't go through all of the different dollar amounts, but I would like to go back to the third page to give you a little bit of history about what progress we've made and what some of the challenges have been, how the task force who oversees this program and then makes recommendations to you as the Board of Commissioners has helped work through some of the adjustments over this two year period and also to tell you where we stand today. When this program was first being considered in its inception at that time there wasn't as much money in child care as there is today. There wasn't a federal welfare reform movement that the federal government put additional child care dollars into and there wasn't the additional state assistance that came from that, so when we were...when this program first started Vanderburgh County received in child care assistance about \$800,000. In 1996 that went to about \$2.6 million mostly because we had done a very good job about keeping a fully documented eligibility waiting list. Last year we had about \$2.5 million in child care assistance and this year we have about \$5.7 million. That has greatly reduced the need or demand for the child care which at the time this program was originally started was where 45 percent of all the revenues were going to go so that is one of

those blessings in disguise kind of things. Also, I guess we did have the opportunity where when people came in the door if they qualified for one program or the other we could have funneled them different ways than they would which would have utilized more of the money...would have spent a lot more of Vanderburgh County's money, let's just put it that way. Since we didn't do that there is a lot more resources that are there locally then could have been spent in that area. The other thing is that when this program first started to be eligible for the state program you used to be able to be at 190 percent of the federal poverty level. Today the state has added 143 percent, so if you were in a different state in the country federally you could still be at 190 percent and qualify for some type of child care assistance and that's not the case in Indiana, so anybody that is over the 143 percent but less than the 150 percent that the Gatekeeper program has we're also able to offer some child care services to working individuals that wouldn't be eligible otherwise and we still are able to serve a few there so that in and of itself is a good thing. As we go down and we look through the program safety net has been one of the largest programs and the one that has probably made the greatest impact and that's the ability to repair a personal automobile or to replace household appliances for folks. There has been 503 families that have benefitted from that program and I believe that before the end of the year we'll be able to utilize all the dollars that are currently in that particular program. The employment and job training skills enhancement has been the toughest one to work on.

Commissioner Mourdock: Time out, Gary, for a second.

Gary Heck: Yes, sir.

Commissioner Mourdock: That paragraph you're referring to on the fourth page says 220 vouchers and you just said the safety net has used 503.

Gary Heck: That particular one is actually...I'm sorry, I should have pointed this out. Page three to the top paragraph on page four all came from the report from July 1 of 1998, so all of those particular ones just to give you some historical perspective this is where we were one year into the program and then those numbers from the front is where we...I probably need to put this in a little better order to let you know that, but that actually was where we stood at the halfway point.

Commissioner Mourdock: So we've more than doubled?

Gary Heck: We have more than doubled and that's...when we get back to the second paragraph on page four where we addressed that there were some changes in that particular program. We had a 133 percent increase in that particular program so we have been able to more than double in that particular program. It's still a tough program because quite frankly individuals that are working 25 or more hours a week find it difficult to commit to going to full-time going to school someplace else or taking educational classes somewhere else, so it is a little bit of a struggle and one of things that the Welfare to Work Local Planning Council is considering doing is asking the Commissioners to extend the six month time frame to either a year or perhaps 18 months which would allow them to take a class or two at a time instead of having to take quite a few classes in that six month time period and that is something that would probably be very helpful as well. Some of the things that we did once the Commissioners approved some of the changes like the change in where the six months had to run concurrently to individual for each service category and also being able to include non-custodial parents to put them in a position where they could get some skill enhancement where they could pay child support and

things better we were able to do mailings to all the current clients and then also just recently we completed sending home 23,500 letters that's to every child that is in the Evansville-Vanderburgh School Corporation system. A letter went home to their parents advising them about the program and we've had a tremendous response since that particular information piece went out. We were averaging anywhere from three to five people a day requesting applications and we're up more to the 15 to 18 times a day now so we expect to see quite a few more letters there as well. In addition, we also sent home application packets with all of the clients in the Habitat program. Tom Moor requested those so we were able to send those to them. Every one of those particular clients are in the same initiative based type of program, sweat equity, and they are all involved in work or other productive activities so that one is also very well received. At this point in time if you have some specific questions I'll try to address them. Just to let you know that the other child care program that is administered in this county currently there is about 1,043 families on that program and 2,004 children are being served with that particular program as well. It has a direct bearing on what assistance is needed in this particular program and we've been very fortunate in that the resources have been there and we've been able to identify the folks who qualify for the program and get them signed up and there is a lot of people who are able to remain involved in productive activity because their child care responsibilities are being...they're being assisted with those responsibilities.

President Jerrel: I just have a couple of questions on that six month issue for training and classes.

Gary Heck: Yes, ma'am.

President Jerrel: Have you done any research that you could define for us the kinds of classes? You know, what the majority of people have taken, where they have taken them? Are they USI classes, U of E classes, Ivy Tech, EVSC night school vocational programs? If we could see that and we know the length of time that those program cycles are that would be helpful, I think.

Gary Heck: There is a subcommittee of the task force that is being co-chaired by Kent Eskridge from the School Corporation and Jeff Amos and they are actually pulling together some of that. The majority of this particular service has been performed by either computer training vendors in the community and they would include Ivy Tech, Champion Computers. There is a project that is being worked through a collaboration of some of the inner city churches and they all have put together a collaboration computer training event. There has been classes at U of E and out at USI as well.

President Jerrel: Okay, well that would be interesting to know.

Gary Heck: I'll make a note to make sure I get a follow-up report to you on that.

Commissioner Mourdock: The training issue has been one that from day one has been troubling trying to get people in it. I'm not sure if the six month extension is the way to go or not. I'll certainly give it some thought. I mean, none of us know at this point. I guess I have one concern, Gary, and it's not on these pages but it's in a sense behind the pages. If we knew right now that our budget was going to be 25 percent less next year for this program in total would we change anything? I say that not based on anything other than watching how many people get on the riverboat. As you know, a hundred percent of the county's money for this comes from riverboat

revenues and there is a lot of expectation that those numbers are starting to diminish a little bit, so I guess I would just pose that as a question to keep in the back of your mind if in fact we knew that number was going down should we look at something differently here?

Gary Heck: So you're not looking for an answer tonight?

Commissioner Mourdock: No. Only if you can tell me what our revenue will be at the end of the year.

Gary Heck: I'll take a...well, I guess not being a gambling person I probably shouldn't stab at that. I need also to point out that what is not included on this report was recently the Commissioners did approve a \$30,000 demonstration project which will also come out of one of these particular categories. We are anticipating that the Welfare to Work Task Force will recommend that it comes out of child care since we also have the most resources in that area. So when you're looking at these there is \$30,000 that has been accounted for and obligated that doesn't show up in this report, but I will make a note to make sure that it shows up with their approval and then coming back to you we would probably recommend that it comes out of that child care line item.

Commissioner Mourdock: One other thought if you can track it, you sent out those 23,000 letters through the school system. You said your daily call rate is going from two to three calls a day up to 18?

Gary Heck: About 18.

Commissioner Mourdock: I'd be curious to know once you get those 18 calls how many people qualify under the auspices of this program.

Gary Heck: Okay.

Commissioner Mourdock: Because I'm sure there are some people who don't meet the qualifications. Probably half of the 18 will never follow through and get through the application and all.

Gary Heck: I'll make a note and make sure I get that back to you as well. The only other thing I would add is that we did share the information with the contractor to do a third party evaluation that the Welfare to Work Local Planning Council had requested and so that information has been turned over to a contractor and they are beginning their third party evaluation work.

Commissioner Mourdock: Good.

Gary Heck: So hopefully within the next couple of months we'll be getting some feedback on that as well.

Commissioner Tuley: Gary?

Gary Heck: Yes, sir.

Commissioner Tuley: Have you been able to...maybe this is something you need to look into, too. With the extended bus service has that had an affect on your clientele asking for transportation help?

Gary Heck: Not that I can...there has been a few requests. Most of the requests for the transportation services generally is temporary while their car is being repaired.

Commissioner Tuley: Okay.

Gary Heck: There just seems, for whatever reason, public transportation just isn't viewed very favorably in the sense that if people would prefer another means of transportation than having to ride the bus or a cab for that matter. The \$50 assistance that we were able to offer a month goes pretty far in bus tokens. There was a price increase this past year and we went from being able to offer 76 tokens a month to 58 tokens a month because of the price increase, but I can't say that there has been a lot of increase in request because of the extended hours. I've seen a lot of folks that are grateful that the hours were extended because it did allow them to actually get a ride to work which they could previously and then in a lot of cases they could get a ride home on the bus because they were open...or the buses were going to run until 11:00 or 11:30 or whatever that extra time was.

Commissioner Mourdock: I know early on that was one of the issues we heard with some of the people on the job training side that they could get to where the training was going to take place--

Commissioner Tuley: But they couldn't get home.

Commissioner Mourdock: --but then once it was a night class by the end of the evening they couldn't get home.

Gary Heck: That was particularly true of the evening classes at Central is where we got that comment the most. I can't say that I have any information that would say that's no longer the case, but I'll try to find out for you.

Commissioner Tuley: The only other...really just a question because I was reading when you made reference to people...difficult for them to take a training class if they were already working 25 hours or so a week.

Gary Heck: Twenty-five hours or more. The minimum qualifications is that they're involved in productive activities at least 25 hours a week and when they tried to put together that same work schedule regardless of what those hours were and then take a class unless they're working or being able to take a class either late at night or on weekends it is very difficult for them to put together 14 hour days almost to take a class and work and that's where there was a reluctance in people signing up to take the assistance. At least that is the information that we've received.

Commissioner Tuley: Okay. I'm just shaking my head because I don't know too many sitting around here that's got a college education or anything else that didn't do it working a heck of a lot harder than that.

Gary Heck: I can just report what our experience is.

Commissioner Tuley: No, I know. That's why I said I'm shaking my head. I'm tempted not to say anything, but at the same time, you know, if someone is offering you some money for some training--

Gary Heck: I think part of the problem was very few of us may have done it in a six month period of time.

Commissioner Tuley: That may be.

Gary Heck: I think that is where a lot of the objection has come in just to say I can't take two or three classes in a week's time, but if I could do it over an 18 month period--

Commissioner Tuley: That might be a little more valid argument.

Gary Heck: And that's why the subcommittee that Mr. Eskridge and Jeff Amos are looking at is studying that issue.

President Jerrel: Thank you very much. We appreciate it.

Gary Heck: It's my pleasure, thank you. I'll get this other information back to you.

President Jerrel: Okay, thank you.

Gary Heck: Thanks.

Any group or individual wishing to address the Commission

President Jerrel: At this time is there any other group that would like to speak to the Commissioners before we move on?

John Stoll - County Engineer

President Jerrel: Hearing none, County Engineer.

John Stoll: The first two items I've got are street acceptance requests for recently constructed subdivisions. The first is for VCH Commercial Subdivision. The acceptance request is for 740 linear feet of Constellation Avenue and 260 linear feet of Galaxy Drive. This subdivision is off of Green River Road just north of Sugar Mill Apartments. It's on the east side of Green River. All the streets were constructed according to plans and it's recommended that they be accepted for maintenance by the county.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second request is for Baseline Park Subdivision. This is a commercial sub at the southeast corner of Baseline and 41. The acceptance request is for 1,350 linear feet of Neeley Street and 750 linear feet of Chad Street. It's recommended that these streets be accepted for maintenance by the county.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: What were the names on those?

John Stoll: Neeley, N-e-e-l-e-y and Chad, C-h-a-d. The next item I've got is a request for me to sign off on the Notice of Intent letter for the Rule 5 application for Phase 3 of the Burkhardt Road project. This just basically provides all the information required for IDEM to issue the permit and when United Consulting prepared the letter they prepared it for my signature rather than the Commissioners.

Commissioner Mourdock: I'll move approval of the Notice of Intent letter.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I would like authorization to get some prices for doing some additional striping on Virginia Street east of Cross Pointe Boulevard. Last week we got the section of Cross Pointe opened up west of...I mean, the section of Virginia Street opened up west of Cross Pointe Boulevard so now it does connect between Burkhardt and Cross Pointe and all that was striped when the roads were built, but the portion of Virginia east of Cross Pointe was not striped and given the fact that it's probably going to see quite a bit more traffic I would like to go ahead and stripe that in the same manner that the portion is west of Cross Pointe Boulevard.

Commissioner Mourdock: I'll move approval to authorize the additional striping for Virginia Street as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Ballpark numbers we think it will cost less than \$5,000 to get that done. The final item I've got is a request for authorization to receive some price quotes for the replacement of Petersburg Road Bridge No. 1562. This is a 20 foot bridge on Petersburg Road just south of the Eagle Crossing Subdivision entrance. We can get this done inexpensively enough that we could do it on a quote basis rather than through bids, so I would like to pursue that.

Commissioner Mourdock: So your request is to authorize the advertisement?

John Stoll: Since it's quotes there won't be any advertisement.

Commissioner Mourdock: Just to seek the quotes?

John Stoll: Correct.

Commissioner Mourdock: Okay. So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: Did those letters get out last week?

John Stoll: Which?

President Jerrel: To Ms. Wolf.

John Stoll: No, it hasn't because I don't have any time schedules--

President Jerrel: Numbers yet.

John Stoll: --and all that outlined just yet.

President Jerrel: Okay, you did get that information that we had that Rose gave us?

John Stoll: On the funding?

President Jerrel: Yes.

John Stoll: Correct. The one thing we'll have to get figured out is time frames on right-of-way acquisition and things like that, so if I get a chance to talk to each of you I'll get that put together and we'll get it sent out to Mrs. Wolf.

President Jerrel: Thank you.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: County Garage.

Erik Bentle: The first thing I have is you've got my weekly work schedule and the rest of my report. The other thing I would like to bring up is there was a mistake on our paving percentage. Somehow or another one road got forgot so we're going to go back tomorrow and finish it. That is Springdale Drive off of Little Schaefer to the dead-end. It's 740 feet so we're going to go in tomorrow and do that and we should be done with it Wednesday.

Commissioner Mourdock: How did you discover that one got missed?

Erik Bentle: When we started doing our tally on everything nobody could remember doing it so we went out today and checked.

Commissioner Mourdock: How about that, there is a method to the madness. When you keep track of the records and it didn't add up it told you something was wrong. Great.

Erik Bentle: So we're going to start it tomorrow and we're going to finish it Wednesday. The lot at the garage as far as the remediation we had to cap the lot with two and a half inches of asphalt. That has been done and the lot looks real good.

Commissioner Mourdock: You talking Jack's pile?

Erik Bentle: Jack...no. Not Jack's pile, the rest of the garage where the old tanks used to be. All that had to be sealed so all that is done. We're striping out there this week for parking. The other thing I have is the last page on your report is a travel request for a road workshop for me and Mark Taylor for the 12th of November. It's

maintaining and maintenance of gravel roads.

Commissioner Tuley: You don't have many of those though, do we?

Erik Bentle: We've got about 30 miles of them still.

Commissioner Tuley: Do we still have 30 miles?

Erik Bentle: Yeah.

Commissioner Mourdock: And I think...do you have the original or do I have the original?

Commissioner Tuley: I think we all do.

Charlene Timmons: Maybe we all do.

Commissioner Mourdock: Okay, part by part here. First of all, I move acceptance of the County Garage weekly report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And I move approval of the travel request as submitted.

Erik Bentle: It's a one day workshop and it will be Friday the 12th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: That's all I have.

President Jerrel: Okay, thank you.

Erik Bentle: Thanks.

Commissioner Tuley: One question.

President Jerrel: Sure.

Commissioner Tuley: Apparently you got the Old Henderson Road thing taken care of because I never heard back from that lady?

Erik Bentle: Yes, sir.

Commissioner Tuley: So I appreciate that. The other thing is can you check out, did we replace a culvert or something on Schaeffer Road?

Erik Bentle: Schaeffer Road, I think we did, yes.

Commissioner Tuley: Can you go out and drive by there? The same bus driver, Kenny, who is always letting me know where things are at and what is going on

apparently just because of settling, I think, it's--

Erik Bentle: Well, we've got a list of about six of them that we replaced that I think Wednesday they are going to have a patch crew out doing the rest of them and we should be caught up on all of them.

Commissioner Tuley: Thank you.

Commissioner Mourdock: Erik, I had that most uncomfortable feeling I get every year about this time. On Saturday I was going through the remote and I suddenly saw this game in Colorado where the snow was flying reminding me it was about that time of year. How are we for our salt supplies and our sand supplies?

Erik Bentle: Right now our salt barn holds approximate 300 tons and we've probably got 250 tons in it, so right now we're sitting good for anything that will happen for a while.

Commissioner Mourdock: Okay, all set obviously with the budget in for next year?

Erik Bentle: Yes, sir. Everything is going on schedule.

Commissioner Mourdock: And trucks to dispense that material with, how are we doing on that?

Erik Bentle: We're sitting fine with the trucks as long as Miller holds their end of the bargain up for the 14th of November.

Commissioner Mourdock: Okay, that's the magic day, the 14th?

Erik Bentle: That's the magic day, yes.

Commissioner Mourdock: Okay.

Erik Bentle: If not we'll be running two trucks short until that happens. It would be just a little bit more workload on the guys, but they can handle it.

President Jerrel: Okay, thank you.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: Could you go to Steve or Tony?

President Jerrel: Oh, sure. Tony.

Tony Greubel: I got a letter today from Edward Jones, Associate Vice President for Academic Affairs at USI, and that is in regards to a meeting this Friday for the Regional Economic Development Committee. USI is hosting that. They're doing a lot of the groundwork down here for the group up in Indianapolis. First of all, I was wondering if any of the Commissioners were planning on attending that this Friday, but it's a half day. It's from 10:00 a.m. to 2:00 p.m. It's not mandatory or anything.

Commissioner Mourdock: This is the Graham Toft group?

Tony Greubel: Yeah.

Commissioner Mourdock: No, I will not be able to make it.

President Jerrel: I may go out there, but I may not stay for four hours or however long that is. I may not be able to stay that long, so do you have someone that can go?

Tony Greubel: I contacted...actually, the second part of this had to do with Ken Robinson. Let's see, I was sort of the liaison to help with that, getting the addresses and everything assembled, but Ken Robinson has actually been working with the IDEC on behalf of Vanderburgh County and I was going to propose maybe making him the official liaison. I can still assist him with smaller issues.

Commissioner Mourdock: Are you planning on being there?

Tony Greubel: I can be there if you like, but Ken cannot be there this Friday.

Commissioner Mourdock: Yeah, I would suggest that, Tony, you take care of it. Bettye Lou, do you know is there any problem here in the office?

President Jerrel: No. No, that's fine.

Tony Greubel: Okay.

Commissioner Mourdock: Consider yourself appointed.

Tony Greubel: Should Mr. Robinson be on the committee though? We were thinking about that from the point where Gibson County has one of their people on it, Warrick does, Posey does.

President Jerrel: They all have them on there. I think that probably since everybody else has one he probably--

Commissioner Mourdock: Yeah, fair is fair.

President Jerrel: Yeah, he ought to be on also.

Tony Greubel: Okay. I'll show up for him this Friday then and get him up-to-date.

President Jerrel: And we can make it official the next time.

Commissioner Mourdock: Okay.

President Jerrel: Is there anything else?

Tony Greubel: No, that's it.

President Jerrel: Did you get my United Way thing?

Tony Greubel: Yes.

President Jerrel: Okay.

Tony Greubel: We raised at least \$4,000 so far for United Way. It's going to come in above that though. Not all the departments have turned in their money yet.

Steve Craig - Burdette Park

President Jerrel: How about Burdette Park?

Steve Craig: The first thing I have is I wanted to suggest that we accept the Simms Painting Company's bid on the gelcoating of the two water slides.

Joe Harrison, Jr.: What was that amount?

Steve Craig: Uh, \$29,328.

Joe Harrison, Jr.: And they were the low bid?

Steve Craig: Yes, sir.

Joe Harrison, Jr.: Okay.

President Jerrel: Is there a motion?

Commissioner Mourdock: That was Simms Painting?

Steve Craig: Simms Painting Company.

President Jerrel: They've done that before for us.

Steve Craig: Yes.

Commissioner Mourdock: I'll move approval of the award to Simms as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Did you get my weekly worksheet?

President Jerrel: Yes.

Steve Craig: That's all I had.

Weekly reports

President Jerrel: Is there a motion to accept Burdette's worksheet.

Commissioner Mourdock: Yeah, let me do them in a group there. I'll move acceptance of the Burdette weekly report, Soil & Water Conservation District and the Ozone Officer's report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Are you ready or do you want me to go on?

Joe Harrison, Jr.: No, I'm ready.

President Jerrel: Okay.

Joe Harrison, Jr.: The first item I have are the bid responses on the two projects. The first of which is VC99-10-02 and that is the Oak Hill Road sanitary sewer Barrett Law project. There were one, two, three, four, five...it looks like five bids. They are as follows:

Company name	Amount bid
A & M United, Inc. Evansville, IN	.\$337,800.00
Peyronnin Construction Evansville, IN	\$363,678.24
Blankenberger Brothers, Inc. Cynthiana, IN	\$421,072.00
BMB, Inc. Evansville, IN	\$221,733.99
Koberstein Trucking Princeton, IN	\$364,108.80

I would ask that you take these under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next batch of bids relates to the Vanderburgh Industrial Park and that's VC99-10-01. There were several bids. It looks like one, two, three, four, five, six, seven, eight responses. They are as follows: J.H. Rudolph & Co., Inc. of Evansville. That total bid, base bid...in fact, in all of these I'm going to give a base bid and then an alternate bid that was also submitted and the alternate bid may be the total alternate bid or it maybe a reduction and then an addition, so when we go through the documents we'll be able to figure that out on these. They are a little different.

Company name	Amount bid	Alternate bid
J.H. Rudolph & Co., Inc. Evansville, IN	\$1,687,388.40	\$550,375.00
Blankenberger Brothers Cynthiana, IN	\$1,539,392.44	\$1,548,492.44
BMB, Inc. Evansville, IN	\$1,530,277.09	\$1,502,815.24
Hardaway Construction Corp. of TN Henderson, KY	\$1,887,587.85	\$1,866,609.85
NFH, Inc. Evansville, IN	\$1,659,952.25	\$545,250.00
Koberstein Trucking, Inc. Princeton, IN	\$1,615,303.10	\$1,706,353.10
Deig Bros. Lumber & Construction Evansville, IN	\$1,732,189.55	\$1,844,959.55
Koester Contracting Corp. Evansville, IN	\$1,823,964.70	\$1,813,996.95

I would ask that you take these bids under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And did any of you notice how close those two bids are?

President Jerrel: Uh-huh.

Commissioner Mourdock: That is unbelievable.

President Jerrel: Sure is.

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: The other item I have has to do with the Coroner's Office. The Commissioners signed a cleaning service contract with Dyna-Kleen Services, Inc. last year to perform cleaning on behalf of the Coroner at his office. The Coroner has asked that the agreement be terminated and has asked that Commissioners approve termination of the agreement so they can seek services elsewhere. I have talked to the Coroner and there is a termination provision in the contract. We're going to have to follow the provisions, etc., but he would like approval from the Commissioners to terminate that agreement.

President Jerrel: And I did speak to him and he wants to move quickly.

Commissioner Mourdock: And you're comfortable, Joe, that under that agreement we have this opportunity without any problem?

Joe Harrison, Jr.: Yeah, we can terminate the agreement. There may be some argument down the road as to price, etc., but we do have the right to terminate the agreement.

Commissioner Mourdock: Okay, I'll move termination of the agreement as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I will contact the Coroner and advise him appropriately. That's the only...oh, with regard to the community transition lawsuit I will update you. There was an amended complaint filed Friday with the Gibson Circuit Court and I have provided the Commissioners with a copy of the amended complaint and we'll see how the complaint proceeds from here, so I'll keep you posted. That's all I have.

Consent items

President Jerrel: Is there a motion to approve the consent items?

Commissioner Mourdock: I'll move--

President Jerrel: Excuse me, just a second. Alright.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: You have a list of the scheduled meetings, but apparently we need to act again on one of them.

Commissioner Mourdock: I would move that the County Commission meeting scheduled for Monday, November 1, 1999 be canceled.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Is there any old business to come before the Council?

Commissioner Mourdock: I don't know of any before the Commission either!

President Jerrel: I mean Commission.

Commissioner Mourdock: Old habit.

President Jerrel: I got lost there.

Commissioner Tuley: Daydreaming again!

President Jerrel: Yes. Anything?

Commissioner Tuley: No. I'm sorry.

New business

President Jerrel: Okay, how about any new business?

Commissioner Tuley: No.

President Jerrel: Is there a motion to adjourn.

Commissioner Mourdock: Move to adjourn.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:29 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Bill Fluty
Charlene Timmons
Tony Greubel
Gary Heck
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
October 25, 1999**

The Vanderburgh County Board of Commissioners met in session this 25th day of October at 5:30 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the meeting to order and the first item on the agenda, I would like to present to you the people up here. On my far right is Tony Greubel, and Tony is the Superintendent of County Buildings; the gentleman that just walked away, but will be back is Joe Harrison, Jr., the County Attorney; Commissioner Pat Tuley; on my far left, Charlene Timmons is our Recording Secretary and she is the one that types up the verbatim minutes of everything that is said in the meeting each week; next to her is the County Auditor, Suzanne Crouch; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like for you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first action item on the agenda is the approval of the minutes of the last meeting.

Commissioner Mourdock: I'll move approval of the minutes of October 18, 1999 as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: And I'll move approval of the summary minutes of this evening's Executive Session which began at 4:30 and ended at 5:30. It was just Commissioner Jerrel and myself. Commissioner Tuley joined us just here prior to this meeting. That meeting dealt solely with county personnel matters and also with a real estate lease situation.

President Jerrel: I'll second and say so ordered.

Open bids - Petersburg Road bridge project

President Jerrel: The next item on the agenda is the opening of bids for the Petersburg Road bridge project. Is there a motion to permit the County Attorney to open the bids?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan - City/County Purchasing Director
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President Jerrel: The next item on the agenda is the Purchasing Department.

Jerry Bryan: Good evening. The first item I have is to get your approval to bid the printing of the year 2000 tax bills.

President Jerrel: Is there a motion? Just as soon everybody in the audience probably would as soon we would not remember, but we do need authorization to print.

Commissioner Tuley: Do need money.

Commissioner Mourdock: Yep. I'll move approval for the printing of the...or for the letting of the bids for the printing of the tax bills.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you. The second item I have is the awarding of APA001-2000. That is the car washing services for the year 2000. Joe, this was properly advertised, bid and awarded. First Avenue Car Wash had the lowest and most responsible price and we recommend that they get the award this year. They had the award last year and I had no complaints from the different departments.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The next item on my agenda is the awarding of APA002-2000. That is the Mulzer Crushed Stone. Again, this was bid and advertised and tabulated according to our rules. Mulzer again was the low bidder and I recommend that Mulzer again be awarded our crushed stone business.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The next item I have on the agenda and you have in your packets is the Browning Ferris bid. This is on the commercial side. They have offered to give us firm prices for the year 2000. Commissioners, this is the third year in a row that they have given firm prices to us and this is a cost savings to us. I recommend that we take advantage of those opportunities and the BCC, that is the Vanderburgh County Sheriff's Department, the County Coroner's Office and Central Dispatch.

Commissioner Mourdock: Jerry, the write-up we have says award the B as in boy,

BCC portion of the BFI contract.

Jerry Bryan: That's inappropriate. That should be Vanderburgh County Commissioners. I say Board of County Commissioners?

Commissioner Mourdock: Ah, okay.

Jerry Bryan: Do you want to be referred to as Vanderburgh County Commissioners or Board of County Commissioners.

Commissioner Mourdock: That's better than what we were referred to by many last week.

Jerry Bryan: I know. I apologize for that.

Commissioner Tuley: I second that!

Commissioner Mourdock: I'll move the approval of the awarding of the BFI contract as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: I've got one quick item that I need to bring before this Commission. It slipped through the cracks. I had 33 bids and it was right before I was going on vacation. I have already advertised the timber material which is mostly county and the advertising went in on the 13th and the 20th and we're going to open it on November 15th and award it on December 15th, but I failed to come before you and ask to go through the process and I apologize for that. But the process is started as far as advertising and I talked to Joe this morning and we can...with your approval we can add that please.

Commissioner Mourdock: By timber, that is in timber bridges?

Jerry Bryan: Yes, sir. Yes, sir for all the bridge work.

Commissioner Mourdock: So it's for Highway?

John Stoll: Highway, yeah.

Jerry Bryan: We did about...Erik, I talked to the fellow, Bill Solomon, and we did about \$200,000 on timber projects with us and he's...really, this fellow that has our bid last year from American Timber does an excellent job for us and we've had no complaints. I would like--

Commissioner Mourdock: You are soliciting bids from others?

Jerry Bryan: Yes, sir. I have five other bids and when I come before you I will give you a spreadsheet indicating that since we advertised it we did give everyone a chance to get our business, yes.

Commissioner Mourdock: So formally do we need to--

Joe Harrison, Jr.: What I would just do is ratify the advertisement for that bid.

Commissioner Mourdock: Okay.

Jerry Bryan: Okay.

Commissioner Mourdock: I'll move the approval of the advertising that has already been done for the timber bridges.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

Public hearing - Evergreen Heights sanitary sewer assessment roll
--

President Jerrel: The next item on the agenda is the public hearing for the Evergreen Heights Subdivision sanitary sewer. At this time, John, do you want to just come up and see if there are any questions anybody has? But the addresses are listed on our item and, Joe, am I correct that this project has been accepted and we're now...this is the final?

Joe Harrison, Jr.: Yes, the project has been completed for several months now and I believe some of the homeowners are even taking advantage of the sewer at this time.

John Stoll: Correct.

Joe Harrison, Jr.: But it was officially accepted by the city's Public Works Board a couple of weeks ago and it was also accepted by the county a week or two ago. As a matter of fact, it was accepted by the county on October 4, 1999. The preliminary assessment roll was submitted out to the homeowners. There are 27 potential owners to be benefitted by this project and a notice went out to all of them. It was also advertised in the newspaper essentially setting forth the project total cost which was \$169,417.30 plus it also indicated the principal amount that each of the homeowners would owe for their share of the project and that amount is \$6,274.71. Should the homeowners decide to elect to pay it off over a period of ten years it will be that sum plus interest and a bond administration fee charged by the local banks. National City Bank, Civitas Bank and Old National are all participating in the loan and they are going to buy the bonds. The bonds will be the difference between the amount, the \$169,417.30 amount less the amounts that are paid up front within 30 days. So if \$40,000 or so decide to...if \$40,000 or so come in up front then the bond issuance will be \$120,000 or so and then that will be...the homeowners will have ten years within which to pay it off. A notice will go out by me within the next couple of days by the Auditor's Office informing the homeowners what the costs will be roughly each year if they decide to finance it over a period of ten years. I don't have those figures with me. I was speaking with the banks today and they're cracking the numbers right now to tell me exactly what that will be and I will notify...all the homeowners will be notified of that amount.

President Jerrel: The question I have which you may help us with, Item E on our agenda is the public hearing and that will be to list the 27 people, that's the purpose

of that public hearing?

Joe Harrison, Jr.: Yes.

President Jerrel: And then F, final resolution, the purpose of that is to accept--

Joe Harrison, Jr.: Well, is to sign the resolution that is before you. So essentially at this time if there is anyone that wishes to speak with respect to the project itself pro or con with respect to the way it looks or the assessments essentially this is the time to air out any questions or comments you may have.

Commissioner Mourdock: Let me just clarify one thing real simply. What we're saying here, our first item is simply defining for the record the 27 properties that are affected?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: And all the second resolution does is implement the process by which the thing is paid for over the period of time.

Joe Harrison, Jr.: Yes, and essentially the other thing that is a part of the project is that the Board in the resolution will specifically make a finding that the project lot or tract owners, the owners of the land, have been or will be benefitted by the improvements with respect to the sewer project, so there will be a finding. It's contained in the resolution saying that this project will benefit the property owners. It's my understanding that some of you are already benefitting from that development already at this time. So the first thing is to have a public hearing and then the resolution will be considered and then after that assuming we proceed ahead you'll receive a notice in the mail within the next week or so informing you of what the amount will be and your opportunity to pay in full within 30 days or if you choose not to do that you can sign a form to say you want to pay it off over ten years and we'll give you the annual payment that you'll have to make. The payment will be made in May of each year. You will not be making any payment this year unless you decide to pay it off in full within 30 days.

President Jerrel: Okay, so the first item on the agenda is there anyone that wishes to speak to the 27 property owner's issue? If not, then there is a motion to accept that assessment roll. Does anyone want to speak to that?

Joe Harrison, Jr.: Go ahead.

President Jerrel: Okay.

Howard Knopfmeier: My name is Howard Knopfmeier. I have the power of attorney for my father. He is in a nursing home. I have a question about \$1,000 that they paid a sewer fee for Evergreen and the neighborhood association. We were told that was going to be refunded to us.

President Jerrel: I'm going to let you...I have no idea.

Joe Harrison, Jr.: I have no idea what you're talking about.

Mims Poole: My name is Mims Poole. I'm president of the association. My name is Mims Poole. I'm president of the Evergreen Heights Neighborhood Association.

We formed a neighborhood association and Howard Morley and not all of us, but several of us put up like \$1,000 a piece and we was told by the Barrett Law when this thing all got done the money that we advanced Morley, since all 27 of them didn't participate in it, that money would be paid back to us.

Joe Harrison, Jr.: Well, that will be between you and Morley, but obviously everyone is going to be charged--

Mims Poole: The same? Okay.

Joe Harrison, Jr.: --the same amount for Morley's services and if for some reason he has received funds over and above the amount that he is entitled to receive, that will be refunded.

Mims Poole: Then he will reimburse us?

Joe Harrison, Jr.: Yes.

Mims Poole: Okay, I understand. There was a couple of--

Howard Knopfmeier: How does he know that?

Unidentified: Yeah.

Howard Knopfmeier: How does Morley know that?

Joe Harrison, Jr.: Well, Morley is only getting paid a certain sum of money.

Howard Knopfmeier: I've got checks for that. How does he know that he is going to refund that money to me?

President Jerrel: Does all the cost of the bonds--

Joe Harrison, Jr.: Yes.

President Jerrel: And that would include Morley--

Joe Harrison, Jr.: Is in here.

President Jerrel: --is in \$6,274.71.

Joe Harrison, Jr.: John may know.

President Jerrel: So if you have already paid it then you would pay that amount minus--

Joe Harrison, Jr.: No, no, no. They're all going to pay the amount it's just that if some of them have paid Morley up front and he is receiving more than his work in the invoice that was submitted to the county those funds will be refunded.

John Stoll: Back when that first came up as far as the reimbursement goes I spoke with someone in Morley's office. I can't remember if it was Jon Kipling or Ron London or who it was, but for simplicity sake I remember talking with you, Joe, and you said that the county would issue a single check for Morley's fees and then I told

Morley that and then he would be responsible for refunding the difference back to the people who had paid up front. Now whether that has all been relayed onto Morley and their people in their bookkeeping department, I don't know.

President Jerrel: Let's get it--

Commissioner Mourdock: Is there anyone here from Morley?

President Jerrel: Well, let's help out a little bit, Joe.

Joe Harrison, Jr.: I asked them to be here this evening.

President Jerrel: Okay, well I think we need to help the people out that have paid.

Joe Harrison, Jr.: Sure.

President Jerrel: How do we get an accurate...how do we get--

Joe Harrison, Jr.: This has been done before. The same thing happened in one of the other projects. I don't remember if it was Old State--

John Stoll: Old State, yes.

Joe Harrison, Jr.: It was the same thing happened and everyone was paid. I think it was...it might have been Easley at that time.

John Stoll: Right.

Joe Harrison, Jr.: Yeah, there he is. The same thing happened and we were able to work that out satisfactorily, so I will direct a letter to them and there should not be a problem with that at all.

President Jerrel: How do we know though how--

Joe Harrison, Jr.: We're not going to have...the closing, sir, is not going to take place until December.

Commissioner Mourdock: But the question that was raised is how does Morley know from whom it came? Did your association--

Joe Harrison, Jr.: I would ask--

Mims Poole: We've got a secretary.

Commissioner Mourdock: Alright, you guys have the bookkeeping?

Joe Harrison, Jr.: And I would think that you've got a record of that.

Mims Poole: Right, and the money really needs to be paid to the association.

Joe Harrison, Jr.: That's what I was going to say.

Mims Poole: Ms. Whitehead is our secretary and she'll write each...some have put up \$750, some have put up \$1,000 and we've got records on exactly what each have

paid.

Joe Harrison, Jr.: What I will do, I will get with you.

Mims Poole: We've got our own checking account on the association.

Joe Harrison, Jr.: Sir, what is your phone number again?

Mims Poole: 867-7836.

Joe Harrison, Jr.: I will speak with their office, again, concerning this. They are aware of this.

Mims Poole: Yes.

Joe Harrison, Jr.: Well, I talked to them months ago about it and, again, the closing is going to be in December, so it will be then when the refund will be made back to the association and from there dispersed so hopefully before the end of the year.

Howard Knopfmeier: Because I plan to pay the whole thing off in 30 days because we're in the process of selling my dad's home.

Joe Harrison, Jr.: Okay.

Howard Knopfmeier: So we have to, you know, get that taken care of so the people who buy it won't have to worry about it.

President Jerrel: Do they know how to get hold of you?

Howard Knopfmeier: I'll talk to him.

President Jerrel: Okay.

Joe Harrison, Jr.: Okay.

Howard Knopfmeier: Because I've got my dad's checks here that he paid into that.

President Jerrel: Right, well we'll get it straightened out.

Joe Harrison, Jr.: That's good. Thank you, we'll take care of it.

Mims Poole: Could we get a cost breakdown? We know what Blankenberger was, they was under contract. Could we get a cost breakdown on where all the costs went?

Joe Harrison, Jr.: Yes, can I mail a copy to you?

Mims Poole: Yes.

Joe Harrison, Jr.: Okay.

President Jerrel: Okay.

Joe Harrison, Jr.: Is everyone satisfied with the performance of the sewer? Is it

working okay?

Mims Poole: The sewer is working great.

Joe Harrison, Jr.: That's great.

Mims Poole: The other problem we've got, we have already had like a 90 percent hookup on them. There is something like six or seven households that have not hooked up out of the 27. That's not exact, that's close. When this thing is said and done what can we do with the people that are not hooked up? You can still walk by storm inlets out there now--

Joe Harrison, Jr.: Well, I tell you the Health Department at some point may take a look at it and request that the people hook up, but that's going to be up to them if they believe it's a hazard or nuisance to the rest of the public out there, but they will be charged. They are going to be charged.

Mims Poole: Yeah, I understand that.

Joe Harrison, Jr.: And if they don't want to get hooked up that is certainly up to them, but they are going to be charged the \$6,000. The \$6,400 amount.

Mims Poole: You'll mail me a breakdown on the cost of everything?

Joe Harrison, Jr.: Yes.

Mims Poole: Okay. Thanks, people.

President Jerrel: Okay, is there a motion then to approve the 27 homeowners for the public hearing?

Commissioner Mourdock: Okay, I'll formally move that the 27 lots established in the exhibit we've been given here this evening be set for the Evergreen Heights Subdivision sanitary sewer Barrett Law project.

Commissioner Tuley: Second.

Final resolution - Evergreen Heights sanitary sewer project
--

President Jerrel: And I'll say so ordered. The next item would be the final resolution of the Board of Commissioners of Vanderburgh County modifying the Evergreen Heights Subdivision sanitary sewer. You want to just enter that into the record?

Commissioner Mourdock: Sure. I'll formally move then that the final resolution of the Board of Commissioners of Vanderburgh County modifying the Evergreen Heights Subdivision sanitary sewer Barrett Law project assessment roll be accepted by the Board of Commissioners.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you all very much.

Joe Harrison, Jr.: Again, we'll send out a notice within the next week or so.

Any group or individual wishing to address the Commission

President Jerrel: Okay, the next item on the agenda is any group that wishes to appear before the Commissioners.

John Stoll - County Engineer

President Jerrel: Seeing none, I'll move on to the County Engineer.

John Stoll: The first set of subdivision plans I have there is for Helfrich Hills Subdivision. This is a subdivision that is going to go in on St. Joe Road west of Neu Road. I have been reviewing the plans and we had several changes made in regard to their storm sewers and things like that as you probably remember from Bill Jeffers' comments on the drainage review on this subdivision. Those changes have been made and as a result it is recommended that the streets be approved.

President Jerrel: Are there any questions concerning this erosion control plan?

Commissioner Mourdock: It's street plans.

John Stoll: It's a street plan, I'm sorry.

President Jerrel: I know--

John Stoll: I just opened it to the wrong page in the plans.

President Jerrel: Okay, Helfrich Hills, is there a motion to approve the street plans?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next set of street plans is for the replat of St. Joe Industrial Park. This is an extension of St. Joe Industrial Park Drive which is on the east side of St. Joe Avenue just south of the bridge of Locust Creek. These plans have been brought before you several times in the past. The developer keeps changing how he plans on doing this site and this latest revision they're going to have open ditches and shoulders rather than curb and gutter and that matches the pavement section of the existing section of St. Joe Industrial Park Drive. Given that, it's recommended that these plans be approved and hopefully this is the last time they come in here.

Commissioner Mourdock: So moved for the last time.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next set of street plans is for Section 7 of The North Greens. The section of The North Greens will come off an existing cul-de-sac within The North Greens, one of the earlier phases of The North Greens Subdivision. I've been

working with Bill Jeffers in regard to approval of these plans and Bill plans to bring the drainage plan for that subdivision for approval this evening for drainage approval and there were no changes required on the drainage plan that would affect the street plans. I reviewed the street plans and would recommend that they be approved. They will be asphalt streets with curb and gutter like the remainder of the streets out in The North Greens.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. These are street plans?

John Stoll: Correct, the drainage plans will be here this evening. The next set of street plans is for an extension of Kimber Lane in Waterford Place Subdivision. This will be for a short segment of Kimber Lane. It's about 225 feet south of Vogel Road. This lies between Burkhardt and Royal Avenue, about halfway between those two streets. The long-term plan for this is it may connect up to the existing portion of Kimber Lane that runs down by the Super Kmart and get a through road through there, but initially they're just building this 250 foot...225 or 250 foot segment of the road. I have reviewed these plans and would recommend that they be approved as well.

Commissioner Mourdock: Who is the they? Is this Joe Ream?

John Stoll: Joe Ream, correct. It will be a concrete street, seven inches thick, just like all the rest of the streets he has been putting in out there.

Commissioner Mourdock: I'll move approval of the extension of Kimber Lane as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I would like to recommend that contract number VC99-10-02, the Oak Hill Road sanitary sewer, be awarded to BMB, Incorporated for the amount of \$211,738.05. They were low bidder on the project.

Commissioner Mourdock: And which project, John?

John Stoll: This is the Oak Hill sanitary sewer. The Barrett Law project.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a time extension request from Phoenix Construction for the Bender Road Bridge project. They are requesting a four day time extension due to Ameritech not getting one utility line relocated, one telephone line relocated in time for them to start when they had planned on starting, so it's recommended that they be granted this four day time extension.

Joe Harrison, Jr.: Andy had a question.

Andy Easley: What was that contract amount for BMB?

John Stoll: \$211,738.05.

President Jerrel: Is there a motion on--

Commissioner Mourdock: Okay, going back to the Bender Road project, I would move the approval of the four day extension as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got two items that pertain to Heartland Ridge Subdivision. The first is an encroachment agreement that allows their large entrance sign to be located partially within county right-of-way. They constructed that sign some time ago. This is in the Hogue Road right-of-way at the entrance to their subdivision. The developer has signed off on an agreement which basically holds the county harmless for any liability associated with that entrance sign being located in the right-of-way. I worked with Joe to get this reviewed and approved and like I said, the developer signed it so it is recommended that this encroachment agreement for their sign be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: As a result of that it is recommended that their streets be accepted for maintenance. This would be 950 feet of Faith Way, 350 feet of Hope Crossing and 750 feet of Charity Circle.

Commissioner Mourdock: I'll move acceptance of the streets for Heartland Ridge as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: This is Heartland Ridge, Section 1. I failed to mention that a minute ago. The final item I've got pertains to the Lynch Road project. Based on a funding memo that Rose Zigenfus at EUTS put together a couple of weeks ago it appears there is adequate funding, federal funding, available to go ahead and pursue construction of the interchange. Actually her funding memo said that there was enough funding to go all the way out to Old Boonville Highway. Right now we have just been pursuing the purchase of the right-of-way directly at the interchange so we've got this right-of-way is what we've been purchasing so far. There are quite a few parcels out here along Old Boonville Highway that we've not made any attempt to purchase as of yet, so in order to keep the project moving ahead I was going to request authorization to split the project into the two separate phases. One being stopped just east of the east ramp of the interchange somewhere in this area and then we

would have a second phase at a later time that would pick this area up at Old Boonville Highway and beyond and potentially even a third phase depending on what happens out in Warrick County.

Commissioner Mourdock: I'm confused John. Which way is north?

John Stoll: North is this way. This is the southbound lane of 164, this is the northbound lane. We'll have a layout of the interchange will be just like what we've got at Morgan Avenue, so this line is the southbound off-ramp onto Lynch with Lynch being right here.

Commissioner Mourdock: Okay, so this is going on the east side of Lynch right over to..you said Old Boonville Highway?

John Stoll: Yeah, and here is Burkhardt here.

Commissioner Mourdock: Alright. I was thinking Old Boonville Highway ran east/west. I didn't realize it swung around.

John Stoll: There is a segment of it, like you can see here--

Commissioner Mourdock: Yeah.

John Stoll: --is north.

President Jerrel: That is confusing. We do have funding in place to begin the right-of-way also and we're trying to move this along so that we don't...you know, we need to get the money encumbered so that we've got it for next year when we get ready...when this all gets worked out.

Commissioner Mourdock: What's the date on this? It must be about '84?

John Stoll: Yeah, these are old. I'm not sure what the date is. This isn't even the most current set of plans. I don't have the most current set, but--

Commissioner Mourdock: What you're asking us for this evening is to formally accept dividing the project up in two parts?

John Stoll: Correct. At least two parts.

Commissioner Mourdock: Show me the two parts again. Basically, from here?

John Stoll: Yeah, basically Burkhardt to the east ramp of the interchange.

Commissioner Mourdock: Okay.

John Stoll: For the first phase because this is the parcel that Joe filed condemnation on just recently or it hasn't been filed or--

Joe Harrison, Jr.: Yeah.

John Stoll: --just about to be.

Joe Harrison, Jr.: Last week.

John Stoll: We got the agreement worked out to move the billboards and then these parcels up here, one of these is a Durchholz and the other two Bernardin Lochmueller has got a tentative agreement worked out to acquire those so we're real close to having everything worked out on the interchange itself, so that is why the dividing line would be somewhere around here and then once we got this project moving ahead then we could pursue the rest of this right-of-way and go from the ramp to Old Boonville Highway and beyond.

Commissioner Mourdock: Bernardin Lochmueller working for us have something put together, is that what you meant?

John Stoll: Yes.

Commissioner Mourdock: Where is...how far over is the county line then? Is it still off the map?

John Stoll: Yeah. The county line is right here. There is just a very small segment of this road that is in Warrick County. I can tell you more exactly, but it's meters and I don't think in meters in my head that quick just yet.

Commissioner Mourdock: We are slow to convert.

Commissioner Tuley: John, what is the estimated start of construction for at least this part of it?

John Stoll: In talking with Bernardin if they started any time now as far as splitting this out as a separate set of plans they thought that it would probably be December when they submitted the plans for INDOT to check and then they would have comments back from INDOT sometime in January. They could revise the plans according to INDOT's comments and we could send them back in February which once the final plans are sitting on the shelf that's when INDOT actually starts the clock ticking for the bid letting process. That's about a four month lead time.

Commissioner Tuley: So we're talking about--

John Stoll: So realistically June or July.

Commissioner Tuley: --next year?

John Stoll: Right, the earliest bid letting that we would probably see. But if things go right as far as the right-of-way acquisition on Burkhardt then we'll be out here doing this and Burkhardt at the same time and we'll get in that area, get everything done and get out.

Commissioner Mourdock: A novel approach.

President Jerrel: Again, I think the fact that I wrote a memo to Rose asking her to lay out all of the funds that are available and she did and we have enough money to do this and then we have the other funding in place for the right-of-way buying so if we get started now we can get it done.

Commissioner Mourdock: Excellent. Excellent.

John Stoll: In talking with Bernardin Lochmueller one thing that they did say was that

there is adequate money left in the current agreement to make all these revisions, split this out and proceed as it stands without a supplemental agreement resulting in more money. The one issue that they said in regard to supplements that will result in additional money will be future phases on out this way.

Commissioner Mourdock: Yeah.

John Stoll: And that primarily relates to plan revisions because even though they're not in here there are tables that outline the signs and the striping and all that that have to be revised.

Commissioner Mourdock: And once we start going that way we need to make sure Warrick County is going to be coming this way and not just in talk, but in dollars and in investment and everything else.

John Stoll: Make sure they address all the problems they've got with their segment of the road out there.

Commissioner Mourdock: Exactly.

Commissioner Tuley: E & B.

Commissioner Mourdock: Huh?

Commissioner Tuley: E & B Paving.

Commissioner Mourdock: Yeah, that being a pretty good one.

President Jerrel: An innovative way to have it in the middle of the highway. Well, I appreciate you doing this groundwork and Rose, too, both of you, because I think we want to move.

Commissioner Mourdock: So, again, I guess we formally need to break the project into two parts, so I would move at this time that the County Engineer be directed to divide the on-ramp/off-ramp for I-164 to tie into Lynch Road into two segments with the first priority segment being that west of the entrance ramp on the east side of I-164.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Depending how the funding is available, it may need to be another segment, two more segments, I'm not sure yet. At least the ramp to Old Boonville Highway could be one more segment, preferably to the county line.

Commissioner Mourdock: I understand, John, but the idea that we might see construction out there by mid-time next year, third quarter next year, that is very encouraging. Yeah, good job.

John Stoll: I'll get in touch with them tomorrow and get the process running. They did say that in order to redefine the scope of work in the current agreement we may end up doing a supplemental agreement that would spell out their duties relating to this. It wouldn't result in any additional costs, but it would redefine what has to be

done in order to make this happen, just the interchange portion of it. So I'll be working with them on that. Once we get something worked out I'll bring it up for approval.

President Jerrel: Very good. Thank you very much.

John Stoll: Thanks.

Erik Bentle - Superintendent of County Garage
--

President Jerrel: Okay, County Garage.

Erik Bentle: Erik Bentle, County Garage. You have my work schedule this week and my reports from last week. One thing I would like to say is we are completed with our paving and our ditching for the year, for the year '99. We've already started our ditch list for 2000 and I would like to advertise in the paper for county residents to call in so we can get our list started and get everything going. We have exceeded our goals that we set this year for paving and ditching also, so I think we've done a really good job this year.

President Jerrel: That's good.

Commissioner Mourdock: Here, here.

Erik Bentle: That's all I have.

Commissioner Mourdock: Let me do two things then. First, I'll move acceptance of the report as filed for the past week.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And the second part, Erik, you said you wanted to do something as far as notification of the public to get the ditching--

Erik Bentle: We wanted to advertise in the newspaper for residents living in the county to call the garage if they have ditch work they need done that's on right-of-way.

Commissioner Mourdock: Okay, I move the approval of the advertising.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: That way we'll be ahead of the game starting out next year.

President Jerrel: Good.

Commissioner Tuley: You must have got the river bottom taken care of that I called you about because I never got a call back.

Erik Bentle: Yes, sir.

Commissioner Tuley: Same day.

Erik Bentle: Same day.

Commissioner Tuley: I love it. I appreciate it, too.

Erik Bentle: No problem. That's all I have.

President Jerrel: Thank you very much.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: The first item I have are the bids that were received concerning the Old Petersburg Road project. That was VC99-10-03. There were four bids that were submitted. They are as follows:

Company name	Amount bid
Deig Bros. Lumber & Co., Inc. Evansville, Inc.	\$42,758.00
Koberstein Trucking, Inc. Princeton, IN	\$30,822.00
CCC of Evansville, Inc. Evansville, IN	\$28,218.56
BMB, Inc. Evansville, IN	\$36,860.00

I would ask that you take these bids under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I have a couple of other items. The next of which I would like to have permission to advertise an ordinance amending Chapter 2.32.100 of the Vanderburgh County Code of Ordinances. This particular provision is a provision involving the Department of Weights & Measures. It's a request from Loretta Townsend to make a minor change to their particular ordinance regarding commodity regulations and she has asked that the Commissioners do this before the end of the year, so I would ask for permission to advertise this and the Commissioners could then consider this particular ordinance maybe late November, whenever advertising is appropriate. If we could get it advertised within the next week or two we could probably consider it a public hearing/first reading and then a final hearing either the last Monday in November or maybe the first Monday in

December might be appropriate.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Another item I have to bring up involves the AISP/DISP program out at the SAFE House. Commissioner Tuley, myself and Brad...the Sheriff, Brad Ellsworth, had a chance to meet recently and it was decided by the court that...or I should say that it appears that the Community Correction programs involving AISP/DISP should no longer stay at the SAFE House and that those programs will be moved elsewhere or similar programs will be moved elsewhere. It is possible those programs may be relocated to the Old Courthouse, but I'm not too sure. The Circuit Court will be looking to see where those programs will be moving. So my report this evening is that probably by the end of the year or early next year those programs will no longer be Community Correction programs. They will be operated under the jurisdiction of the Circuit Court. We should know more within the next couple of weeks as far as the location of the programs in the future and when this transition will take place.

Commissioner Mourdock: That would also include the assignment of personnel?

Joe Harrison, Jr.: That would also include the assignment of personnel that are currently working in those two programs and the court will be looking at that issue to decide what it wants to do with personnel that have been working in those particular programs.

President Jerrel: Did you discuss that should not be an additional charge to the General Fund, this is fee supported?

Joe Harrison, Jr.: I don't know if that issue was discussed, but I think certainly the issue of user fees was discussed as far as paying, but I'm not too sure it was discussed whether or not additional funding would be necessary or not.

Commissioner Tuley: There is a lot of the actual detail to be worked out, but that was the concern that we discussed. That's fine, we'll move the program if you want to keep it, however, understand you've got a fee situation out there that is going to have to handle these costs. So I mean, we didn't get down to nailing it down.

Joe Harrison, Jr.: But it was certainly the intention, I know, of Commissioner Tuley and myself that those programs could, as far as the personnel in those programs, remain under the jurisdiction of the Sheriff, however that was an issue that was not acceptable to the Circuit Court and because of that the programs will be moving elsewhere.

Commissioner Mourdock: Having been out of town last week for the Community Corrections Advisory Board meeting and I know this that you're talking about took place prior to that, right?

Commissioner Tuley: Right.

Commissioner Mourdock: Was the Advisory Board, did they then ratify that decision

that AISP/DISP should, in fact, go somewhere else?

Joe Harrison, Jr.: No, the Advisory Board was advised that there are ongoing discussions, but the recommendation was going to be made this evening as far as what the decision was as far as the Circuit Court is concerned. I didn't hear back from the judge at all regarding that. The bottom line is that the Community Correction program, it's not going to be a Community Correction's program in the future. That's why it's not going to involve the Advisory Board.

Commissioner Mourdock: My key point, my key question was whether or not the Advisory Board was involved with the discussion that, in fact, it would be user fees that would pick up any additional space.

Joe Harrison, Jr.: No.

President Jerrel: No.

Commissioner Mourdock: It sounds like that didn't come up.

President Jerrel: That needs to be reviewed with the Advisory Board when they meet in December and Council needs to be apprised of that.

Joe Harrison, Jr.: As far as this Board is concerned I don't know if there is any action that you want to take other than to--

President Jerrel: I think we'll wait until we have the Advisory Board. You've informed us, haven't you?

Joe Harrison, Jr.: Yes.

President Jerrel: And that is the way it is, so we'll proceed after the next Advisory Board meeting. I don't think there is anything for us to do.

Joe Harrison, Jr.: No.

President Jerrel: We can't vote yes or no.

Commissioner Mourdock: Right, right.

President Jerrel: Okay. Is there anything else?

Joe Harrison, Jr.: Yes, I'm sorry. There is one other item, I'm trying to figure out what it is. With regard to...I just wanted to advise you of this. On the Gregory Court matter, that's the cave-in out on the road out on the north side John has been proceeding ahead to get soil samples by a soil consultant regarding what exactly is going to need to be done to take care of the wash away that has occurred out there and then the bids will then be...plans will then be prepared and submitted and John hopefully will have something by the end of...middle of November or end of November so we can get that project going ahead before the end of the year. Hopefully it will move ahead quickly, but that's a situation that needs to be resolved as soon as possible. That's all I have.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: I attended the multi-county strategy committee meeting last Friday at USI and that went well. I think nine of the people representing Vanderburgh County showed up so we had a good county attendance.

Commissioner Tuley: You know, just jog my memory, too, I was notified by Mr. Brad Oliver that he is not going to be able to continue on there.

Tony Greubel: Okay. Actually, we do have more people than we are really supposed to have anyway, so that's good.

Commissioner Tuley: So we don't have to find a replacement, okay.

Tony Greubel: I made a...this is something for the state level that they gave us. I made a copy for everyone on the Board just to kind of get an idea for a vision for the regional level, but this is what they did for a vision for the state level.

President Jerrel: When is the next meeting?

Tony Greubel: It will be in the middle of December. That's all I have.

President Jerrel: Have you picked a date?

Tony Greubel: Yes, I don't have it in front of me though.

President Jerrel: Okay, maybe you ought to send us all a memo. We can come and listen, can we not?

Tony Greubel: At that meeting Commissioner Rector showed up from Warrick County. He stayed for a couple of hours. One Commissioner from Gibson County is actually a participating member of it, so if anyone wants to even be a full-time member that's great.

President Jerrel: Thank you.

Gary Hohman - Burdette Park

President Jerrel: Burdette Park.

Gary Hohman: Yes, ma'am. Gary Hohman, Burdette Park. In addition to our work report we do not have anything to present to you at this time unless you have some questions of us. We would be glad to answer any questions.

President Jerrel: How is the scary Halloween thing going?

Gary Hohman: They were lined up all the way from our building all the way out to the extreme north entrance of the parking lot this past weekend.

President Jerrel: So you've had good crowds?

Gary Hohman: They have a real good crowd.

President Jerrel: I would go, but I would probably get scared!

Gary Hohman: It's not for one that is faint of heart.

President Jerrel: Okay, thank you very much, Gary.

Gary Hohman: Thank you.

Weekly reports

President Jerrel: Soil & Water and Ozone Officer reports, is there a motion to accept all the reports?

Commissioner Mourdock: I'll move acceptance of all the department head reports.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Are there any questions related to any of the consent items?

Tony Greubel: We added one from the Knight Assessor that is not on your agenda.

President Jerrel: Oh, okay. There is a late one then for the Knight Township Assessor.

Commissioner Mourdock: I'll move acceptance of the consent items as filed with the addition of the one from the Assessor's office.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Is there any old business to come before the group? Well, it may be old or it may be new. Our fellow Commissioner ran 26--

Commissioner Tuley: I was going to say, how much? Fifty-two dollars I owe you?

Commissioner Mourdock: You owe me \$52, two dollars a mile.

President Jerrel: He successfully completed the Chicago Marathon. It was a marine marathon.

Commissioner Mourdock: Yeah, Washington, DC.

President Jerrel: Washington, DC, excuse me.

Commissioner Mourdock: And you can think it coincidence, maybe, maybe not, but yesterday a new world record was set for the marathon. It wasn't me, of course, but I think the pressure of adding to the field!

President Jerrel: I'm sure it did have a bearing.

Commissioner Tuley: I'm sure you scared the daylights out of him!

Commissioner Mourdock: In fact, he did it in a third of the time. Well...a little less than that.

Commissioner Tuley: Hey, but you made it.

Commissioner Mourdock: I made it, and no cramps, no charlie horses, no stops.

Commissioner Tuley: Who does the check get made payable to?

Commissioner Mourdock: The Susan Komen Race for the Cure.

Commissioner Tuley: I will get that to you.

President Jerrel: Well, congratulations.

Commissioner Mourdock: Thank you, it was fun to do.

New business

President Jerrel: Is there any new business to come before the Board?

Commissioner Mourdock: Just a reminder that the next meeting...or next week we will not meet.

President Jerrel: Right.

Commissioner Tuley: Right. Are we getting...I guess this is new business since this just recently opened. Are we getting feedback...are they doing any kind of exit survey, they being the Convention & Visitors Bureau or Ogden, on the immediate reaction of the people that we've had over here so far?

President Jerrel: Well, only what I have read in the paper. I mean...I did talk to Sandie after the POW and I talked to her after the engineering show. I haven't talked to her after--

Commissioner Tuley: I saw Dolli's letter to Sandie and crew for what an excellent job they did.

Joe Harrison, Jr.: They said they had 5,000.

Commissioner Tuley: Is that right?

President Jerrel: I went over there yesterday so they...I mean, everything looked like it was going well.

Commissioner Mourdock: Yeah, I've heard just passing comments. Everyone that I know of that has been through there has had a good experience and good comments, but I have not seen anything officially and I'm sure there are others. You know, we always hear the good ones. I'm sure there is someone. I noticed there was some temporary signage and things up on the interior that haven't been figured out yet, but I'm sure that is being taken care of. I cannot wait until the first event takes place in the new auditorium.

Commissioner Tuley: Right.

Commissioner Mourdock: I gave a personal tour the other day to one person who reacted exactly as we guessed with, whoa. He just couldn't believe that thing looks like it looks.

Commissioner Tuley: I had some people ask me. I said, when you get in there you're not going to believe what you're seeing.

President Jerrel: That's true. Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:25 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jerry Bryan
John Stoll
Mims Poole
Howard Knopfmeier
Andy Easley
Erik Bentle
Gary Hohman
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
November 8, 1999**

The Vanderburgh County Board of Commissioners met in session this 8th day of November at 5:30 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners to order. The first item on the agenda I would like to introduce you to those before you. On my far right is Tony Greubel, the Superintendent of County Buildings; Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; my far left Charlene Timmons is our Recording Secretary; Auditor Suzanne Crouch; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like for you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of minutes from the October 25th meeting.

Commissioner Mourdock: I'll move approval of the minutes of October 25th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan - City/County Purchasing Director

President Jerrel: The next item on the agenda is Purchasing. Jerry.

Jerry Bryan: Good evening, Commissioners. The first item on the agenda is to ratify the liquid asphalt schedule. Bettye, this is one where I got kind of bounced between boards. I went to the BPW and they said it should come over to the County Commissioners. There are two gallons for the city and 2,000 gallons for the county. It was advertised on the 13th and the 20th. They're going to open the bids at BPW and then I will report to both boards.

President Jerrel: Okay.

Jerry Bryan: So I ask you to ratify that, please.

President Jerrel: Okay, is there a motion to approve the acceptance from the Board of Works and then you'll be over here?

Jerry Bryan: Yes, ma'am.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The next item on the agenda is request permission to award APA003-2000, sand and gravel. That was approved by the Board of Public Works on the 4th of November. This was advertised properly, bid and tabulated and Mulzer Crushed Stone is the award winner for the year 2000. I would ask you to approve that.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Joe, I think I've got those two tax bills there. You want to do those now or later?

Commissioner Mourdock: Yeah, I just move the opening of bids for VC-2000-01 which is tax bills.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Take them under advisement.

Commissioner Mourdock: Yeah.

Jerry Bryan: Okay. The last item on the agenda is I talked with Joe Harrison today and the Board of Public Works had advertised in July on the 13th and 20th for their salt award and failed to include me. Joe, I talked to Kevin Winternheimer and Sam and they will allow me to piggyback on their bid like we did last year and like we plan to do this year.

President Jerrel: Okay.

Jerry Bryan: So I would ask you to ratify that, please.

Commissioner Mourdock: Do we have a document there that we are actually ratifying?

President Jerrel: Well, it's the low bid that was approved by them for salt.

Jerry Bryan: Yes, it is the low bid. Mr. Mourdock, what happens is you have to have three sources to take care of the salt because there is so many...the demand is so large. We all use Morton Salt, IMC and Cargill, so it's kind of like the surfacing bid where you bid to the lowest person, but you may not always get that due to the volume and the quantity, etc. We will have three bonafide sources to take care of the salt for next year. Erik, do you want to...?

Erik Bentle: Yeah, IMC got the low bid on that so they'll be the number one supplier and then Morton and Cargill.

Jerry Bryan: And then Cargill follows.

Commissioner Mourdock: Okay, that being the case I'll move approval of the ratification of the salt bid award by the Board of Public Works.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

Commissioner Mourdock: Uh-huh, thank you. We need to, I guess, officially take these bids under advisement, Joe. Did you want to read them?

Joe Harrison, Jr.: What I'll do is under my report--

President Jerrel: Okay, alright.

Joe Harrison, Jr.: Why don't I do that? Why don't I just open them up and then I'll report back to you in just a few minutes.

Buffalo Trace Council - Permission for 5K run on county streets
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President Jerrel: The next item on the agenda is the Buffalo Trace Council, permission to use portions of Pollack Avenue and Lynn Road for the 5K run.

Commissioner Mourdock: I would note that we did receive an insurance carrier document on that and I understand the Sheriff's Department is going to work with them on using part of Pollack Avenue and Lynn Road out in the county for the Buffalo Trace 5K run.

President Jerrel: Okay.

Commissioner Mourdock: That's what it says, honest. I would move approval of the permission to use portions of Pollack Avenue and Lynn Road as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Brad Ellsworth - Jail update

President Jerrel: The next item on the agenda is an update by the Sheriff on the jail.

Brad Ellsworth: I'm going to bring my Chief. This is a two man job.

President Jerrel: Okay.

Brad Ellsworth: Thank you. We would have no problem with handling traffic in that area if you so desire. Well, the jail is crowded as you well know. We typed up a small little snapshot of what the numbers are we've had over the last few months. Today's population the last...at the 3:00 snapshot was 377. I've got 125 sleeping on the floor. I was a little bit concerned, you know, looking at this number that we do have 33 misdemeanor inmates in the facility. I was thinking that number wouldn't be that high, so that concerns me and I'll look into that. Thirteen federal, 318 felony, 1 civil case, no juveniles and 12 DOCs so that number is right in the number that we usually have and they ride out, like I said, once a week. We can take pretty much

an unlimited number.

President Jerrel: What happened to the juveniles? On the 26th report, snapshot, there were 20 charges. That wouldn't be 20 individuals?

Eric Williams: Those are JP charges. They're not necessarily juveniles. They're just coming out of juvenile court.

President Jerrel: Okay.

Eric Williams: They're probably paternity related charges, so they're not truly juveniles.

Joe Harrison, Jr.: (Inaudible) juveniles.

Brad Ellsworth: And unless they have committed one of ten or twelve crimes they wouldn't be housed in the facility anyway. They have to be really pretty serious crimes. We're handling it. We're feeding them. They're getting the proper medical care. Strictly bodies in an area that was not meant to house that many. One of the problems we're running into, we went up today and had a discussion with some of the inmates. They were taking something and breaking out the small visitation windows and that obviously is a security risk for us because of passing contraband in during visitation. Another problem with that is when we've got the inmates sleeping on the floor in the day room and in the hallway so that they aren't basically laying on top of each other is that it makes it extremely hard for the guard to go in there when he is in by himself, lock down the inmates into the night cells and the day cell and then go down and do his rounds in the linear type jail. I think everybody in the room has been up there and seen it. It makes it impossible for him to lock it down and go in with that key because then he could obviously be overpowered by the inmates and they could free the rest of the inmates. Roberta, please don't report that tomorrow. I don't want to give them any ideas. Help me on this security thing. That's a major problem with us and obviously one remedy we took today and I'm sure that you all will be getting calls about it is that my staff decided to limit the number of visitors. With this high of a crowd of inmates we are going to limit the number of visitors to one visitor per inmate and they must be 18 years of age. We're having just a huge number. Some inmates are getting six visitors, bringing small children. They are sitting them up on the thing. We're actually getting fights among the visitors where we're having to arrest people for disorderly conduct in the halls of the jail because they are fighting to get to visit their inmate. So today, and I'm sure it will be unpopular both among our clientele and the visiting public that we're going to limit that to one at least for the present, to limit it to one visitor per visitation. I did call over...we talked briefly on the phone with the County Attorney, Joe Harrison. We were talking about possibly the use of electronic monitoring in lieu of bond. I called the SAFE House. We have three right now. One as a condition of bond and two that are in lieu of bond. Only three that are on electronic home monitoring. They do have 60 available bracelets, ankle bracelets, at the facility that we could implement, so I assume that we will need to get with the judges and set up something to see if there is people that we can lobby to get...put them in that situation. Monitoring them, I've talked with the SAFE House people and they say it would not be a problem with the additional people on monitor because it is just an electronic signal that says bracelet 255 has left his zone.

Commissioner Mourdock: Is it your recollection, or maybe you know for fact, Brad, as part of the Jail Committee when we decided to expand the electronic capabilities

the number that is in the back of my head is we went out and leased 75 new sets of bracelet, is that right.

President Jerrel: I think they had over 200.

Commissioner Mourdock: But 75 were new.

President Jerrel: Yeah.

Brad Ellsworth: I was going to say it was 75, right, and for this exact purpose that possibly we could use them in lieu of bond.

Commissioner Mourdock: But you're saying we've only three of those in use right now?

Brad Ellsworth: Yes, that's what I--

Commissioner Mourdock: We still have 72 in theory sitting back at the SAFE House not being used?

Brad Ellsworth: Right, right.

Eric Williams: Sixty.

Brad Ellsworth: Sixty actual bracelets. Some have been destroyed by the current...by the people on them, so we have 60 available right now. It could be that more people are being sentenced and using those up, but like I said, I have 60 available.

Commissioner Mourdock: Alright. Maybe this isn't the proper place to ask the question simply because those who need to answer it, which is to say the judges, aren't present. Under the Indiana Constitution, obviously, the County Commissioners are delegated the responsibility of providing a jail. With modern methods that weren't imagined in 1843 when that was drafted, could electronic house arrest be considered jail? If that is the case is it something that judges even need to sign off on? Why?

Joe Harrison, Jr.: Well, there is--

Commissioner Mourdock: Let me just...before you answer let me finish my thought. If the judges now aren't putting people out into the system using something that is already available why do we think even if we say oh, by the way, here is 60 or 70 bracelets that all of a sudden that is going to change things? I'm wondering, if they've had the option to make that decision up until now, why haven't they made it?

Joe Harrison, Jr.: Well, right now for instance, there is statute that says those who are in jail that have been convicted or are in for contempt citation of some sort, the Sheriff can't release those people out--

Commissioner Mourdock: I understand those that are convicted. That's a different situation.

Joe Harrison, Jr.: It's essentially the same thing unless the judge would permit that. In this instance it is my understanding from the limited research that I've done it is

the same thing in that the court, the judge who sets bail, who determines the court dates, the schedules for the trial for that individual, etc., is responsible for determining pre-trial detainee guidelines whether it be out on bond or whether it be a house arrest pre-trial detainee situation. One of the issues that comes up and I can see this being an issue and certainly...I can tell you this, in Marion County and in Tippecanoe County they are utilizing house arrest for pre-trial detainees quite often for many drug offenses, Bs & Cs, for burglary type situations. Nonviolent offenders, those are being utilized as a possibility as opposed to pre-trial detention in the jail. One of the things that comes up though, is that considered time served if the person is convicted? Does that have to be counted towards time served and typically that is the case. I could see that as a viable option and it is being used in other counties throughout the state and throughout the country. It's just not being utilized here.

Brad Ellsworth: Richard, you'll remember one of the early Blue Ribbon meetings when the judges and the prosecutor got together and remember they had the long meeting to see who they would of let out and they said it amounted to about five or something like that.

Commissioner Mourdock: Yeah.

Brad Ellsworth: And they weren't interested in having a future meeting with those small results and I don't know if this would be, you know, a viable option. It's pretty close, but at least they would be monitored in the home.

Joe Harrison, Jr.: Well, this option is...I mean, it's essentially prison. I mean, you're not in jail, but it's not like being out on bail where...or out on bond where you might be able to do all sorts of things. At least you have a bracelet on you and you're being watched at all times. It is being utilized for serious offenses. Not the violent type of offenses, but serious individuals--

Commissioner Mourdock: I'm not suggesting and I don't think any right minded person would suggest that people who are being held for some sort of violent crime would be eligible in any way, but when I see the numbers of 377 today on our average in a jail that should hold 256 and being upgraded to 268 I guess the first question that goes through my mind is what caused the change in activity in Marion County and Tippecanoe County where they have apparently implemented this type of thing. What is different there than what we've had here? Again, I don't know that anyone in this room knows the answer.

Brad Ellsworth: I haven't had contact, but I can certainly call to their sheriff and see what, you know, that won't be a problem and find out. I don't want to what if it to death. The only problem is that, you know, with the bracelet that doesn't impede any of their activities that they do at home. You know, we would just have to be ready that if the guy we put on house arrest for burglary, then does something in-house we're going to catch some flack, but I think that is something we could have happen right now. Somebody we let out on bond goes out and kills somebody, you know, we let them out on bond.

Commissioner Mourdock: Uh-huh.

Brad Ellsworth: You have to prepare for that.

President Jerrel: But the ones that are not of that nature...I'm looking. Public

intoxication, misdemeanor. Failure to appear, misdemeanor. There are a number of those. You know, I was thinking more of that than anything more serious.

Joe Harrison, Jr.: I can tell you this, at least from what I have learned it's typically just the felons...those charged with felonies that are even considered for this. Those that are charged with misdemeanors wouldn't even enter into an equation of a possible house...it very well could be that is necessary, but I think at least in some of these other counties they're considering that even too harsh to put misdemeanors on some sort of house arrest.

Brad Ellsworth: It is surprising to me that we even have 33 misdemeanors as the primary charge right now in the jail. The judges are fully aware, you know, of the problems and they've shown concern. We had a meeting a couple of weeks ago with the chief judge and a couple of members from my staff and we're looking at people to possibly get down and I wouldn't think we would even be holding that many, but I guess one problem with me and I have voiced this before is with the failure to appear is that, and certainly they are ones to look at, but if they have failed...and I know some of the lists you're looking at have four and five failure to appear warrants that they have satisfied by pulling them in, is if they have not appeared in the past then...and you let them go, will the bracelet...that's a little...if you just let them go period, chances are they are not coming back.

President Jerrel: No.

Brad Ellsworth: Then you put another officer in danger if they come across them again, you know, six months down the road and they pull them over for a taillight out then what you run into is that officer then has to deal...you have them in jail. You know, they've got a history of not going to court and now you have put that officer in danger again and have to pull them in again. You know, just because we are--

President Jerrel: You don't think they would if you put a bracelet on them?

Brad Ellsworth: That would help some, you know, I think.

President Jerrel: Well, you would know if they were out.

Brad Ellsworth: You know if they leave the house, right. That's a lot better than just releasing the failure to appears.

President Jerrel: Because, Brad, am I not correct though that generally speaking except for the very violent ones that are waiting for trial, most of these don't have the money to make bond?

Brad Ellsworth: Sure. Because the bond schedule, you know, of the set bond schedule that you have and, you know, the judge usually reduces those numbers, the actual dollar amount on bond. Most bonds when they get up to \$5,000 cash you can forget that anybody is going to make that. Very few.

President Jerrel: What about the delay for various reasons? What worries me is we're in a time of the year when people take vacations and those people could very easily be defense attorneys. You know, if these cases are deferred what happens?

Brad Ellsworth: They sit. I talked to an inmate today that his case, and he was on a PTR from the SAFE House.

President Jerrel: What does that mean?

Brad Ellsworth: A petition to revoke out of the SAFE House based on an escape that we charged him with, he left, he did not return, and he said his next court date on that was in February. You know, pretty simple charge, pretty simple. If the courts' calendars are that full, I don't know. I can't speak to how, you know, they may be running 100 miles an hour, you know, like an assembly line over there, I'm not sure, but you are talking sometimes months in between appearances or set court dates.

President Jerrel: But you do know from...you do know by the ones that are sentenced or found innocent or whatever the case may be on Thursday when you have people that have been sentenced that you can send to the DOC. You haven't had any major increase in those?

Brad Ellsworth: No. It's close. It will average between 12 to 25 at a time.

Commissioner Mourdock: Your point with that, Bettye Lou, is just saying the court system isn't working any faster?

President Jerrel: Right, I mean--

Commissioner Mourdock: Because of the number going out.

President Jerrel: --you said that they were or could be working very quickly, but you would know there were more.

Brad Ellsworth: Yeah, I have not seen a sharp increase in people that are equipped to go to DOC or when their paperwork comes over.

Eric Williams: One thing on the DOC number though that is a little bit misleading in that the litigation and all the opportunities that the inmates and the DOC have to review their court cases again to have sentence modifications and things like that and the thing we're finding is we may ship ten to fifteen to the DOC at any one given time, but at that same day the judge is issuing an order to bring three from Pendleton, three from Michigan City, two from the Indiana Department of Corrections and two from RDC back, you know, so now they're going to sit here waiting to go. That is why that number stays pretty fixed because generally for about every one we're taking up there we're bringing somebody back to go to a sentence modification of something. Then there is that period of time those people are going to sit in our facility.

Brad Ellsworth: Also with the misdemeanors if the judge sentences them to anything...usually if the DOC wouldn't get them for six months the DOC will not accept a misdemeanor, so if the sentence doesn't...if they're not going to have them six months they are pretty much staying and they'll do their time locally so that is another factor in there too. Even though they have been sentenced to DOC they won't accept.

President Jerrel: You know, something else on another topic, but you brought it to mind and I think we need to ask the question. You know, at the last SAFE House Advisory Board meeting a resolution was accepted to approve various issues that had already been approved and were state statutes, but at any rate when I got a report the other day did it say that there were some directed? That there were some direct sentences to the SAFE House that were in the category that we were not

going to accept?

Brad Ellsworth: I believe there were two or three and Mr. Howerton, we're bringing those back to the judges either through some kind of mistake or misunderstanding. He was going to bring that back and have that amended that they would not be accepted and had a form already...two were already fixed by the time we got to them and the third they were going to take back from what I heard from Mr. Howerton.

Eric Williams: Just to alleviate that problem in the future we have developed, we've had staff out there working on it and it's on my desk right now as we speak, a new system to handle that. Basically, what it is going to entail is it has got the rules that were adopted by the Advisory Board and by this Board and we're going to assign a person and their job is every person that is placed in there no matter when, how, why or what is to review that form with all the caveats that are included with that person. At any point in time they find that they don't meet...they're not a yes on every one of those, that form immediately is going to go back to the judge that put them there asking for their written response to be placed in the minutes of why they want them there, the exigent circumstances, and at the same time that person will be revoked back to the jail until we hear from the judge.

Commissioner Mourdock: Are we going to make it too easy? In other words, in sending it back to them asking for the exigent explanation--

Eric Williams: I know exactly where you're going with that, but I don't know what else we can do to cover ourselves to make sure that we're in compliance. I mean, short of--

Commissioner Mourdock: Just by way of suggestion, rather than asking them for the circumstances I would just say this person doesn't fit the bill that we established and send them back.

Eric Williams: And that may be in effect what we're doing. Send them a list of people we found them not to be in compliance with the list and we need some reasoning why to continue for us to move them back.

Commissioner Mourdock: Yeah, I would stop right there though, Eric.

Brad Ellsworth: But the board--

Commissioner Mourdock: Let them come up with the reasoning. We don't even have to suggest to them that they have to have the reasoning.

Joe Harrison, Jr.: Yeah, I thought that up front is when the circumstances obviously have to be set forth on the record and it seems to me like whenever you're aware that someone is to be considered for placement is when you need to see whether they fit the snapshot.

Brad Ellsworth: After speaking with the director and then it would be brought to the Advisory Board, exactly.

Eric Williams: And in most cases you're exactly right, but this is a system to catch the ones that slip by.

Joe Harrison, Jr.: I understand, but in the future--

Eric Williams: Because that's where they're getting by. The ones--

Joe Harrison, Jr.: You've got to know up-front because if for some reason you know up-front someone is being considered you can say, well, that person doesn't qualify and then the judge on the record would have to indicate why he wants to deviate from your recommendation of not being placed out there.

President Jerrel: But there were some that there is no deviation for. Aren't there a group--

Eric Williams: Those are by statute.

President Jerrel: Those by statute--

Eric Williams: Right.

President Jerrel: --there is no deviation, so do we know that none of those have been sent there?

Eric Williams: I couldn't tell you for a fact right now that none.

President Jerrel: Yeah, well see, that's what we need to strive for to follow the state statute.

Brad Ellsworth: Absolutely. As soon as this...you know, the director has been charged with doing that on each individual one at this point and that form, when we get that and get that in place we've obviously copied all the judges and defense attorneys on who we are going to take and who we are not and when this system gets in place it will be a very clear check that this person just does not qualify. If by mistake from past practice they slip one in it will be caught pretty quick and remanded back to the jail.

Commissioner Mourdock: And I'm willing to give the benefit of the doubt here on these first few where that has happened that it has just been past practice.

Brad Ellsworth: That's what I think the director kind of called to my attention. Something like, he just forgot and when I called it to his attention...it was one of those.

Commissioner Mourdock: But it is troubling that things that are as newly enacted and accepted as what those standards or those criteria are would so quickly be overlooked.

Brad Ellsworth: We're not going to let that happen again.

President Jerrel: Okay.

Commissioner Mourdock: And I appreciate the fact that you caught the ones that have happened. I don't know if you are aware of this yet, Brad, but I did ask Tony to send out a notice to reconvene the Jail Committee on November 23rd. Hopefully we'll get good attendance at that. One of the things I am hoping to discuss there is that we can get all the parties involved with this circumstance, dilemma, if you will, to do what you did here and that is to provide us with a weekly summary of who is in, who is out and where they're going. I just think it's critical at this point, as you

said, it doesn't look like we've got a growing number going out to the DOC, but, and I mean this literally, I think this problem is so large and so ongoing that we need another chart on the wall, maybe get rid of the charts that we've got, and just replace it with this one issue because as you have commented to me before we aren't necessarily arresting more people. The crime rate isn't soaring through the roof which some of these numbers might make you think would be the case.

Brad Ellsworth: Right.

Commissioner Mourdock: There is somewhere that we need to deal with the process differently and hopefully if we get all parties to contribute those data to us each week that will help pinpoint where the corrections can otherwise be resolved.

Brad Ellsworth: It's the only...and it's, you know, similar to what...if we gained anything from NIC coming in it's that all the entities have to work together and decide what the jail is used for and it's truly the system and not the four walls of the jails that, you know, is causing it. If everything is running effective and efficient and we still have these numbers then we may have to go, you know, add some beds. It's like we said in Blue Ribbon, we need to prove that everybody is running, you know, running in high gear.

Commissioner Mourdock: Prove we have the right process and then prove we can sustain the right process.

Brad Ellsworth: Right.

Commissioner Mourdock: Because the one thing, and Eric's numbers show this very well, the numbers in the jail have gone down dramatically on two occasions and that was when this issue got great public scrutiny for whatever the process change was at that point the numbers did go down. Something happened and why wasn't that sustained becomes the key question.

Brad Ellsworth: And I don't know if anybody has done a thing differently. Like I said, I can't pinpoint the one thing that anybody has done differently, but it may hit me like a hammer one of these days.

Commissioner Mourdock: It's been a long time since I've had a statistics class, but the old question is it coincidence or correlation? You know, well when it comes down to it those are almost the same thing, so something happened and I don't think it was just coincidence.

Brad Ellsworth: Right. And just as a follow-up and this will not add to the problem right now, but Commissioner Tuley, myself, Chief Williams and Jim Raben are planning to travel next Monday out to the NIC PONI Phase 2. Just whatever we can bring back may be helpful. We don't know yet.

President Jerrel: May I ask that you do inquire though because they were so adamant about the process being evaluated and all over the country the places they visited they said there needed to be clearly understood policies in place. That we were in control of the situation, but only if we had the proper policies. To my way of knowledge I think these policies that were just instituted at the SAFE House are probably the only policies that I know of that are in place and they were...they had some very good ideas and maybe you can revisit that and see if they can give us some suggestions.

Brad Ellsworth: Sure, I would be glad to.

Joe Harrison, Jr.: Also check on their use of house arrest, electronic monitoring programs. I've got to believe in the bigger communities that is a major portion of those that are arrested because the one thing about it is as opposed to being out on bond if you are on house arrest...if you're out on bond and you get convicted you're not going to get any time served credit, but at least if you're on house arrest you're going to get some credit served.

President Jerrel: Something in my mind, Joe, tells me you do get credit for electronic arrest. I may be wrong on that, but I think that was one of the issues we discussed.

Joe Harrison, Jr.: And that very well could be the case, but it's my...I guarantee that is going to be an argument by defense counsel that that's appropriate. Maybe it does happen, maybe it doesn't.

President Jerrel: Well, thank you very much for coming.

Brad Ellsworth: Thank you. That wasn't a whole lot of information, but I certainly appreciate the chance to come before you.

Commissioner Mourdock: Will it be possible to get this type of information from you each week?

Brad Ellsworth: Sure, absolutely. Not a problem.

Commissioner Mourdock: I appreciate it very much.

Brad Ellsworth: We could do it daily if you wanted it.

President Jerrel: Thank you, Eric.

Commissioner Mourdock: One other question. Are the conversions to go from 256 to 268, are those already in place?

Eric Williams: They are basically completed. The ADA cell is virtually done. I have some security things I have to get done in that cell, but we have used it already though a couple of days just makeshift. The conversion of my officer's lounge to a cell I'm still waiting on some steel work to be done for the dining table in there, but other than that within 30 days they should be ready to go.

Brad Ellsworth: The bunks are in, the shower and toilets. Actually, they have been pretty fast on that.

Commissioner Mourdock: Very good.

President Jerrel: Good, thank you very much.

Any group or individual wishing to address the Commission
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President Jerrel: Okay, any...at this time we're ready for any group that wishes to speak to this body. We have a person that wishes to speak. And Jon, I'm sorry.

Carol McClintock: Good evening, I'm Carol McClintock and I appreciate the opportunity to appear before the Commission. As you know, and I am so honored that you appointed me as the Chairman for the Access Interconnection Committee for Subdivisions, and we had our first meeting. At the very first meeting the question was raised whether, and I know you all know the goal, but we'll review it. The goal of this committee, it is my understanding, is to develop a workable solution to meet the needs of the community and developers in regards to subdivision access and interconnection. So that makes all kinds of sense. We provided all kinds of information to the committee and then once we got started the question was raised are we supposed to be just developing a guideline that will be given to the Area Plan Commission and the County Commissioners and the city because they vote of course also, the City Council, or are we developing an ordinance? Basically, we have and I don't know if the Commissioners have been supplied the information from Evansville Urban Transportation on some of the sample ordinances and discussions from some other communities. In a nutshell, the biggest issue with interconnection is safety. Other benefits for interconnection are a better movement of traffic, improved air quality, a decrease in number trips and length of trips, but the big thing is emergency access. If you look at our community when it was developed...you know, I'm just going to use the east side as an example because that is what I am most familiar with because I walk on the east side every morning and I know that I can go down Bellemeade to Walnut Lane, go south on Walnut Lane and take any one of those streets, Bayard Park, Chandler, Powell, most of those streets all the way past Weinbach. Some of those streets...Blackford gets cut off by a subdivision and then when you get down to Weinbach the streets get a little funny and it was cut off there by subdivisions, but most of those streets you can go all the way through. What we're seeing now with some of our new subdivisions is that we're not interconnecting them. There is only one access point so if there an accident at the entrance of that subdivision there is no place for emergency access vehicles to go whether it be fire trucks or ambulances. School buses have to go in and, you know, do this great thing and come out and if they were connected it would make much more sense. Frankly, the cons are...the con side says that their big reason to be against interconnection is safety because we're moving more traffic on these city streets and they're moving to these subdivisions so that their small children can ride their bikes, skateboard and do those kinds of things on the street and they don't want all that traffic moving on their streets. Also, privacy. They don't want people coming through their neighborhoods. So it is an issue where you've got some very strong feelings on both sides. What has been happening is on a case by case basis Area Plan Commission will vote on it and they recommend generally to you the plan as is. I don't think...I don't remember as a Commissioner getting embroiled in a lot of one access point and interconnection, but as more of them are developing in the county you're going to see more of this. So we just need to know whether you at this point just want a guideline developed and I can read you Marion County's. It will take two seconds.

President Jerrel: I was going to say could we have a copy of it?

Carol McClintock: I'll give this to Tony and make sure you get this back to me. This is my only copy. Marion County's says a temporarily dead-ended street and that's exactly what it says.

"A temporarily dead-ended street are permitted in any case in which a street is proposed to be and should logically be extended beyond the limits of said plat, but is not yet constructed beyond said plat limits. The right-of-way of a temporarily dead-ended street shall extend to the

property line of the plat.”

So what they’re asking in Marion County is that they go ahead and extend the right-of-way to the end of the property line so then when your next subdivision comes in you’ve got the right-of-way. And then are you going to ask developer one to connect? You know, that’s another...not as big of an issue. But we can get you copies of these.

President Jerrel: Would it be possible for us to take a look at this? When do you have your next meeting?

Carol McClintock: We don’t have a meeting until...that’s why I wanted to come tonight. Our next meeting is not until December 8th, noon, Civic Center Room 303.

President Jerrel: Okay, well give us an opportunity to read this and then--

Carol McClintock: So I will give you this information.

President Jerrel: --we’ll talk about it at our next meeting and get back to you with some sort of idea. How is that?

Carol McClintock: That’s fine. Whichever way is fine. So proceed.

President Jerrel: I want to thank you for--

Carol McClintock: Thank you.

President Jerrel: Well, you did a good job everybody said. Nobody got--

Carol McClintock: Nobody quit. I was the only one that wanted to quit!

President Jerrel: Okay, well I am going to move on, Carol. Thank you. Jon Hill.

Jon Hill: Jon Hill with Voters Registration. Before I tell you the subject I want to talk about I want to remind you that the Sheriff just told you that the jail is full and it is very overcrowded and I’m a very big person, so just remember that because I want to talk about the election one more time.

Commissioner Mourdock: Arrest that man.

Jon Hill: I knew that would bring a response. We had a lot of complaints about two different polling places that I want to bring to your attention one more time. Helfrich, we had advertised that we were going to be in the clubhouse and something happened.

President Jerrel: Fendrich, wasn’t it.

Jon Hill: Fendrich, I’m sorry, Fendrich. We were going to be in the clubhouse and then at the last minute it got moved back to the pole barn and we had a lot of people and a lot meaning probably ten or twelve that called us up and said that we had promised them it would be in the clubhouse in the spring...after the spring election and since they weren’t they went there and couldn’t get in so they weren’t going to vote and I think that is the last thing we want to do is restrict or cause people not to want to go vote as low as the turnouts are. And 2-13 and 4-18 are in the Armory, the

Old Armory. They moved them upstairs to the gym.

President Jerrel: Who did that?

Jon Hill: Apparently U of E did it without telling us that they were going to do it. That's just another flight of stairs and we had a lot of people that could not get up those steps. If you would like for me to I would be glad to take it upon myself to look in those areas and find you a place that would make a good place.

President Jerrel: Jon, may I make another suggestion? I just thought of this the other day based on this issue. We need to find out what Stan Hahn's lease says. You know, if we can take that facility for the day, the restaurant, at Fendrich. You know, that is something we've got--

Jon Hill: Well, I don't know that it makes any difference. It's a city owned facility. They have to furnish it to us if we ask for it.

Joe Harrison, Jr.: I agree.

President Jerrel: You think the lease wouldn't mean anything?

Jon Hill: No, the lease wouldn't make a difference.

Commissioner Tuley: But I am disturbed by if this body is the one who sets the polling places than who other than this body has the right to move it except in the case of an emergency.

Jon Hill: Right.

President Jerrel: And I think it's even more than that. I think maybe we need to have a little group to go with you...not necessarily go with you personally, but to help. Maybe some of these...maybe we need to take a look at some of these other places to see if they're meeting the needs.

Tony Greubel: One thing with Fendrich that made that even more confusing was in the legal ad the address given was for the maintenance barn even though it was our original intention was to put it in the clubhouse, but we had that problem too. That was discovered also.

Jon Hill: The majority of the people that vote there were under the impression that it was going to be in the clubhouse.

Commissioner Tuley: Did they get a letter to that effect or anything because it was changed?

Jon Hill: No, but we had so much complaining the last couple of years. You know, when is the thing going to be done that we kept telling everybody and we had the--

Commissioner Tuley: It was...don't shoot me, Roberta, but it was in the paper that it was in the clubhouse because I looked at it.

Joe Harrison, Jr.: Right.

Jon Hill: Right.

Commissioner Tuley: If that's the way it was advertised.

President Jerrel: It was advertised.

Jon Hill: In the past if we found out--

Tony Greubel: I don't know about the legal ad. In the paper, yeah, you're right about the paper.

Commissioner Tuley: In the listing of the polling place said clubhouse.

Jon Hill: And I talked to Mark out there the Friday before the election and he said he didn't have any problem with it being in the clubhouse just as somebody told them they couldn't have it in there. So I think if we know that any place is going to be moved for any reason at all we do like we have in the past, we can send them a postcard out in nothing flat and say, well, one more year we're going to vote you at the pole barn.

President Jerrel: And what about the issue at U of E? You can vote two of them in that gym, can't you?

Jon Hill: Yeah, but it is still one of the very few that are not handicap accessible and we've got to correct that. I think if we look hard enough we'll find a church or we'll find a fire house or some place that can handle one and then move the other one to another spot because we just can't continue using that. We've had too many complaints for too many years. It's time to fix it.

Tony Greubel: And U of E has told...they did tell me this time that they are getting ready probably in a year or two to remodel the building so they're not even sure if we can use it in the future, so we do need to find another place.

Commissioner Tuley: But in my mind we're missing the big picture here. Who arbitrarily makes the decisions that we're going to change these things and if that comes up how are we going to handle it in the future because we cannot continue to confuse people.

Commissioner Mourdock: Right. It can't be an arbitrary thing. It's got to be as stated.

Commissioner Tuley: There has got to be a plan in place that says if there is a lease problem or whatever that we weren't aware of--

Jon Hill: Well, we were under the impression that it was going to be in the clubhouse. Everybody, I think, even the newspaper, like you said, reported that it was going to be in the clubhouse and if we inadvertently advertised it at the pole barn or the maintenance barn--

Commissioner Tuley: We didn't advertise it.

Jon Hill: Well, he said the address was at the maintenance barn.

Commissioner Tuley: I don't know what he is talking about. What I saw that listed the polling places said Fendrich Golf Course Clubhouse.

Jon Hill: Clubhouse.

Commissioner Tuley: I don't know what you saw.

Tony Greubel: I just meant the legal ad. Now the newspaper where they put down the polling places, like on that sort of like a public service or whatever that did say the clubhouse, but I meant the legal ad that we submitted had the address of the pole barn.

Commissioner Tuley: I'm saying I don't know, maybe that wasn't the legal ad. I don't know--

Joe Harrison, Jr.: It said clubhouse.

Jon Hill: Yeah, the public is going to look at the ad you saw, not the legal ad.

President Jerrel: They aren't going to look at the legal.

Jon Hill: And I think somebody when they were alerted to that fact that we were not going to be able to use the clubhouse we should have sent postcards out or something to somebody and tell them.

Commissioner Tuley: That's what I'm saying.

Jon Hill: Or at least tell them or put it in the paper or something.

Commissioner Tuley: In the future if there is any deviation and I don't see how there can be a deviation unless there is an emergency other than this board. If this board is the one charged with the responsibility of approving them then who other than this board has the right to change them?

Jon Hill: And you have to approve it 30 days before and the only time you can change it is if it is an emergency, after that time.

Commissioner Tuley: It's particularly disturbing in a race that was decided by--

Jon Hill: Yeah, such a small amount.

President Jerrel: Right.

Jon Hill: We did have people who did not vote as a result of that.

Commissioner Tuley: It may not have made a difference, but it's--

Jon Hill: But we should not be discouraging people from voting. We should be encouraging them to vote as few people that are there.

Commissioner Mourdock: Maybe we need to use some heavy-handed legal language that attorneys are always good at crafting that when we send out some of the documents to, in this case U of E, we just need some language that says in effect what you just said, Pat. Absolutely, positively under threat of penalty of law this site will not be moved unless there is an emergency.

Jon Hill: Right.

Commissioner Mourdock: And get them to sign it and acknowledge it and send it back to us.

Jon Hill: Well, we take...in our office we go through every polling place right through every election, call everybody, talk to the people that are in charge and find out for sure that there is not a problem because you never know when they're remodeling a building or something and they just didn't even think about us, so we always try to check well in advance of that 30 days to make sure that it is going to happen and we thought that they were going to vote at the clubhouse so we had a lot people who did call just prior to the election saying, you know, the clubhouse is done are we moving back there? We told them yeah, they were.

Commissioner Mourdock: What about the U of E situation then?

Jon Hill: Well, we didn't know it. Nobody knew about that until election day.

Commissioner Mourdock: Yeah, that's the kind of thing--

Jon Hill: Right.

President Jerrel: Well, would you--

Jon Hill: We couldn't have done anything about it other than like you said advise them in advance.

Commissioner Mourdock: And get them to sign off on it saying they understand it.

Commissioner Tuley: Maybe this is a question for Joe to address, but is there not...is there a provision that in the event of an emergency...let's just say it happens Sunday and one of our places burned down, does the President of our board have the right to then determine where it is going to be or any member?

Commissioner Mourdock: Yeah, that's a good question.

President Jerrel: I would think--

Jon Hill: I think you would have to call an emergency meeting.

President Jerrel: Or you would have to find a place and recommend it to us.

Jon Hill: Right.

President Jerrel: Since you recommend them anyway.

Jon Hill: Right.

Commissioner Tuley: We didn't meet Monday, so even if there was something to vote on we weren't here to vote.

Jon Hill: Right, and you would have had to call an emergency meeting.

President Jerrel: Yeah. I do think it's a good idea to maybe touch base with all of them and make sure everything is okay.

Jon Hill: Yeah, we try to do that every year.

President Jerrel: Yeah.

Jon Hill: If we can get hold of them. There are some churches that we have to leave messages on their answering machines or something. Some call us back and some don't. But if we hear any kind of rumor and usually we hear it from the precinct committeemen that something is going on at that polling place or something well I'll get in my car and drive out there and look at them because that's the last thing we need is a surprise on election day.

President Jerrel: Right.

Jon Hill: We have enough of those.

Commissioner Mourdock: Do they have to sign anything at all?

Jon Hill: No.

President Jerrel: No, it's all just--

Jon Hill: Could be we should prepare some type of a lease.

Commissioner Mourdock: Yeah, a one day lease.

Jon Hill: One day lease, uh-huh, for that and have it signed in advance.

Commissioner Mourdock: That would certainly take care of those sorts of questions if somebody wants...as you say, you show up on election day and they say, oh no, you're over in that part of the building.

Jon Hill: We've had that happen in the schools before, you know, where they moved them the last minute and nobody could find the entrance to where they were going so we tried to solve that in schools, but you never know unless somebody tells you in advance. Thank you for your attention.

President Jerrel: Thank you, Jon.

John Stoll - County Engineer

President Jerrel: Ready for County Engineer. Goodbye, Jon. Thank you.

Commissioner Mourdock: You can see who is popular around here!

President Jerrel: Yeah.

Suzanne Crouch: Captain Brad!

Commissioner Mourdock: Yeah.

John Stoll: The first item I've got is a request for acceptance of 320 linear feet of Metro Avenue in Koressel Commercial Subdivision. This is a short stub of a road off of Vogel Road out between Royal and Tutor Lane. The street was constructed

in accordance with approved plans. Everything is okay on the street. There are some issues that need to be taken care of outside of the street right-of-way, but the street is ready for acceptance.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second item I've got is a recommendation to award contract number VC-99-10-03, the Petersburg Road Bridge No. 1562 removal and replacement, to CCC of Evansville for the amount of \$28,218.56. They were the low bidder on that project.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Third, I've got a supplemental agreement with Bernardin Lochmueller & Associates for the right-of-way engineering for phase four of the Burkhardt Road project. This is for an amount not to exceed \$124,000. This amount not to exceed was based on an estimated number of parcels and that estimate was 51 parcels of right-of-way. As it stands right now it was based on an estimate simply because the final plans are not done as of yet, but they want to be able to move right into right-of-way engineering as soon as the plans are completed, so that is why they have the supplemental here tonight. I've had Joe Harrison review it and he felt everything was okay on the agreement.

Commissioner Mourdock: I'll move approval of the supplemental agreement with Bernardin Lochmueller.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a supplemental agreement with Three I Engineering for the construction inspection on the Daylight sewer. This is for an amount of \$4,500. This should be the final supplemental on this project because the final punch list for the sewer has been developed and the contractor is in the process of addressing the items on the final punch list, so this should be the end of the supplementals we've had on that project.

Commissioner Mourdock: And what was the amount on this?

John Stoll: Four thousand five hundred.

Commissioner Mourdock: I'll move approval of the supplemental agreement with Three I Engineering.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I forgot to bring the layout sheets for that subdivision. This subdivision is MJM Industrial Subdivision. It's on Old Boonville Highway just west of Burkhardt Road. The developer has decided that he wanted an option of getting asphalt streets and concrete streets and it was originally approved only with concrete streets, so the only thing we're approving would be allowing the contractor...I mean the developer to hire an asphalt contractor or a concrete contractor. The pavement section meets county standards and on that basis it is recommended that he be allowed to use either concrete or asphalt.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a change order for contract number VC-99-06-02, the Virginia Street Extension. The contractor was J.H. Rudolph & Company. The change order amount is an increase of \$484.01. This is due to some slight overruns and underruns on striping and on asphalt. It's recommended that change order be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a street acceptance request for Ashley Place Subdivision Section C and D. This is a request for acceptance of 424 linear feet of Aster Lane, 240 linear feet of Oleander Lane and 225 feet of Alyssum Road. These streets have been inspected and the streets can be accepted. They...there is some additional work that needs to be done outside the right-of-way on this subdivision as well. That will be included in punch list items for that developer, but the streets can be accepted contingent upon this subdivision being recorded because right now the developer has not recorded the subdivision. He doesn't want to put up a letter of credit so he has completed the street construction and we just need to accept the streets contingent on the fact that he does follow through with the recording of the subdivision. Otherwise we have no right-of-way.

Commissioner Mourdock: I'll move approval of the acceptance of Oleander, Aster and what was the last one, Melissa?

John Stoll: Alyssum. A-l-y-s-s-u-m.

Commissioner Mourdock: Oh, Alyssum, the flower, okay. And Alyssum Road subject to the contingency as specified by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I would like to recommend that contract number VC-99-10-01, the

Vanderburgh Industrial Park, be awarded to BMB, Incorporated for the amount of \$1,530,130.79. They were the low bidder on this project. We have contacted Bernardin Lochmueller who did the design on the project and right now the sanitary sewer doesn't have its final approval from IDEM, but it does have its local approval through the Evansville Water & Sewer Department. They've also contacted INDOT and INDOT has given a verbal approval of the permit for the work on Highway 57, so we can award the contract we just won't give a notice to proceed on all work. We'll just give a notice to proceed on the basis of allowing the contractor to proceed with site grading and storm sewer installation and then once we get the final permits on the other two items then we can proceed with issuing the notice to proceed on those items as well.

Commissioner Mourdock: I'll move approval of the award to BMB for Vanderburgh Industrial Place.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next item regards the Fulton Avenue Bridge project. We've got street lighting that was not included as part of the project. Since it's in the city street lights need to be installed and in discussing this with the inspectors on the project the conduit that would be installed in the bridge rail and the street light bases that would be on the bridge rail are eligible for federal reimbursement, so that would be a 50/50 split on those items. The conduit and the street light foundations off the bridge on the road approach are not eligible for federal reimbursement. The conduit in the bridge rail is going to be \$6,578. The conduit in the approach road is \$10,422 and the street light foundations in the approach road are \$7,815.50. The conduit on the approach since it is not reimbursable is proposed to be paid by the city. That is supposed to get Board of Public Works' approval this week. I had talked with Steve Rawlinson at SIGECO and Steve said that SIGECO typically pays for the concrete foundations for the street lights, so what we were proposing to do would be go ahead and have all this work included as part of our contract with Weddle Brothers for the bridge construction. The bridge rail would be federally reimbursed, so that one is really not an issue, but when the final billings come in INDOT would pass the costs through...100 percent of the costs through to the county on the conduit on the approach road and the street light foundations on the approach road. We in turn would need to get reimbursed by SIGECO and the city for those two items and I was just wanting verbal authorization to proceed in that manner to allow us to tell the contractor, yes, go ahead and proceed this way and then we would work with the city and SIGECO to be reimbursed for their shares of these street lighting items.

Commissioner Mourdock: You don't have any reason to think that either SIGECO or the city will balk at doing that?

John Stoll: Steve Rawlinson at SIGECO said that was fine with him and I've not talked to the city as of yet. The city knows that they have to pay the conduit. They were originally...the way we had originally set it up we were just going to have them pay the contractor direct, but they won't have a contract with Weddle Brothers and we will, so we could just reimburse...the city could just reimburse us.

Commissioner Mourdock: I move that we direct the County Engineer to negotiate with the city and with SIGECO to work out the bridge details as specified.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have.

President Jerrel: Okay, thank you.

John Stoll: Thanks.

Erik Bentle - Superintendent of County Garage
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President Jerrel: County Garage.

Erik Bentle: We've got two weeks of reports here. The first one shows the work that we've done in the past week and all the reports. The second one for this week has what we're going to do for this week and the reports and on the last page it has got the numbers for the remediation pile that they came out and inspected last week. I thought you would want to take a look at that. This is not the final. This is just something that he sent us out there to show us the numbers that he came up with. Then the last thing that I have is we've redone our emergency disaster team and I've got a new list for you.

President Jerrel: Oh, good.

Erik Bentle: So you all have got that since we're getting ready to get into foul weather. That's all I have.

Joe Harrison, Jr.: What do you hear from Miller?

Erik Bentle: They should be on the truck tomorrow and at Miller by Friday.

Joe Harrison, Jr.: So we should have it by the next meeting?

Erik Bentle: That's what he said.

Joe Harrison, Jr.: Okay. At least the weather has been nice.

Erik Bentle: Yeah. It was the 4th originally. The delivery date was the 4th.

President Jerrel: Thank you.

Commissioner Mourdock: Erik, what are these sheets telling me? I mean, I know...I guess I am trying to correlate what samples were taken with the TPH on them.

Erik Bentle: Pardon me, I didn't hear you.

Commissioner Mourdock: I looks to me on this first page that you've given on the environmental part of that that these numbers are getting down to where they need to be.

Erik Bentle: Yeah, it's real close.

Commissioner Mourdock: Yeah, in fact they make it from what I understand. And then we go B-1, B-2, B-3, B-4. Here we see a totally different set of numbers for the same category of data.

Erik Bentle: He told me the numbers varied on it, but it would explain it in the report.

Commissioner Mourdock: Okay, well when we get the report, okay. Are you using the new shoulder machine yet?

Erik Bentle: We got it back yesterday. It has been delivered. We should have it and probably Wednesday we'll be running it.

Commissioner Mourdock: Okay, I noticed there was a real nice shoulder along the road on...what is that where Oak Hill comes across 57? Oak Hill swings up and crosses 57 and then that road picks up through McCutchanville. It's before Whetstone. Down the hill from Whetstone. Well, I seen that and thought that was the new machine. Did we have that contracted out?

Erik Bentle: No, we haven't used it yet, no. We got the people from HTC is going to come down tomorrow or Wednesday and run through it with us before we use it and make sure we get off on the right foot with it. One other thing I wanted to mention before I get out what Carol McClintock was talking about about the interconnection, when the county accepts these new subdivisions and dead these ends it makes it virtually impossible for us to plow snow. If I have that interconnection it makes it a lot easier for these people to get their roads plowed and for them to be happy when the snow falls.

President Jerrel: Right.

Commissioner Mourdock: Another aspect of the problem.

Erik Bentle: And we get lots of calls on them subdivisions.

President Jerrel: Yeah.

Commissioner Mourdock: Sure.

Erik Bentle: That's all I have.

President Jerrel: Okay, thank you very much.

Commissioner Tuley: Erik, I want to tell you again--

President Jerrel: Oh, we got...Joe, remember that one too that we were going to ask? Wait until Pat gets through.

Commissioner Tuley: The lady that I called you about down in the river bottoms called me back to tell me to be sure and let you guys know she appreciated it. You guys got out and got that done on one phone call.

Erik Bentle: No problem.

President Jerrel: What?

Joe Harrison, Jr.: I haven't talked to anybody.

President Jerrel: I know, but what is going on?

Joe Harrison, Jr.: I called you last week on Kiowa Drive out on the east side.

Erik Bentle: Uh-huh.

Joe Harrison, Jr.: Did you have a chance to look at that depression in the road or hole?

Erik Bentle: Yeah, that whole subdivision is falling apart out there.

Joe Harrison, Jr.: Yeah.

Erik Bentle: To be as new as it is it's amazing as bad as shape it is in.

President Jerrel: Is there anything--

Joe Harrison, Jr.: Can you do anything?

President Jerrel: No, the question is someone came over and talked to me, you know, and they seemed to think it was the drainage--

Joe Harrison, Jr.: Oh, I talked to John about it. I didn't talk to you.

Erik Bentle: Well, I've got a message on it, too.

President Jerrel: --that was running under the road that could have been causing it to come apart.

John Stoll: It's out on the east side, Shoshoni.

Commissioner Tuley: Shoshoni.

Erik Bentle: Indian Woods, out in there.

Commissioner Mourdock: One of those concrete streets?

John Stoll: Yes.

Erik Bentle: Uh-huh.

John Stoll: And that is something that we might be able to add. We've got a current concrete patch contract out right now and if you don't mind overrunning the contract we can probably pick up portions of that through the existing contract that we've got.

President Jerrel: Is there a drainage problem that could be undermining that?

John Stoll: If the joints aren't sealed it could be.

Erik Bentle: That whole...once you start digging out there in the streets it's going to be a never ending job.

John Stoll: Just like Melody Hills.

Erik Bentle: Uh-huh.

President Jerrel: Well, anyway, I mean I've gotten these complaints for two years and I thought we ought to take a look at them.

John Stoll: We've got a line item in that contract too for sealing of joints for concrete streets like Richard asked about out in Oglesby Estates, so we can take a look at it and see if there is enough money to maybe address some of it through that contract that we have right now.

President Jerrel: At least the part that is breaking up so bad.

Erik Bentle: A lot of that is going to have to be replaced.

President Jerrel: Yeah.

Erik Bentle: I mean, there is no fixing it now. It's got to be dug out and replaced. But once you start digging on those streets like that there is a void underneath the whole thing.

President Jerrel: Well, okay. Thank you.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: There were two bids submitted on the printing of tax bills for the Treasurer's Office.

Company name	Amount bid
Standard Register Evansville, IN	\$41,250.00
Reynolds & Reynolds Nashville, TN	\$20,465.00

That's a pretty wide discrepancy and I would ask that the Commissioners and the Treasurer take these under advisement and review them for their responsiveness to make sure that both bids comply with the bid request.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The other item I have has to do with The Centre. I would ask that the Commissioners consider appropriating \$51,000 from the Food & Beverage account to pay for a bill, additional construction, regarding some additional office work that was or is going to be done over at The Centre. It was an option that was

left out of the...for some reason part of the office work was left out and was not budgeted for. There might be sufficient funds at the very end of the project to pay that bill out of the construction funds, but at this point we're not going to know for several months if in fact that is the case and I would ask that the Commissioners authorize appropriation of \$51,000 from the Food & Beverage and if in fact there are funds left over those funds will be used then to pay off debt as time goes on on the project.

Commissioner Mourdock: Which office is it, Joe?

Joe Harrison, Jr.: It has to do with the office space that Ogden will be utilizing over there. It's my understanding I think there were maybe three or so offices that were not finished over there. They were going to be done at some point, but for some reason they were left out of the mix until they moved in.

Commissioner Mourdock: That was the discussion at that time just to make sure we would have contingency that if the absolute worse came to worse for some reason we would need it. I think...well, let me confirm what you said a moment ago. This really is kind of fitting with what the plan was at the time. So I would move that we authorize the appropriation of \$51,000 from Food & Beverage for the additional office work.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I have. Thank you.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Superintendent of County Buildings.

Tony Greubel: Two things. There is also another addition for surplus items from the Sheriff's Department. This is for some old weight lifting equipment they have up in the jail. Secondary, I was wanting to submit a contract if it would be fine with you between the county and Herbert Hatt Auction Realty to do a garage for county surplus equipment for an auction on December 4th, a Saturday, at the County Highway Department. It has been over two years since we had an auction. I have been looking into this for a few months. The auctioneer who did it last time two years ago refused to do it this time because he said he lost money last time.

Commissioner Mourdock: What's the fee?

Tony Greubel: It's 20 percent of the intake. Of course, he is going to have some labor costs. That's what happened with the other person. You know, he had his help so with his 20 percent commission by the time he paid his help he didn't make any money. I warned Mr. Hatt this, but he said he would take a chance on it.

President Jerrel: We may have to get another next year!

Commissioner Mourdock: Two things. First here I would move that we declare the fitness equipment as requested by the Sheriff surplus.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And I don't know how to phrase the second one, Tony, after that. We just need to start the process for the surplus auction?

Tony Greubel: I guess first of all declare December...Saturday, December 4th, as the date set for the auction.

Commissioner Mourdock: Okay, so moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: And then approval to let the Herb Hatt Auction Realty to be the auctioneer for this sale.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's it.

President Jerrel: Do you have something that should go in our signature file?

Weekly reports

President Jerrel: Okay, you do have reports from Soil & Water, Burdette and the Ozone. Is there a motion to accept those?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Any questions about the consent items? If not, is there a motion?

Commissioner Mourdock: I'll move acceptance of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Old business

President Jerrel: Is there any old business to come before this board?

Suzanne Crouch: I don't know if this is old business or new business, but I wanted to inform the Commissioners that my office was notified by the Public Defender Commission today by letter that Vanderburgh County is going to have to reimburse the Public Defender Commission \$50,005.69. The Commission...the reason we are having to reimburse that is that the Commission has learned that the defense counsel in State vs. Prowell and State vs. Wrinkles did not comply with Criminal Rule 24 while they represented the defendants in these death penalty cases. Both cases were represented by public defenders Michael Danks and Dennis Vowells. The letter goes on to say that because Criminal Rule 24 provides that a public defender appointed to a capital case may not have more than 20 open felony cases while the capital case is pending and because Vanderburgh County was in violation of this Criminal Rule 24 we are now going to have to refund that money that they did pay Vanderburgh County. I presume we will refund that out of General Fund.

President Jerrel: Yes. Do you have any questions about that?

Commissioner Tuley: It's unfortunate that it happened.

President Jerrel: Well, there is no question that if we are going to expect reimbursement on any of these we are going to have to follow the rules.

Commissioner Mourdock: And as I understand it in the reimbursement procedures we had to file paperwork on that so somewhere we had the paperwork signed that said what, we were having less than 20 cases and that was in fact erroneous?

Suzanne Crouch: That's correct.

Commissioner Mourdock: Okay.

President Jerrel: Well, then we'll have to approve an appropriation and I don't know right now where it's going to come from.

Commissioner Mourdock: Need to do a Council Call.

Joe Harrison, Jr.: It's probably going to come out of...would it come out of Refunds & Judgements, out of that account?

Suzanne Crouch: Possibly.

Joe Harrison, Jr.: That's probably appropriate. I'm not so sure...that's where it would come from.

Commissioner Tuley: Not unappropriated funds.

Suzanne Crouch: Uh-huh.

President Jerrel: Well, anyway next Monday we will know where it is coming from.

Commissioner Mourdock: Okay, you want to wait until next Monday to do a formal

Council call type thing?

President Jerrel: Well, I think we need to look--

Suzanne Crouch: Well, we may not need it. If it is out of Judgements & Refunds you just have to authorize payment and I can go ahead and pay it out of there. That probably makes sense.

Commissioner Tuley: Why don't we put in on hold for a week for somebody to research where it can come from?

Suzanne Crouch: Okay.

Commissioner Mourdock: Okay. Alright. The other item, speaking of this, is a possible appointment to the Public Defender, the local board that would deal with public defenders and, Bettye Lou, you want to make the comments here? You know Mr. Rudolph.

President Jerrel: Ross Rudolph is a name to consider. He is an attorney and does not do defense work. He does--

Joe Harrison, Jr.: Criminal defense.

President Jerrel: --primarily...right, criminal. He doesn't do criminal defense work, but he does do primarily civil and insurance work and serves as a mediator and I think those skills might serve him well in this role. So we need to send a name to the judges that we're ready to proceed.

Commissioner Mourdock: And I think we do need to proceed as Suzanne just reported to us, that makes this very timely, so and I can't think of the formal name of the board locally that he is being appointed to.

Joe Harrison, Jr.: Vanderburgh County Public Defender Commission.

Commissioner Mourdock: Yeah, okay just Public Defender Commission. Okay, I would move appointment of Ross Rudolph to the Vanderburgh County Public Defender Commission.

Commissioner Tuley: I'll second that.

President Jerrel: And I'll say so ordered. Is there any other business to come before the board? One thing, Charlene. We questioned and Bill is here about the meeting on the 27th of December. Did you get a chance to talk to Mrs. Cunningham?

Tony Greubel: I talked to Beverly Behme actually and December 20th is fine.

President Jerrel: Okay, so we will have both the rezoning and drainage on the 20th.

Commissioner Mourdock: Oh, boy.

President Jerrel: Well, there are only two Pat said.

Commissioner Tuley: Well, that's coming next week.

President Jerrel: Oh, next week.

Commissioner Tuley: I'm sorry, I don't know what is on the for January...December.

Commissioner Mourdock: Yeah, we won't know until--

President Jerrel: So did you...would you advertise?

Charlene Timmons: You want to cancel both of them?

President Jerrel: No, we need a motion to advertise.

Commissioner Mourdock: I'll move that we advertise the announcement for the December 20, 1999 to deal with both rezonings and reschedule a Drainage Board meeting for that same evening.

Commissioner Tuley: Second.

President Jerrel: So ordered. And then we need a motion to cancel the 27th.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: Actually, I have one more thing related to this.

President Jerrel: Okay.

Tony Greubel: This is for next year. In January and February, the same thing happened this year, the third Monday is a holiday in January for Martin Luther King Day and for President's Day. Do we want to have rezonings and drainage board on the fourth Monday of January and February as well or how are we going to do that?

President Jerrel: I hadn't thought about that. But, again, remember last year the...everything drops down because construction stops.

Commissioner Mourdock: I don't know that you can say every year that's the case. I hope you're right.

President Jerrel: If there is no rain. I don't care, what's your pleasure?

Commissioner Mourdock: I don't know that we have a whole lot of choice unless we just move the meeting to Tuesday. I mean, take the Monday holiday meeting and move it to Tuesday and then have it during that Tuesday.

Commissioner Tuley: Let's see what happens in December before we decide.

Tony Greubel: The only problem with waiting too long is that developers are coming in asking when that is going to be considered for notification. I mean, I think we can wait another week or so, but we need to--

President Jerrel: We can wait until Monday.

Commissioner Mourdock: If we want to do it now, I'm comfortable in saying let's go ahead and schedule both those Mondays, the fourth Monday, to be both the rezoning and drainage and then we would not meet on the third Monday of both months.

Commissioner Tuley: I'll second that.

President Jerrel: Okay, I'll say so ordered.

Commissioner Mourdock: That was a motion to advertise to that effect to.

President Jerrel: Did you get that?

Charlene Timmons: Yeah, I did. You know the resolution that we do every year?

President Jerrel: Uh-huh.

Charlene Timmons: We do it the first meeting in January where we always make a Tuesday, if the holiday falls on a Monday, do you guys just want to change that?

Commissioner Tuley: I thought we did last year. We didn't meet on any Tuesdays.

Charlene Timmons: No, we didn't, but we ended up canceling them all, so we can just change the wording of the resolution--

President Jerrel: Yeah, that is probably--

Commissioner Tuley: Okay.

Charlene Timmons: --to if it falls on a Monday we won't have a meeting that week and it would be the next Monday.

Suzanne Crouch: You've got to the end of the year to get that wording to you all.

Commissioner Mourdock: Yeah, okay.

Suzanne Crouch: We'll work with Joe.

President Jerrel: Alright. Okay, is there any other business?

Bill Jeffers: You better send a copy of that to APC because they arbitrarily or unilaterally send out notice to all these people in your name.

President Jerrel: I love the way you express that. You're absolutely right. Okay, is there anything else to come before the board? Is there a motion to adjourn? We do have a special Drainage Board meeting immediately following this.

Commissioner Mourdock: Motion to adjourn.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:46 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jerry Bryan
Brad Ellsworth
Eric Williams
Carol McClintock
Jon Hill
John Stoll
Erik Bentle
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
November 15, 1999**

The Vanderburgh County Board of Commissioners met in session this 15th day of November, 1999 at 5:40 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the County Board of Commissioners to order. The first item on the agenda, let me very quickly present the people before you. On my far right is Tony Greubel, the Superintendent of County Buildings; Joe Harrison, Jr. is our County Attorney; Commissioner Pat Tuley is not here this evening; my far left, Charlene Timmons is our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance?

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes.

Commissioner Mourdock: I'll move approval of the minutes of November 8, 1999.

President Jerrel: And I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: I would move approval of the summary minutes of this evening's Executive Session which began at 4:30, ended at 5:30, and dealt with county personnel matters and also the square footage leases.

Presentation to Mark Acker

President Jerrel: The next item I'm going to ask to put...Jerry, just come right out of order and ask that Sgt. Lee Askins comes forward first. He has a presentation to make.

Lee Askins: Thank you, Madam President, Commissioners, ladies and gentlemen. I recently was involved in the project that brought the Vietnam Wall to Evansville and worked on that project for about two months. It was a fairly good success largely due to the support of county and city agencies and corporations in making that work. During that time I really needed some critical support in the area of getting me the names of people, contacts within the city and county government complex and one of the persons that worked very hard to make that whole thing work and was sort of behind the curtains, but did a lot to make sure that was very successful and giving me the support I needed in the veterans area making sure I was able to contact all the veterans' organizations and everything was guy named Mark Acker. Mark is the kind of guy that usually leaves you with sandpaper marks on your body because he is so abrasive, but I have never seen anybody get the job done any better than he does. I once in a while will run into a ne'er-do-well veteran that has a lot of

complaints because his life isn't going well, but day in and day out if you have veteran who is interested in getting better and getting help and making things better for veterans in general he'll find that Mark works very well with him. I guess Mark got so abrasive because it used to be so hard to get things from the federal government for veterans he just got used to twisting arms. But he did a very good job and at this time, without taking up no more of your time, I would like to present this to Mark. The cover letter says:

"We want to sincerely thank you for your help in making the Vietnam Wall Experience a huge success. Your help was greatly appreciated. We're proud that over 75,000 came for a time to remember. Certainly this project will have a lasting meaning for all of us."

It is signed by Tom Alexander for the Alexander family and staff and Lee Askins, VFW Post 1114, Junior Vice Commander. It's a very nice piece of artwork from the wall.

President Jerrel: That is nice.

Lee Askins: I do appreciate the time. Thank you very much.

President Jerrel: Well, we're very happy to accommodate this. It's important when things happen good and that we give recognition.

Mark Acker: Thank you and thank you to the Commissioners, though that is probably the nicest compliment I have received. Thank you very much.

President Jerrel: You're welcome.

Commissioner Mourdock: You'll now have the nickname of double aught or something.

Mark Acker: Thank you. You did a good job!

President Jerrel: I'll have to tell you all this as an aside. Over the weekend I got a call from a couple of VFW groups here in town. Tony sometimes doesn't think just exactly about what he says, what it is going to cause. He told Mark that he should come tonight because there were some veteran groups that wanted to discuss some things with the Commissioners. Now, we hold his appointment and, you know, there is always somebody wanting someone's job, so I had a call from a good friend of mine who goes to the one on Wabash and he said, Bettye Lou, are you going to fire Mark Acker Monday night? I said, no. He said, well Tony called and said there were some problems and would you please have him there. I said, no and you better stop that because we could of had pretty soon it was mushrooming into a group of people coming down.

Commissioner Mourdock: And I've seen this room full of angry veterans once before.

President Jerrel: Okay, well that is where it was heading. I said, for heaven sakes, Fred, go over there and tell Butch, the bartender, to put out the word. He is also the chairman...president of that VFW. No, we're not doing that, we're going to give him an honor.

Commissioner Mourdock: Tony, I have a couple people for you to call.

Jerry Bryan: The only person in jeopardy of losing his job is Tony now, right?!

President Jerrel: Yeah, that's right! Oh, well, anyway, I'm telling you we're lucky that someone called me, you know, because if they hadn't called me we would of had a room full of mad veterans.

Jerry Bryan - City/County Purchasing

President Jerrel: Okay, Jerry, would you...

Jerry Bryan: I don't know if I can follow that. I'm a veteran, too, but let's move on here. Tonight I have the first award is gas and fuel oil. This has already been approved by the Board of Public Works. The sourcing change that we had last year Posey County Coop had the tank wagon business. This year the tank wagon business goes to Gabe's Oil. The transport deliveries, Bettye and Mr. Mourdock, go to Petroleum Transport, Corporation out of Ft. Wayne. They had the job last year and they did a very good job for us and I would recommend that this sourcing be approved.

Commissioner Mourdock: I'll move approval of APA004-2000 to Gabe's Oil and Petroleum Transport.

President Jerrel: And I'll second and say so ordered.

Jerry Bryan: Thank you. The second bid I have is APA006-2000. This is the miscellaneous items that we have, transmission fluid, antifreeze, hydraulic oil. This was bid out between Ulrich, Busler and Home Oil. Last year Home Oil had the contract. This year they were about \$700 short. These materials go to the county garage, city garage, fire department, METS, Burdette, golf courses, etc. I recommend that Busler Enterprises be awarded the bid of oil products for the year 2000.

Commissioner Mourdock: I'll move the award of APA006-2000 to Busler.

President Jerrel: And I'll second and say so ordered.

Jerry Bryan: You want me to do the salt and then come back to the timber opening, Joe?

Joe Harrison, Jr.: Whatever you want to do.

Jerry Bryan: Okay. The next item then would be to open the timber materials bid. I think we have one item.

Commissioner Mourdock: Let me double-check the number because on the page here it is APA018-2999. Is it really 1999?

Jerry Bryan: That's wrong. It's 2000.

Commissioner Mourdock: Okay.

President Jerrel: See, you're Y2K not compliant.

Jerry Bryan: I'm not complying here and I am going to throw the switch here.

Commissioner Mourdock: Okay, I'll move opening of bids for APA018-2000.

President Jerrel: I'll second and say so ordered. Now you want to go on?

Jerry Bryan: You want me to do the salt real quick?

President Jerrel: Yeah. The county is going to use the same three sources...or the same sources basically as the city. This has already been advertised. I came before you last week asking permission to finalize this bid. We recommend that Cargill be given the lion's share of the business. Erik, I think you said...there is about 5,000 tons of usage for salt for the county and Cargill will be our main source with backup sources from IMC and Morton. What happened last year is we got into a jam and we used all three sources, so we just didn't want to put all of our eggs in one basket with Cargill.

President Jerrel: But they are the low bid?

Jerry Bryan: Yes, ma'am.

President Jerrel: Okay.

Commissioner Mourdock: I'll move the...well, that's for the award then?

Jerry Bryan: Yes, for the award.

Commissioner Mourdock: I'll move the award for VC2000-02 as recommended.

President Jerrel: I'll second and say so ordered.

Jerry Bryan: Thank you.

President Jerrel: Have you opened the bids? You're still looking? Want to go on? You want us to go on?

Joe Harrison, Jr.: No, we can do it now.

President Jerrel: Okay.

Jerry Bryan: Okay.

Joe Harrison, Jr.: He wants to leave. There was only one bid submitted on--

Jerry Bryan: Timber.

Joe Harrison, Jr.: Yeah, timber. APA018-2000.

Jerry Bryan: Yeah.

Joe Harrison, Jr.: The bid was submitted by American Timber Bridge & Culvert, Inc. out of Fishers, Indiana. The total bid amount is \$288,508.75. I would ask that you take this bid under advisement.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered. Okay, thank you.

Principal Health Care - 180 day notice letter
--

President Jerrel: The other item is an information item. I received a call from our insurance agent, the one that handles the health insurance, Tony Flittner. In here you have a notification that Principal Health Care of Indiana, Inc. will no longer offer group or individual health benefits in the state of Indiana. PHC-Indiana is required by the Health Insurance Portability and Accountability Act of 1996 to provide each member of PHC-Indiana with 180 day notice of termination. Attached please find the official notification and they've also sent the one they sent to the Department of Insurance. We want...our employees have been notified by the Auditor's Office. Madelyn Grayson has handled that so we're going to try...they can be accommodated within the framework of our current three plans.

Commissioner Mourdock: What percentage of our employees were with this plan, do we know?

Suzanne Crouch: I think it was about 50 out of 800.

President Jerrel: It was not a large number.

Commissioner Mourdock: About 12 percent.

President Jerrel: Our PHN plan that we have allows them to continue using the previous physicians and hospital that it represented.

Commissioner Mourdock: I wouldn't think there is, but would there be any chance of prepayment to these folks for anything that we would otherwise need to try to get back?

Suzanne Crouch: No.

President Jerrel: That's just...you might want to make a motion that we accepted this in a public meeting.

Commissioner Mourdock: I'll move that we accept the letter from Public Health Care of Indiana to withdraw their services from county employee's health benefits.

President Jerrel: And I'll second and say so ordered.

DMG Maximus - Professional consulting services

President Jerrel: The next item on the agenda is the Auditor and it is a contract approval.

Commissioner Mourdock: Right.

Suzanne Crouch: This is from David M. Griffith. It's a cost allocation plan to recover administrative costs from federally sponsored programs such as Medicaid, food

stamps. The cost is \$15,750. That has been the cost for the last five years that I've been Auditor. We will recoup anywhere between \$115,000 to \$150,000. It's DMG.

Joe Harrison, Jr.: Are we going to do option one?

Suzanne Crouch: We have always done it just on a yearly basis.

Joe Harrison, Jr.: Right, so someone will check that box?

Commissioner Mourdock: Just as a suggestion, I don't know that we need to change the terminology here in any part of this, but they do give several examples as you mentioned, Suzanne, as far as where they look. I don't know that this group has previously looked into any in the community corrections area, but we did learn in the past year of things that we could have been getting reimbursement for.

Suzanne Crouch: There was in fact a separate agreement that the county has entered into on behalf of the jail and community corrections to try to get the cost for housing prisoners increased.

Commissioner Mourdock: Was that with DMG also?

Suzanne Crouch: Yes, it was.

Joe Harrison, Jr.: Did we sign that one?

Suzanne Crouch: Yes, you did.

Commissioner Mourdock: When did we do that?

Suzanne Crouch: Gosh, it has been a couple of months ago.

Commissioner Tuley: Oh, it's been, yeah, this summer sometime.

Commissioner Mourdock: At least I was thinking of the right thing.

Suzanne Crouch: Yeah.

Commissioner Mourdock: Okay. I don't recall doing that. I'll move approval of the agreement to provide professional consulting services to Vanderburgh County by DMG-Maximus.

President Jerrel: I'll second and say so ordered.

Open burning ban

President Jerrel: You have in your folder a notice from the State of Indiana alerting us to the fact that we are in...at least I thought we had that in there that we are...no, I'm talking about the long one that I gave you for the establishment of the agenda item.

Tony Greubel: On the fire?

President Jerrel: It was 8½ x 14 and about five pages long. It was from the

Governor's Office. Let me see if I can do it from memory. The Governor announced and sent to each Commission a statement that they would like us to declare a no burn zone in our county so we could be prepared to, if we don't get any rain, protect our county from any disaster. We did receive a letter also from the Suburban Fire Chiefs Association which includes, you know, Scott, German, Perry, McCutchanville and Knight Township, urging us to adopt this no burn and I would like to...you want to read the resolution into the minutes?

Commissioner Mourdock: Yeah, I can read it:

**"Declaration of Open Burning Emergency
November 15, 1999**

The Board of Commissioners of Vanderburgh County in order to protect the public welfare and safety during this unusually dry period and pursuant to Vanderburgh County ordinance 8.12 hereby proclaims an open burning emergency.

This emergency shall be in effect for all unincorporated areas of Vanderburgh County and valid 24 hours a day through 5:30 p.m. November 22, 1999 unless expressly extended for a set period of time by the board.

No person shall set, start or attempt to set or allow to continue an open fire within the county unless he or she has first obtained and has in his or her possession a written permit from the commanding officer of the fire department having primary jurisdiction over the area where the open fire is to be conducted.

Any person deemed guilty of a violation of this declaration and upon conviction shall be fined not more than \$500."

I would just add by intent I think through the Governor's Office and our local fire chiefs, since this is set to expire a week from today if we have not received any precipitation that we would again do this next week.

President Jerrel: Right.

Commissioner Mourdock: So I would move the Declaration of Opening Burning Emergency as stated.

President Jerrel: And I'll second and say so ordered.

Principal Health Care - 180 day notice letter
--

Suzanne Crouch: Excuse me, can we revisit D, the 180 day notice letter. Charlene reminded me and it is correct, I had a conversation with Madelyn Grayson who does do the insurance, is the Insurance Clerk in the Auditor's Office, and it was her suggestion that, and if you read the letter it can be terminated earlier.

President Jerrel: Uh-huh.

Suzanne Crouch: Could that be terminated the end of this year? We have open

enrollment going on right now where people can change plans and what we could do for that group of people is extend that open enrollment to the end of this month to give them an opportunity to look at what all is available. It would make it a little more easier to, you know, administer.

President Jerrel: So all we need to say is that the PHC will be accepted officially December 31, 1999?

Suzanne Crouch: Uh-huh.

Commissioner Mourdock: Okay. Do you think by extending the enrollment period, you'll be able to--

Suzanne Crouch: For that group of individuals we'll be able to give them enough information and get them moved into another group and that way everyone will be in place as of January 1.

President Jerrel: We will just have three groups then. We'll have Anthem, PHN and Welborn. Okay, is there a motion?

Commissioner Mourdock: Yeah, let me amend my prior motion then to say that we would be terminating our relationship with PHC-Indiana at midnight on 12-31-1999.

President Jerrel: I'll second and say so ordered.

Suzanne Crouch: Thank you.

Les Shively - Fence issue

President Jerrel: Okay, the next item on the agenda is Les Shively. Thank you for waiting.

Les Shively: No problem. No problem at all. Madam President and members of the Commission and those here this evening, I'm here on behalf of Joe Jarboe and I want to make this as succinct as possible. There is an ordinance...at least there was an ordinance until, I guess, October 20th of this year that governed the establishment of partition fences within the county. I apologize, when I made my copy and the copies that were disseminated to the affected parties here I used the old codification not the new one that you have on your system, but what I have done is prepared, and I already gave Joe a set and I'll give both of you a set. Here is the actual ordinance. I think the repealed ordinance was 17.20. Under your old codification system it was 150.060. It starts at the bottom there. Let me just give you a brief summary here of what I have given you. As I said, the first part is the ordinance which essentially sets forth a procedure for the establishment of partition fences. It says:

"Both parties are responsible for establishing and maintaining."

It goes on to say:

"Parties can mutually agree not to do a partition fence..."

However there is a procedure for the establishment of the fence which first requires

the party desiring the establishment of the fence to give a certified letter, which is Exhibit 2 in your packet, which was given in this case by Mr. Jarboe. Mr. Jarboe's address, by the way, is 2707 Pine View Court and the property next door is 2717 owned by Mr. and Mrs. Bagby. There was no response to that certified letter and then pursuant to the ordinance we apprised Mr. Roger Lehman, the Building Commissioner, on June 23rd to exercise his powers under the ordinance which requires him to contact both property owners and tell them that they have the responsibility to establish the fence, share the expense and if not there constitutes a code violation. Basically, he had already told my client that he just wasn't going to do that. This was one of the ordinances that they were trying to get rid of, but it wasn't off the books yet, as they say. I then wrote Mr. Harrison and kind of gave him on August 6th, which is Exhibit 4, and told him what my and my client's experience had been trying to get this resolved with the Building Commissioner. And then, again,...Mr. Harrison did say he would look into it and I am sure that he did. And then I wrote him again on September 9th indicating that we hadn't heard anything. Again, all we're asking for in this particular case is that the Building Commissioner perform their duties under the ordinance to notify both property owners of their responsibility to establish the fence and then to monitor the situation, to investigate the situation and if necessary if the fence is not established through the cooperative efforts of the parties to then take the appropriate action to cite as a code violation. Prior to the meeting Mr. Harrison and I discussed where the county stands. Obviously, if this had transpired and started before...after October 20th of this year we would sort of be dead in the water because that provision of the ordinance doesn't exist any more. I don't think the repealer ordinance of October 20th affects whether this ordinance was in effect, because it was in effect at the time this request was made and we asked that the Building Commissioner perform his duties. I guess the question is, and Mr. Harrison, this is where he and I disagree, Mr. Harrison believes this has to do with the Building Commissioners' duties with regard to repairing of a fence. In other words, there already has to be a fence in place. I don't read the ordinance that way and notwithstanding part of the fence is there. It's just about I would say 20 to 25 percent is in place. It's the remaining portion that has not been established and that was what the subject matter of the initial request to the adjacent property owner concerned. Again, all I'm here this evening to do is to present the facts as we have them and seek your assistance as the county executive to enlist the efforts of your Building Commissioner to move this matter forward to get the fence established.

President Jerrel: Do you...I have one question, but I don't care which one of you answers it, but do you have to build fences? The way this reads it says:

"The respective owners of all lots in the county shall construct and maintain partition fences between their own and the next adjoining lots at equal expense. "

Do you--

Les Shively: Well, you can mutually agree, but it also goes on to say, I think, in that same section however, parties can agree not to establish the partition or fence.

Joe Harrison, Jr.: Yeah, and they may be omitted. That's one of the reasons why this ordinance was repealed. Certainly when most people had cows and horses in their yard it was probably more of a requirement to have such an ordinance, but be that as it may even if the ordinance was in effect today I think you and I are disagreeing on whether or not the previous ordinance, and it's really the last

sentence there in Subsection B, 15.20.010. Essentially it says or does say:

“If the notification in question is relative to the rebuilding or repair of the fence the department (which would be the Building Commissioner) shall inspect the premises to determine the necessity of the rebuilding or repair.”

It doesn't say for the construction of a new fence or a fence, but then it goes on to say:

“If the department finds repair necessary it shall issue orders forthwith as in the case of a new fence.”

You know, my interpretation would be that if you were talking about the 25 percent of the fence in question this may of pertained, but it's my understanding that you were talking about the remaining 75 percent of the property that was in need of a fence.

Les Shively: Again, I don't want to take the time of the Commissioners for you and I to engage in legislative interpretation, but I think you need to read all of the ordinance together and at the very least read all of B together which you just quoted the last section. B starts out with the language:

“When any party shall consider it necessary to have a partition fence built or repaired...”

And then goes on to talk about what the prerequisite steps are and in reading Section B in its entirety and reading it in such a manner to have all the parts of it to be consistent and have meaning together it certainly appears to be the intent that if the parties cannot upon notification the fence doesn't get built or the fence doesn't get repaired then the Building Commissioner comes up...comes out to investigate the situation and, again, failure to establish the fence separately under C is deemed a violation of the chapter. Again, what we're simply asking for is the Building Commissioner to get involved to get the parties together to get the fence established. We're not asking the county bear the cost of that fence. I don't think there is anything in the ordinance that requires the county to bear that expense and so I want to make that clear. We are simply asking the county to use the powers of the Building Commissioners' office, which the Building Commissioner had that authority until October 20th of this year, to get that fence issue resolved.

President Jerrel: Did they ever talk?

Les Shively: Yes. I don't think you want me to go there this evening.

President Jerrel: Okay, alright.

Les Shively: Lord knows I told them to talk.

President Jerrel: Okay.

Commissioner Mourdock: Having just read paragraph B through and I hear both of your readings. I understand what you read, Joe, and, Mr. Shively, I understand what you read. Once again, this is where I didn't know when I ran for Commissioner I was being elected as a judge. It's almost one of those kind of decisions.

Les Shively: Well, that's what they call you down in Kentucky. The Commissioners are called the judge executive.

Commissioner Mourdock: Yeah, well we're on the wrong side of the river though.

President Jerrel: Well, I think the best thing to do, Joe, is for you and Les and Roger Lehman to get together and determine what needs to happen. I don't...I mean--

Joe Harrison, Jr.: That's fine. We'll do that. If we can't work something out there may have to be another solution, but that's no problem. Okay, I'll give you a call and we'll get Roger together.

Les Shively: I appreciate that.

Joe Harrison, Jr.: Sit down and see if something can be worked out. I'll give you a call.

Les Shively: Okay. Just one other matter. I'm going to have to go to another meeting, but the first reading this evening is a 40 acre tract going from Industrial classification owned by the Claycombs on Highway 41 North. I wanted to at least let you know just for your own information, it doesn't come up until December for action, but we have in our site plan incorporated the County Commissioners' thoroughfare plan for the 41 corridor. That's on our site plan. Mr. Stoll is aware of it and Mr. Farney is our design engineer so that has been done. I just wanted to give you a heads up for whatever it is worth.

President Jerrel: And did you know that we've combined the rezoning and drainage for the same evening in December?

Les Shively: So bring some extra work? Okay, alright. Thank you.

Any group or individual wishing to address the Commission

President Jerrel: Is there any group that wishes to appear before us? The group that is going to appear is sitting here.

Erik Bentle - Superintendent of County Garage

President Jerrel: I'll tell you, John, these two guys don't have hardly anything to do. Why don't we let them go first. They never get to go first. Let them go first because they get up and go to work in the morning about 5:30. Okay?

Erik Bentle: I apologize for not getting these to you earlier. Okay, you've got our weekly schedule for this week. We do have our shoulder maintainer in. We are missing a part that they didn't send us with the machine, so we will be receiving it tomorrow UPS. They're going to get in there as soon as they can, so either tomorrow or Thursday...Wednesday, I mean, we will be running the machine. We will be starting on Evergreen off Darmstadt. The rest of my report is there and basically that is all we have.

President Jerrel: Do you...I know we're going to have a medical leave request coming up--

Erik Bentle: Yes, I'll have the paperwork ready tomorrow morning for that. Andy Wade is having some medical problems and it looks like it is going to be an extended leave of absence.

President Jerrel: Are these three people that were out all week, are they going to be off for an extended period of time?

Erik Bentle: Which ones is this?

President Jerrel: Just the ones that go all the way across.

Commissioner Mourdock: Bassemier.

Erik Bentle: Doug Bassemier is going to be off until January 1st.

President Jerrel: That's what I wanted to know.

Erik Bentle: He has booked his time. Yes, and Kirk Humphrey and it looks like Andy Wade at the moment.

President Jerrel: Alright, you need to speak with Joe if that...you know, we're looking at language now. If you have any desire to have any kind of language this is an example of what you may want to talk to him about. I mean, I don't know, maybe you don't, maybe you do.

Erik Bentle: Yeah, I do.

Joe Harrison, Jr.: I'll talk to you tomorrow.

Erik Bentle: And the trucks have been delivered to Miller and they should start swapping the beds over tomorrow on 41. So he said it will take approximately one week per truck. Now at the moment they didn't come...he ordered them in orange paint, but they didn't come in in orange they came in white. The paint that they've got on them now is going to be a better paint than what Miller will put on them. It will end up chipping and flaking like the other ones we got so we're just going to leave them white right now and we'll go with them down the road later on and have them repainted. I really don't think Miller ought to do the painting on them.

President Jerrel: Okay, thank you. Do you have any questions? Okay, call me tomorrow.

Joe Harrison, Jr.: On the painting, I mean, is there any credit we can get? It's up to you.

Erik Bentle: I mean, I can talk to Mark about it, but I don't think there probably is because...no, I really don't think there is.

Commissioner Mourdock: Is it worth having them paint it though?

Erik Bentle: I don't think so. I mean, white or orange they are still county vehicles either way.

Commissioner Mourdock: Yep.

Erik Bentle: They're still going to have the county emblems on them.

Commissioner Mourdock: Break the monotony.

Erik Bentle: Pardon?

Commissioner Mourdock: Break the monotony, have them white.

Erik Bentle: Yes.

President Jerrel: Okay, thank you very much.

John Stoll - County Engineer

President Jerrel: County Engineer.

John Stoll: First I would like to request to go to County Council to transfer \$3,000 from the Heckel Road Bridge account to the Engineering Equipment account. The Heckel Road Bridge is complete, so there won't be any additional money spent out of that account and we need it to get the money in Engineering Equipment to replace a 486 computer and to get some service work done our blueprint machine.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

President Jerrel: Second, so ordered.

John Stoll: Next, at last week's meeting I brought up the street light issues for the Fulton Avenue Bridge project and I wanted to let you know that I did go to the Board of Public Works' meeting last Thursday and the Board of Public Works did authorize reimbursing the county for the \$10,422 for the conduit for the street lights on the approach to the bridge, so they will be reimbursing us and I did tell Bernardin Lochmueller's inspectors to proceed with getting that work done.

President Jerrel: That's good.

John Stoll: Next, also on the Fulton Avenue Bridge project, we received a request for an additional driveway out on that project. This is something that came up a few weeks ago. The driveway shown in blue is the one that we are constructing. This goes to the trailer park up on Fulton Avenue on the east side of Fulton up in the area of LB Jones Furniture. The blue driveway is what we were building and the orange driveway, I believe, is the one that has been requested as being to be put back in. The original plans did not call for that driveway to be put back in and from what I can gather it appears to be the driveway wasn't going back in because there is a five foot difference in elevation between the new road at that location and the existing trailer park. The city had requested that we go ahead and put the driveway in and they would bill us...they would reimburse us for the cost of the driveway. In looking at it we don't think we can get it built within the existing right-of-way by the time you account for all the slopes and the drainage that will come off given the five foot difference in grade, so I spoke to the City Engineer about that issue last Thursday as well and he said that he would have some surveyors go out and take some shots on that and try to come up with a design for the driveway. If they can get a design

taken care of in a time frame that won't interfere with our bridge project completion, then we'll go ahead and try to incorporate this additional driveway in our project. If we can't then they will come back in after we're done some time next spring and put the driveway in. But I just wanted to make you aware of the fact that the City Engineer is going to at least come up with a design. If it requires additional right-of-way then they can get the right-of-way. If it doesn't, then they can just give us the design and we can try and get it put into our project.

President Jerrel: And then they will pay us for doing the work?

John Stoll: Correct.

President Jerrel: Okay.

John Stoll: So if anything new comes up on that I'll let you know, but that is kind of where that stands right now.

President Jerrel: Okay, thank you. Did you give Charlene one of these? Here give her mine. Put that in the record.

John Stoll: Next two items are time extension requests for the two bridge projects we've got going on right now. The first one is a three day time extension request from Phoenix Construction for the Bender Road Bridge project. They are requesting the three days due to delays associated with getting riprap and it is recommended that that request be denied because that didn't really hold them up and that's a supplier problem and that is something they're responsible for, so I recommend that one be denied.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

John Stoll: The second one is from TD & O for the Broadway Avenue Bridge project. They had requested changing that completion date to December 3rd. The reason they were requesting it was because of utility relocation delays at the start of the project. At this time I recommend that we not take any action on it as of yet. I didn't get that request until 5:00 this evening so I didn't get a chance to get all the information on when the utility delays occurred. I do know that the water line relocation was going on between November 1st and 3rd, so I would say the contractor will be entitled to three more days, but I just don't know as of yet whether he is entitled to extending the thing out until December 3rd, so I'll have a recommendation on that one next week.

President Jerrel: Okay, so is there a motion to defer?

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

John Stoll: The only other thing I've got is the summary of the Eickhoff/Koressel project.

President Jerrel: Oh, okay.

Commissioner Mourdock: Is that the written summary that we had in here this weekend?

John Stoll: That's all I've got.

President Jerrel: Thank you for doing this. We appreciate it.

John Stoll: You're welcome.

President Jerrel: Any questions?

Joe Harrison, Jr. - County Attorney
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President Jerrel: Okay, next item to accept the...well, let's see. We've got County Attorney first. I'm sorry.

Joe Harrison, Jr.: The only thing I have would be if the Commissioners would consider giving approval...I don't have the paperwork in front of me, but I will have it prepared hopefully by the end of this week for the alcoholic beverage licensing for The Centre. The county needs to obtain what is called a Civic Center state alcoholic beverage permit for the facility. I don't know why they use that term, Civic Center, but that's the statute name. It essentially applies for convention centers, auditoriums--

Commissioner Mourdock: Do we need to get that or does Ogden need to get that?

Joe Harrison, Jr.: No, it will be in our name. It will be in our name, but they will be the manager essentially of the permit, but it will be in our name. There is a specific statute for lessee and for owners of facilities to hold the permit and obtain the permit. We've done this, if you may recall, for Bosse Field where we are a sublessee in the summertime when the Otters play at Bosse Field. That permit was in our name. The city owns the permit for Mesker and for Robert's Stadium even though Ogden operates the premises.

Commissioner Mourdock: Did I just understand that correctly, Bettye Lou, that if we don't have it we would not get the claim on that sales tax?

President Jerrel: For events that might have a need for a liquor license that is a...isn't that a step...positive step in our being able to do that?

Joe Harrison, Jr.: Oh, yes. Yes.

Commissioner Mourdock: But it isn't the holding of the license in our name that allows us to get those funds?

Joe Harrison, Jr.: No, but it's just that we're the only one that is going to hold the permit for that facility.

Commissioner Mourdock: Okay, well maybe we took care of this earlier when we did our deal with Ogden, but in light of this would you--

Joe Harrison, Jr.: They are going to be paying all the fees.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: We're not paying...the county would not be paying, that's in the agreements.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: And they have to hold us harmless.

Commissioner Mourdock: That's where I'm going.

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: I mean, we're absolutely, positively indemnified and then some?

Joe Harrison, Jr.: Yes. Yes, from any and all liability. That doesn't mean someone can't sue us.

Commissioner Mourdock: I understand, but if they are managing and we hold the license I know someone would see that as an open door to come back and sue us.

Joe Harrison, Jr.: That's correct.

Commissioner Mourdock: And I just want to make sure we have that indemnification. Okay.

Joe Harrison, Jr.: But if you could give approval to that process then I will be able to get the documents over for signature.

Commissioner Mourdock: I move approval that the County Attorney work to acquiring the alcohol licensing permit for The Centre.

President Jerrel: Second and so ordered.

Joe Harrison, Jr.: That's all I have thank you.

Weekly reports

President Jerrel: Is there a motion to accept the...after Tony gives his the other three? I keep missing everybody. Let us do that motion.

Commissioner Mourdock: Okay, I'll move approval of all the department head reports except Superintendent of County Buildings report which is henceforth.

President Jerrel: And I'll second and say so ordered.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County...that was his punishment for the weekend calls!

Commissioner Mourdock: For starting the fire, yeah.

Tony Greubel: Okay, I have two issues. On October 7th at Wolf's Auto Auction when the county sold their vehicles there was one undercover Sheriff's car that the title was missing for.

Commissioner Mourdock: It was really undercover!

Tony Greubel: So anyhow, the car is still at Wolf's and we haven't accepted the money yet because we haven't had the title. We finally got the title, so I am submitting that for signature tonight. Just for the record it is vehicle number 1G1BL537XMW242036 and that's a '91 Chevy. So that's the first thing. The second thing is to exercise an option to upgrade our current lease with the main copy machine in the Auditor's Office. That's a 5385 and the lease is expired on it...or it's not...well, we're still leasing it month to month. Now we're going to upgrade to trade that in for the 5885 and we're actually saving money, about \$50 for a 48 month lease. It's one thousand...the base lease is \$1,104.48 and then the copy charges are .0124 cents. With our average number of copies each month we're saving about \$50.

Suzanne Crouch: Doesn't that also include toner which the old lease did not include?

Tony Greubel: Yeah, this includes supplies.

Commissioner Mourdock: Do we need a motion to accept that, Tony?

President Jerrel: Yeah, it's a contract we're going to sign.

Joe Harrison, Jr.: Yeah, it's a contract.

Commissioner Mourdock: Okay, I'll move approval of the contract as recommended.

President Jerrel: I'll second and say so ordered.

Tony Greubel: Okay, that's all I have.

Consent items

President Jerrel: Is there any...is there a motion for the consent items or any questions related to them?

Commissioner Mourdock: I'll move approval of the consent items as filed.

President Jerrel: And I'll second and say so ordered.

Old business

President Jerrel: Any old business to come before this body?

Suzanne Crouch: Yes, last week you all made a motion and instructed the Auditor's Office to work on a resolution canceling any meeting following a Monday holiday. I was wanting to know if you wanted to make an exception for the first meeting of the

year. That is January 3rd is a Monday, that's a holiday. If you wanted to go ahead and have that first meeting on the 4th, otherwise you...you know, we've canceled one other meeting that month, so if you all would make a motion to make that exception, then we'll be able to adjust.

Commissioner Mourdock: Yeah, thank you for catching that.

Suzanne Crouch: Joe, I'm sure would work with us on that. Charlene caught it.

Commissioner Mourdock: I would move exception to the previous plan so that we do schedule to meet on January 4, 2000.

Joe Harrison, Jr.: Which is a Tuesday, right?

Commissioner Mourdock: Which is a Tuesday.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: It does sound strange to say 2000.

President Jerrel: It sure does. Any other old business?

Commissioner Mourdock: Yeah, just by way of continuity here we accepted our department head reports, but we also have in our pack the Sheriff's report on the continuing jail situation. I would move that we enter that into the record and that shows that as of today at 7:00 a.m. we had 396 people in custody. Correction, as of November 8th. This was last week's report. We had 396 in custody.

President Jerrel: I did meet with Judge Bowers and Judge Knight Thursday. They had read in the paper that there were 33 misdemeanors and so they did not...they were not aware of who they were exactly so I had Eric do a printout of each one and sent them to them.

Commissioner Mourdock: Okay.

President Jerrel: So that will be--

Commissioner Mourdock: Did we get a copy yet today then of the Sheriff's daily Monday report?

President Jerrel: No, they're in Denver.

Commissioner Mourdock: Oh, that's right, they're out west, yeah.

President Jerrel: They're out west.

Commissioner Mourdock: Well, they had mentioned they'll get those to us weekly.

President Jerrel: Right.

Commissioner Mourdock: And I'm sure with this week being the exception those will be interesting numbers.

President Jerrel: Uh-huh. I'll move...and I'll second that motion and say so ordered.

Any other old business? This is old, but it may be new also. We are asking the department heads and office holders to make any recommendations on our personnel policy because we approved the personnel policy in July of '97 and it is a living document, so as issues arise we can revisit them. So we have asked them to turn in any suggestions to Tony Greubel by next week on Monday and then we will schedule a meeting before the end of the year.

New business

President Jerrel: Any other new business?

Commissioner Mourdock: Motion to adjourn.

President Jerrel: Second and so ordered.

The meeting was adjourned at 6:28 p.m.

Those in attendance:

Bettye Lou Jerrel	Richard E. Mourdock	Suzanne M. Crouch
Joe Harrison, Jr.	Charlene Timmons	Tony Greubel
Lee Askins	Mark Acker	Jerry Bryan
Les Shively	John Stoll	Erik Bentle
Others unidentified	Members of the media	

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

**Vanderburgh County
Board of Commissioners
November 22, 1999**

The Vanderburgh County Board of Commissioners met in session this 22nd day of November at 5:40 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners' meeting to order. At this time I would like to introduce those of you...to you those of you in front of you at this table. Beginning on my far right is Tony Greubel, the Superintendent of County Buildings; next to him Joe Harrison, Jr., the County Attorney; Commissioner Pat Tuley to my right; far left, Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor; and Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance?

Approval of minutes

President Jerrel: Is there a motion to approve the minutes of the previous meeting?

Commissioner Mourdock: I'll move approval of the minutes of November 15, 1999. Just as a reminder, you and I were the only two present.

President Jerrel: Yeah, and I'll second and say so ordered.

Certification of Executive Session

Commissioner Mourdock: The next item is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the minutes of tonight's Executive Session that began at 4:45 and ended at 5:30. That session dealt solely with county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Open RFP - Digital orthophotography (GIS project)

President Jerrel: The first item on the agenda, is there a motion to approve opening the bids for the...or the RFPs for the digital photography?

Commissioner Mourdock: I'll move approval of the opening of the RFP for the digital orthophotography for the GIS project.

Commissioner Tuley: Second.

President Jerrel: So ordered and we have a lot.

Commissioner Mourdock: Yeah, is that what all the boxes are back there?

President Jerrel: Yeah, we have lots.

Joe Harrison, Jr.: Yeah.

Jerry Bryan - City/County Purchasing

President Jerrel: The next item on the agenda is Purchasing.

Jerry Bryan: Good evening, Commissioners. The first item on the agenda is permission to extend APA017-2000, guard rails and end pipes. Normally this is a joint city/county bid, but this year the usage is down because we still have some guard rails and things leftover from Burkhardt Road. We're only going to have \$20,000 this year. Becky Dixon, the Controller, and I suggested that we roll this bid over for the year 2000. I have a letter that I have given Tony Greubel for CPI where we can have the Commissioners sign and roll this over at the same price as last year. M & W Concrete Culvert has agreed to roll their prices over. I'll check again this summer and if there is enough requirements for a city/county bid then we'll bid this jointly again. I ask you to approve the rollover for guard rails and end pipes.

Commissioner Mourdock: And I'll move approval to extend APA017-2000 for guard rails and end pipes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The next item is the surfacing materials, APA005-2000. This is similar to last year. We have four bidders: Jerry David Enterprises, Gohmann Asphalt & Construction, E & B Paving, and J.H. Rudolph. We will do the same thing as we did last year. When we have a west side paving job we'll use a west side paver, a north side we will use the north side paving and E & B Paving and Rudolph. The mileage is 12¢ a mile plus the per ton price gives you the job site cost. This is similar to last year although there was a little bit of increase in the per ton on the concrete.

Commissioner Mourdock: I'll move approval of the awarding of the bids for APA005-2000 for surface materials.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Okay, the next item on the agenda is liquid asphalt. We only have one bidder, J.H. Rudolph. The usage on this about 200 gallons to the city. They have already approved this. The county uses more of this. We used 2,000 gallons last year. This is an asphalt tack that goes on the rock. J.H. Rudolph spent about the same amount of money last year, about \$46,950 and I recommend that we use Rudolph again this year.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The next item on the agenda is the tabulation of the year 2000 tax bills for Jayne Berry-Bland. We sent this out to three bidders: Standard Register, Reynolds & Reynolds and Moore Business. Jayne recommended that we stay with Standard Register. They were the vendor that did it last year. We don't have that much experience with Reynolds & Reynolds and for a \$675 savings we didn't think that justified the risk of a new vendor. We recommend that we stay with Standard Register to print the tax bills for next year.

Commissioner Mourdock: I just need to question our County Attorney on this one. Joe, are you familiar with this one? Did you review the bids?

Joe Harrison, Jr.: No.

Commissioner Mourdock: I'm not questioning the judgement of either Purchasing or of the County Treasurer--

Joe Harrison, Jr.: Why don't we do this, why don't we hold off for a week, okay?

Jerry Bryan: That's fine.

Joe Harrison, Jr.: And let me look at it because I didn't have a chance to speak with you.

Jerry Bryan: That would be fine. That's fine, okay.

President Jerrel: Is there a motion to defer?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Okay, the last item on the agenda is the timber materials. This is American Timber & Bridge. They do all the timber materials for the county. The prices are very similar that we had last year and we use about \$200,000 worth of timber materials for the county. This is strictly for the bridge work. I recommend that we use American Timber & Bridge for this year, please.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

Bob Quick - Work force development proposal
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President Jerrel: The next item on our agenda is a proposal that is going to be presented to us by Bob Quick who is representing the Chamber of Commerce. Bob

has been speaking about this, but we think it's time he explains it to us now. Thank you.

Bob Quick: Thank you very much. My name is Bob Quick. I'm the President and CEO of the Metropolitan Evansville Chamber of Commerce. I have, as you pointed out, have had the chance to speak more informally about a work force initiative that the Chamber has been involved with. Tonight what I would like to do would be to give you more details. What I just gave you was a copy of a letter that puts in writing more of the specifics regarding what we are proposing. If I can, I might try to get one letter back. Work force development issues right now are the number one...is the number one issue that is affecting our ability to sustain our growth and we think it's a real threat to our ability to continue to grow in this region. Two years ago the unemployment rate in Vanderburgh County was 5.1 percent. That's a July number. July of 1999 we're down to 2.6 percent. I know that number fluctuates, but what we do know is that the number will more than likely continue to shrink. Worker shortage issue is a bigger issue than just employment numbers. Today our regional businesses are competing in a global marketplace for highly specialized workers. Southwestern Indiana is in a recruiting race with other large US cities in other more well known metropolitan areas. To many the Evansville southwestern Indiana region is an unknown area. Perceptions of our region are not necessarily as negative as they are unknown, so this puts us at a recruitment disadvantage. Other complex work force issues continue to confront us such as an accurate assessment of current and anticipated skill gaps between employment needs and the work force pool, the recruitment and retention of minority ethnic and young unmarried persons, the need for a sustainable framework for effective work force collaboration between the region's institution of business, education, government and society and how and in which ways to modify public policies to deal most effectively with the issues of worker dearth. Worker dearth is the skills needed and the availability of people in an area with those skills. To begin the process of understanding the above work force issues the Metropolitan Evansville Chamber of Commerce has engaged the nationally known and respected Hudson Institute to facilitate a six month planning process that will lead to the creation of a strategic work force development plan. One thing that I run into across the board with everyone I see is people say we don't want another initiative if the outcome is to let the resolve collect dust. I'm here in front of you to say that the implementation of this work force plan will be our number one priority and my Board of Directors has made it very clear we will carry out the outcome of this initiative. The tri-state's work force challenges are complex and growing as each day passes and without a strategic plan of action our regional community is divided and left to fend for itself. The tri-state work force initiative is a regional public/private effort, however I believe the onus to make this initiative work falls back on the leadership of the Evansville and Vanderburgh County community. We are considered to be the hub of the region and the focus when worker recruitment is conducted. To date I have been able to secure a little over \$45,000 of the anticipated \$60,000 that has been raised. All of the money has come to date from the private sector and each contributor, and I listed those for you: Koch Enterprises, SIGECO, Bristol-Myers Squibb, Mead Johnson Nutritional, Toyota Motor Manufacturing and the Chamber of Commerce right now are all large regional employers. I would like to request and I know that I am also setting up to meet with the County Council to discuss Vanderburgh County's elected leaders considering contributing \$10,000 to this work force initiative. All the money raised by the contributors will be used in the initial process or used during the implementation process. As I've gone out and talked with all the contributors to date, and there are many others out there who have talked about...who are very serious to help us after we come up with the implementation plan, I made it very clear that the \$60,000 on

the front end is just going to be a drop in the bucket to what we're going to need to really carry out this implementation plan, so this very much is the beginning and a launch to a much bigger initiative. The County Commissioners would be included in the planning process and kept abreast of the project's progress as we would go forward. I would appreciate your consideration and involvement with this initiative. I also have put together, and I apologize, Suzanne, for stealing your copy.

Suzanne Crouch: Oh, that's alright.

Bob Quick: I put together another attachment. That back attachment gives more specific what the goals of this project would be for the tri-state work force initiative. I won't go into any of those in more detail unless you prefer that I do. Project activities, for example, when we start moving into this what are the steps? The third area, I want you to know who will be working with us and Dorrie LoBue who could not be here tonight, she is the Vice President for Expansion Retention, and I spent an inordinate amount of time scouring the nation and looking for who are the best people, who is the best person, the best firm, to help us with this because we had an initiative eight months ago that did not work out. It was one that we tried to drive locally, regionally. Every name that I kept coming back to was Dr. Richard Judy and Edward Barlow. That's who then we started pursuing. They're located out of Indianapolis, so that was helpful, but they're intrigued by our part of the region because of the growth that we've had as we are intrigued by how do we get a handle on the work force issue. So there are four people mentioned there and they are the four principals that we would be working with, but Dr. Richard Judy himself will be the primary principal. I also wanted you to know the sponsors to date and I wanted you to know the definition of the region. This cannot be a Vanderburgh County/Evansville initiative. As I've been out and I've talked with all the large manufacturers and the small, medium sized manufacturers, retail and service companies in this region they all agree. Where I come from tonight is the Metropolitan Evansville Chamber, we're going to be a partner in this with everybody who wants to come to the table. So far the receptivity has been great, but we're looking at a six county area and possibly we may even look at Perry County. It also...our research goes into Illinois and clearly into Kentucky, but we are going to be the lead group to set this up and to get it moving forward. Just like tonight I am asking for Vanderburgh County to consider being also a leader to help us launch this initiative, but this is right now the most perplexing issue we're faced with, our businesses in this region, and every day that passes makes it more difficult. The final piece I would throw into this is we have to work together as a region. I know how active you all have been in trying to set up economic development planning from a regional standpoint and all the other issues. Work force development, the only solution and answer is a regional one. It is not one here in any one given county and we have to break down the walls. The walls that a river creates and the walls that county lines create. Dr. Judy has made it very clear to us, inclusiveness is the name of the game here, that everybody has a chance to come to the table and work on this, so we have spent months on this project. I tried to keep Bettye Lou abreast. She has provided really good insights about things to be careful of, steer around, and things that we could add to this and it has really helped us in the development of it. At this point I would really ask you if you have any questions, comments? I'm looking for some guidance.

Commissioner Mourdock: Okay, a question first, Bob. You mentioned the effort that was on eight months ago that didn't work. Why did it fail?

Bob Quick: In retrospect looking back I think the fact that we tried to do our own

facilitation locally without an expert, that we really didn't go out and find that person who knew work force development inside and out, that knew best practices that was going on that could help steer us in the direction we needed to be going versus we kind of would weave. I think another thing was that our regional nature of this just didn't work the way anticipated. This time what I've done is I've gone out and I've talked with the large employers in most of the counties, not all, but most of them and there is a real excitement because they clearly know we have to address this issue and the clock is running, ticking on us right now. I would say those are probably the biggest issues. We've stepped up. The Chamber has never...the Metropolitan Evansville Chamber that I know of has never put in the kind of money that we are. We just put in \$10,000 into this study ourselves. That was unheard of, but that will tell you how serious we see it and we're committing we're going to put in a lot more after we start going through on the implementation, so I'd go back to leadership and I think we're stepping up to the plate in a more significant way, Richard.

Commissioner Mourdock: Are you aware of what the Lilly Foundation is soliciting now by way of grant applications for up to \$50,000 for work force training issues?

Bob Quick: Is that the meeting on the 29th or 30th?

Commissioner Mourdock: About the 30th.

Bob Quick: Yeah, we're going to be at that, but we're--

Commissioner Mourdock: Very good. You got this then?

Bob Quick: Yes, and we also applied for a federal grant that could provide us with some substantial revenue. We are not hopeful since that is national grant, we have a feeling that everybody is going to be applying for it, but we also did apply for that.

Commissioner Mourdock: I noticed your agenda item on our itinerary Saturday just moments before I got this which is why it came together and part of the thing here they're looking for is their buzzword, if you will, is community-wide collaboration. It occurred to me that what we've started with Gibson and Posey may be something that could be built into with a good lead and your group may be part of that and it could easily bring another \$50,000 to this. Speaking of the money, you mentioned Vanderburgh County and Evansville in passing, but on your funding I only see Vanderburgh County. Is the city contributing as well?

Bob Quick: I'm going to be approaching the City of Evansville. I've had some, again, informal discussions with members of the City Council. We're having some discussions with the mayor-elect also. So, yes, we do see their involvement in this. It's very significant from the standpoint of we do not want this just to be seen as entirely a private section initiative. We're trying to make sure that this is a public/private venture.

Commissioner Tuley: The only reason I am leaning forward is because your question is exactly what I am looking at. When we're talking about it being a regional approach other than Toyota out of Gibson County all these others are Evansville/Vanderburgh County based companies. So in your contact with these other people my assumption is since you got a positive feel from those people and this is just a drop in the bucket to get the process started they'll come onboard afterwards?

Bob Quick: Well, I can only tell you what they have told me and that is there is...everybody knows we have a problem and the problem is nationwide. It's not just something isolated to us. We now have, because the issue is so critical, we've got people coming together. I have not gone out to other public sector entities, just to be very up-front with you, and I'm seeing this that in Vanderburgh County we need to begin with us, too, as a Chamber, providing that leadership to launch. I was talking with GE Plastics today and they are very involved with this. We are putting together a project steering team. The project steering team right now consists tentatively we're looking at 19 individuals and it's going to crisscross amongst a lot of the economic lines of the community. So as I've gone out and talked with them I have made it very clear to GE, I've talked with Alcoa, Toyota, that, again, the end of this it is going to require us to come together in a more significant way. What I like about the list of sponsors so far is when you look at Bristol-Myers Squibb, Mead Johnson Nutritional, they're here and in Posey. When you look at Koch Enterprises they're here and in Henderson as well as across the world. Our Chamber membership is now multiple county. We have a lot of businesses from multiple county areas including Henderson, Kentucky. SIGECO, again, they cover a very large multiple county area where they provide service and Toyota Motor Manufacturing Indiana, again, they draw in from quite an area. So we like that from the standpoint that is truly regional. I do think our challenge will be as we go out to the public sector to try to get other communities to come to the table, but I believe if we work through the process properly the entities within those different counties will be making those requests and bringing those individuals along to understand the importance. Pat, I may be naive, but I have never seen an issue quite like this one. Interstate 69 would be another one where I've really seen people want to come together and see the value of the need to do so. That's a long-winded answer, but I've not...for example, I don't have people that have said I'll provide you after implementation X number of dollars, but I would also share this, we're also working on other work force initiatives as we speak. I've gotten, again, a lot of corporations big and small to ante up and provide considerable money for these different initiatives. For example, a web site recruitment tool, we've got quite a few companies that have stepped up on that. Our pitch has been instead of everybody doing it individually, every corporation, and everybody sinking in all this money and having your own, why don't we come together and leverage all these resources? It's really played well, so we're all able to save money and at the same time come out with just a spectacular product at the end.

Commissioner Mourdock: As the private sector person on the Board, I'll tell you that the private sector is very, very worried about this issue. I think without question there will be a great surge from private sector going along with this if, in fact, Toyota makes the announcement that the other line is going to up in Princeton because you're talking about another 1,200 people. That's a good problem to have, but it is a real problem.

Bob Quick: I want to throw something out. We always focus our attention at Toyota and some of the larger corporations, but if you at the Berry Plastics, again I would consider a large, homegrown type entity. When you look at Anchor Industries and all these other companies and you start adding the thousand of job creation numbers up it becomes huge. Toyota, when you look at their numbers or a bigger corporation, they're large also, but when you start adding all those numbers collectively together we have done extremely well, but the cautionary point is that how long can we sustain this kind of growth? We need to start delving into the issue. One thing I think we're good at is attacking it and we may not like some of the outcomes that we have to do, but then we have to do them.

President Jerrel: You know, we did not really have much success with our component of training in our program that we started with the riverboat money. We were actually...you know, I think that probably makes this more appealing to me is the fact that you're...I'm hoping that Hudson Institute research shows precisely what we need as a community to focus on with our young people, our displaced workers, our workers that have never maybe had the challenge nor the goal to succeed who could with some assistance and maybe you can find those magic components. I would venture to guess any successful person who is working has those skills that we may be able to not only partner in this respect, but you're going to be impacting the educational institutions to a large degree.

Bob Quick: Also I have had a chance to talk...very much so. I've had a chance to talk to Dr. Schoffstall. Very excited about this opportunity. As a matter of fact, met with him Friday in a more formal setting to go through a lot of the details. Again, how we work with our young people...we just assume they are going to graduate from high school, they'll go on to tech school, they'll go on to a four year or they'll stay here. Well, we all know that a lot of young people like to leave. I say, there are thousands of communities across the country where the young kids think I'm going to leave and go some place else because the pasture is a little bit greener. Well, let's also try to attract those folks, but let's spend a lot more time mentoring, working with building relationships with our young people to let them know what exists here.

President Jerrel: I think that is the key. They really do not know the opportunities that are in this community and when you mentioned I-69 we really have a lot of small communities all the way up the road between here and Indianapolis and Bloomington that, you know, we're going to try to put forth another grant application tomorrow afternoon that will include all those little communities and what better way if that becomes a reality to tie this in with it because it's going to make a major impact.

Bob Quick: I'll be honest with you, I-69 has been the model for helping us to figure this whole thing out and that has been so successful and we're really just using the same model, again, where no one owns this project. We don't own it and I am putting \$10,000 in and I will not, Bob Quick, will not be at the table with everyone else. We're having the people that need to be at the table there to solve it. I'll be there in full force with my staff and resources to make it happen, but there is not going to be anyone that is going to dominate this and that will be the best way to get to the roots of it. I have been very impressed with everyone that I've talked with. We've talked with labor. We talked with Jack McNeely. He has been very impressed by this and has agreed to be a part of it. Education. I haven't been turned down anywhere. Henderson, Kentucky has been extremely invaluable and great to interact with on the project.

President Jerrel: Well, without further ado, I don't know, are you ready?

Commissioner Tuley: One question, and it is just a clarification point. The concept or idea is to identify the skills needed in this metro area for current work force needs plus anticipated work force needs in the future and get that through our education, through our labor force people and what have you to set that training in motion so that when someone comes and looks at Evansville they can look through our training process that we will have a viable work force with these students and existing people that will have the skills necessary, is that right?

Bob Quick: Yes, that's one piece of it. There are many pieces. I would ask you to

go look on this second sheet I've provided you under goals and we have spent months on this with Richard Judy himself and have really tried to focus in on to be general, but specific enough where we needed to be. Pat, that is part of this, yes. And it gets into technology. It gets into how we communicate and how we educate people. I'll tell you, there is no community in this country who has figured this thing out yet except for Dallas, Texas where they have got a lot of people moving into Ft. Worth where they just got a lot of jobs moving in and people with it. Most communities are just like us and most communities don't know how to handle it and they're just kind of throwing things up against the wall and hoping they'll stick. Ours is a whole different process. We're going to have to get in and research this thing, not to death, but to really know what the facts are and then we're going to have to be honest with ourselves as we go through this thing and I'm sure there are going to be hiccups as we go along and blips along the way, but we have to figure out...something else you reminded me of if I could digress a little bit here. There was a day when we could say to people who were on welfare to work or people with disabilities we could just kind of ignore them. Those days are gone. Gladly, those days are gone and where we can start to interact with everyone and all of us can be at the table to figure out how can we bring together all of our citizens. Again, I know I am being big pie in the sky, but that's what we have to do to get our hands around our work force issues and to figure out where we want to be and where we want to be in the next 25 years. There will be no easy answers here. I'm here to tell you, we've gone through this. We've got other initiatives ongoing and they are complex, they're difficult, but the great thing that I've found so far is that people have really come together because of the dire nature of this issue. We have in this community, now I'm preaching and I don't mean to, but we have in this community some of the greatest minds. It is amazing when you really go out there and you go to Mead Johnson and the people that you bring to the table. Accuride, a great new corporate citizen, and Toyota, and Whirlpool. The list goes on, the PPGs. Great quality work force here, so we just need to better leverage that and make the work force--

President Jerrel: What you're also saying is those people that are working poor perhaps could set goals greater for themselves too and be trained to step up a notch.

Bob Quick: And as a community we have to see to it that we help to provide that function.

President Jerrel: That's right.

Bob Quick: It will not get done if we don't step forward, private and public sectors. It is not entirely on your back to do that and it ought to be a lot on all of our shoulders to figure that out. Again, if we can figure that out, Bettye Lou, we're going to be so much further ahead than most other communities in this country. So, again, Pat, I want to go back to we don't have any false pretenses here that this is going to be easy, it's not, but I know one thing is that our board looked at this for two months before they finally bought off and agreed to it. I've never seen an issue discussed, debated and hashed and when we got done it was unanimous as far as how to go forward. We are now slowly just rolling this thing out.

Commissioner Tuley: You guys are slow to act. You had two months and you're going to give us ten minutes.

Bob Quick: Well, hopefully I have kept Bettye Lou informed.

President Jerrel: We don't have to make a decision tonight. It would be helpful if we give some direction to County Council because they're the ones that are going to...though we do have the funding in place in our economic development line item and I view this as very much a part of economic development.

Commissioner Mourdock: Economic development line item from the riverboat money?

President Jerrel: Yes.

Commissioner Tuley: Yeah, that's what immediately comes to mind because that is what it is.

Commissioner Mourdock: Right, it's infrastructure.

Commissioner Tuley: And I really don't need two months. I'm just teasing with you.

Bob Quick: I was going to say, this is no pressure. This is not a high pressure thing at all. We want you to feel comfortable. There is, I'm telling you, there are years ahead with this and we want you all to feel comfortable with where we're at. I am not going to let you think that I am Mr. Perfect and know it. I don't and we've learned as we've gone through this and talked to other communities in the country, so we're all in this together and feel comfortable, Pat.

Commissioner Tuley: No, and I do. I maybe shouldn't have made that comment because I do understand and I have talked to enough people that in just...I'm talking about lay people that, you know, what if another Toyota or something like that came here? Where are we going to get these people?

President Jerrel: Well, they won't come if they--

Commissioner Tuley: That is exactly the point.

President Jerrel: If we don't have a work force they won't come.

Commissioner Mourdock: I might beg to differ there. I think they kind of work off the theory of if we build it they will come.

President Jerrel: But they leave the other jobs empty.

Commissioner Mourdock: That does happen. That's right. It's the pull up effect. I mean, our company has lost people to Toyota recently and we never...smugly, if you will, we're known as a good employer. We're employee owned. We smugly thought, well, we're not going to lose any employees to Toyota and we've lost a couple.

Commissioner Tuley: Sure.

Commissioner Mourdock: The message is out within our organization. We're trying to use our other employee owners to help pre-screen people to get them in the door, but you know what? We can't even find the right kind of people using that kind of process to bring them in the door. It is a key issue.

Bob Quick: I want to add to this. I think, again, we only represent existing business, that sector. We do not do any recruitment. That is Vision 2000 and they're very

good at what they do. The existing business community has been expanding. The existing business community is struggling. Times may be good, but there is a lot more competition in this market. There is a lot more competition in general, so again this is one of many pieces that we have to be working on to keep our quality of life and our vitality in check.

Commissioner Tuley: Well, and that's a good point. When you look at the continual moving up, as you say, eventually what we're going to be left with if we don't identify and tackle this problem are the people who truly just don't want to work and we're not going to attract anybody else here because we're not going to have the work force. So I am not making light of what you're trying to do by any means.

Bob Quick: And I didn't take it that way. There is just a lot of angles to this.

Commissioner Mourdock: With all that the only thing I would add is almost, I don't want to say conditional, but I know it says on the page here, Bob, that you will keep us informed and keep us advised as far as what happens. I really think this board given the initiative that we've shown over the past several years to work with the other counties can be a key player to help you move that along, so I would ask you to keep us involved from that point.

Bob Quick: And I'll make this promise, I will be here as often as you want, myself or a representative of this initiative. We will meet you any place and we just do that anyway, but--

Commissioner Mourdock: Okay.

Bob Quick: This is a very inclusive project.

Commissioner Mourdock: I would move at this time that we have the President direct a letter to the County Council requesting the \$10,000 expenditure from our infrastructure development account.

President Jerrel: You know, before you second that let me just make a comment. You know, we can do that without asking anybody, but I think it would be very, very smart on your part to go talk to Council about it.

Bob Quick: Yes.

President Jerrel: And they may want to appropriate it because they are our partners and we need to be working together. We have the funding in place to do it right now without anything but Pat seconding the motion, but I think I would encourage you to go to Council.

Bob Quick: And I will. That was some advice that you gave me early on too and absolutely. Again, I don't want to make anyone upset. I'm just now starting to go through some other motions of talking with individuals and entities.

Commissioner Tuley: Yeah, I don't have any reservations with making a second to that.

President Jerrel: Okay, so ordered. Thank you.

Bob Quick: Thank you for your time.

RFP recap - Digital orthophotography (GIS project)

Joe Harrison, Jr.: Bettye Lou?

President Jerrel: Yes.

Joe Harrison, Jr.: Can I go ahead and read for the record because I know they want (inaudible, mike not on).

President Jerrel: Sure. We're going to very quickly let our attorney now go back to Item C.

Joe Harrison, Jr.: This is on the RFP responses to the digital orthophotography bids. Did you have any questions or anything?

Roger Lehman: No, we would like to have those read into the record and taken under advisement until the 20th of December.

Joe Harrison, Jr.: What I'll do is just read the companies that submitted responses. There are ten that submitted responses and thereafter ask the board to take these under advisement and allow your committee to review them and make a recommendation to this body. The ten responses came from the following:

1. GRW Aerial Surveyors, Inc.
Lexington, Kentucky
2. Kucera International, Inc.
Willoughby, Ohio
3. The Sidwell Company
St. Charles, Illinois
4. Woolpert LLP
Dayton, Ohio
5. Atlantic Technologies, LLC
Huntsville, Alabama
6. Surdex Corporation
St. Louis, Missouri
7. Analytical Surveys, Inc.
Indianapolis, Indiana
8. Williams Aerial & Mapping, Inc.
South Bend, Indiana
9. Western Air Maps, Inc.
Overland Park, Kansas
10. Michael Baker Jr., Inc.
Beaver, Pennsylvania

I would ask that the board take these responses under advisement and wait for a recommendation also from your committee.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Roger Lehman: Thank you very much. Our plan is to return on December 20th with a recommendation for award. Thank you very much.

Les Shively - Spurling Properties tax abatement application
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President Jerrel: The next item on our agenda is Mr. Shively representing Spurling Properties.

Les Shively: Members of the Board of Commissioners, again, my name for the record is Les Shively. You'll have to excuse my voice. I went to a little football game up in Bloomington this weekend and cheered on my alma mater to no avail.

Commissioner Mourdock: Again.

Les Shively: Again! And in the process lost my voice. I just started to get it back about 3:30 this afternoon, so please bear with me. I have given you a handout here this evening which I am not going to read verbatim. I am going to hit the highlights and hope that it will be helpful in your consideration of this particular matter. First, I want to thank the County Commission for putting this on the agenda and allowing us this opportunity. Although in our correspondence, Mr. Harrison and I have not agreed on the analysis of this particular issue, again, I want to compliment him as I always do for having prompt responses to my letters and sharing with me his wisdom. Again, wisdom which we have a little bit of difference of opinion, but that's what makes the world go round. Let me give you a little background and I have really put this presentation in a very simple format. A background to let you know about Mr. Spurling's project, the decision we're here to talk about this evening, factors which I think you need to be aware of, and I want to note this, too, factors not only concerning this particular issue and this particular property, but in looking at tax abatement, TIF financing, the big picture issue some of these factors are relevant to that as well and then finally in a concluding remark a request for relief. Briefly, a little background. Mr. Spurling embarked upon a project back in 1992 for seeing a need in this community based upon the demographics of quality apartments for senior citizens that were affordable and located in an area nearby shopping and other services for these particular families. His lender at that time, since this was somewhat of a new project for this area, as lenders often do was somewhat conservative and told Mr. Spurling, let's take this in phases. Bill is the kind of guy who likes to go, go, go and go in a big way and he has been successful that way, but when you are working with banks sometimes you have to put the brakes on. One of the things that they suggested that he do when this project was initiated in 1992 was to do it in phases. Specifically, three phases. Phase two was then done in 1992. It was successful. It was given tax abatement financing to make it successful and to keep the rents affordable. In 1994 he embarked upon phase two. Again, tax abatement was given for this particular section or this particular phase of the project to make, again, the rents affordable and make the project feasible. In 1995 this Commission...not actually this Commission, but the County Commission, not necessarily this makeup of Commissioners which was a result of the 1996 election, this was in '95, began a program to deal with the explosion on the east side and particularly Burkhardt Road. And in particular the Gershwin Brown project which made it very clear that unfortunately we were in a reactive mode to the transportation and infrastructure needs out there. The developers were there, but the public infrastructure wasn't. So rightly or wrongly it became the task of the government to deal with it and deal with it immediately. What this board did or that board did was number one it created a Redevelopment Commission for the county in order so that

that particular body could designate an area as the Burkhardt Road Economic Development Area, which by the way I think you all are familiar, but for those that may not be goes all the way to Hirsch Road to the north, the Lloyd Expressway to the south, meanders out and goes as far west to Green River Road and east to I-164. A pretty large area. With this in place the Redevelopment Commission then embarked upon a project to improve Burkhardt Road with tax increment financing and in essence that is, as you know, where you take all the additional tax revenue generated from the improvements in this area and use those to fund bonds specifically for this particular project. It allows a lot of cash to come in quickly to do these kinds of project which is good. The downside is it is longer before those monies go into the General Fund, so it's sort of a trade-off situation. You are very well acquainted with and have to do those balancing acts all the time. Alright, the TIF district is created. Now, one part of creating a TIF district is its impact on tax abatement. Normally tax abatement is a function...in terms of approval is a function of approval by resolution by the county's fiscal body which is the County Council. Elected members that make the fiscal decisions for this community. However, with the TIF district in place it now was incumbent pursuant to state statute that any tax abatement application not only get the approval of the County Council, but also receive approval by the Redevelopment Commission who had issued these particular bonds for purposes of determining whether a tax abatement application would have a negative impact upon the ability of the county to repay those bonds or somehow would put in jeopardy that particular debt instrument. On August 4th of this year the Vanderburgh County approved a preliminary resolution for tax abatement for the Spurling Properties, phase three of Lakeside Manor. I have enclosed a copy of that resolution for you which is significant because the elected officials made specific findings that all of the factors that had to be present to justify giving tax abatement were in fact inherently present with this project as they had been for phase one and phase two. Mr. Spurling was told that he was going to have to go through an additional step this time, one he didn't have to do in '92 and '94 and that is to go to the newly created Vanderburgh County Redevelopment Commission. He did and prior to that he sent a very well done in laymen's term a presentation of the history of the project, what he was doing and why, again, consistent with what was already online out there. What he needed and why he needed tax abatement. On August 25th the Vanderburgh County Redevelopment Commission heard testimony from many individuals including Commissioner Patrick Tuley, including Councilwoman Betty Knight-Smith and others and Mr. Spurling. In fact, as I read the material from the minutes of those meetings also included as Exhibit D in the handout I've given you this evening there was not one discouraging word about this project. A vote was taken and by a vote of zero to four it was denied. Following the vote or after the vote was taken the individual members of the Commission explained their vote. A couple of vague references were made to this TIF financing, but two of the members simply expressed their subjective notions of their dislike for tax abatement. In fact, even one Commission member says there is something fishy about tax abatement which I found somewhat curious since all three of our major banks have engaged in tax abatement for their own benefit from time to time not to mention Whirlpool Corporation and other fine corporate citizens. Moving on to the second part of my presentation I truly believe in all due respect to that Commission, and I realize that you all appoint if not the majority I think all the members of the Redevelopment Commission, I believe their decision was arbitrary and capricious and more importantly wasn't in keeping with what the legislature envisioned as their job in the approval process of tax abatement for requests within a TIF district. Section 15 of the bond resolution which was passed by the Redevelopment Commission states as follows:

“The Commission further covenants not to change, alter or diminish the area in any way that would adversely affect the bond so long as any of the bonds remain outstanding or to grant any tax abatements on property in the allocation area on any property used in the projections of tax increment prepared at the time of the issuance of the bonds other than tax abatement as shown in these projections.”

Now, the minutes of that meeting of the Redevelopment Commission of August 25th shows that there was nothing presented by the staff of the Redevelopment Commission that showed that number one this property was in the projections for additional revenues for these bonds. There was nothing presented that shows whether one way or the other whether this tax abatement was included in the projections. As I said before, if you read the minutes Commissioner Tuley speaks, Councilwoman Betty Knight-Smith speaks, some other people speak, all in favor. A vote is taken, zero to four it is denied. Thanks to Mr. Harrison who was kind enough to provide me a copy of the official statement issued in conjunction with the bond issue which would be the material that would show what was in those projections number one, it's unclear to me and maybe I am just a little slow in understanding these bond documents, but it is unclear to me whether the Spurling property, this particular property, was even taken into consideration in projecting the income. In fact, it lists the various projects specifically where they anticipate revenue by name and then some general descriptions are given, but it is still unclear whether Mr. Spurling's property, that is the property for phase three, was taken into consideration. What is clearly in there though is the tax abatement for phase one and phase two were referenced, were taken into consideration and when Mr. Spurling began this project certainly it was known by all public officials that phase three, with phase one and phase two hopefully being successful, would not be far behind. So I would submit to you that the potential tax abatement was taken into consideration in those projections. Notwithstanding that fact is of no moment because the Redevelopment Commission although they were obligated to make findings and delve into this before voting didn't do that. Didn't even consider those factors. I submit to you though that had this official statement of October 2, 1996 been put in the record it would have supported approval. The decision though was based upon, again, personal feelings. You know, this community has been discussing tax abatement for some time and we would probably discuss it for long period of time and all of us in this room would have a different opinion, the pros and cons and what have you, but that's not what the Commission was supposed to do at that meeting. The Commission was supposed to determine whether it was going to affect their bonds. That was never done and that was wrong. Now, some factors that you need to keep in mind, and I don't want to beat to death about TIFs, but I was up here in 1995 representing the Hartmann Family Land Trust that owns the 64 acres that developed in the northwest corner of I-164 and Lloyd Expressway and I was here because my client spent over \$1 million to put in roads that were dedicated to the public and was somewhat concerned and bothered by the facts that public dollars were going to go to the benefit of another developer. Now I will say this, we were told at that time that the makeup would come from Virginia Street and this commission, thanks to Mrs. Jerrel, was completed this summer. Virginia Street did get done and we appreciate that because that was some of the trade-off, but it was a small trade-off. This is the mischief of TIF. You know, Mr. Spurling...here is the important...Mr. Spurling is out here on his project on Green River Road almost by Lynch. This bond issue is for Burkhardt Road. He's not going...his property is not going to benefit from this bond issue yet every time he makes an investment in this community he goes...his money, his tax dollars, go to pay off those bonds which not only don't provide a benefit, but arguably if anybody else is located on that area in

Burkhardt Road could very well go to the benefit of a competitor. It's interesting to note also, and I want you to keep this in mind and that's why I attached the minutes from the Redevelopment Commission meeting of August 25th, at that very meeting Accuride...they entered into an arrangement with Accuride to buy up to close to \$400,000, I think it is \$380,000, of personal property for Accuride to move their offices here. Well, that's great. Economic development, I'm all for it, but they're in the district and so we turned around and spent taxpayer dollars, I guess riverboat dollars, they're all the same dollars, they belong to the General Fund of the populous, of the people of the county. At the same meeting they deny Mr. Spurling on his project which has been well established since 1992. With two prior abatements being approved they turn around and are going to give \$400,000 to Accuride in the same district. Okay. The other thing that has not been taken into consideration by the Redevelopment Commission and although I have not seen any specific documents on this I feel pretty certain in this, 1995 or '96 when the projections were done for this bond issue I don't think anyone...everybody knew things were growing out there. I don't think anybody knew things were going to grow so fast and I suspect that those bonds are not only are they not in jeopardy of being paid off I think that they're well funded at this point in time. Certainly a tax abatement to continue Mr. Spurling's project could in no way, shape or form affect the ability of the Redevelopment Commission of this county to pay off those bonds which I think are over funded at this point in time anyhow with all that unanticipated development. Remember, most importantly, and I probably should have put this first, the whole reason for doing the tax abatement is to allow this project to go forward so like any other apartment developer Mr. Spurling yes can make a profit. We're all in this to make a profit, people that develop property, and to make money, but he can make money and keep his rents low so they're affordable for this growing group of people in this community, senior citizens. In conclusion, we simply would ask this body, the County Executive, the people that appoint the Redevelopment Commission, to intervene. We ask you to...we give you a choice of types of relief. To either direct the Redevelopment Commission to do the right thing and approve this tax abatement or, and this is where Mr. Harrison and I differ a little bit and he'll probably tell you that in a second, take us out and you can do that because we can show you how you can do that because it will not affect or put in jeopardy this bond issue. Remembering the fact that this is land that was not developed, not even close to being developed in 1996 and we don't even believe it was even really included in the projections of anticipated tax revenue. It's the right thing to do and we would ask you to give this request serious consideration and review the materials that we have given you and especially review those minutes of the Redevelopment Commission. I know those people on there and I don't want to be...it's not a personal thing, but they just didn't do their job. They didn't follow the statute in this particular case and made an arbitrary decision that I don't think not only is it not in the best interest of Mr. Spurling it isn't in the best interest of this community. Thank you.

President Jerrel: Before Mr. Shively leaves are there questions that you would like to ask or any issues that you would like to ask for further information?

Commissioner Mourdock: I guess the one question that I have right off the top of my head is, Les, you make the argument that the area where phase three was to be developed was never really to be considered as a revenue source as the first planning for the TIF. Do you want me to repeat the question? That being the case when the TIF was initially laid out was each block of property assessed, and I don't mean that in the classical tax sense, but was each block of property assumed to generate a certain portion of revenue? I don't recall that having happened.

President Jerrel: You might want to ask the Auditor.

Commissioner Mourdock: Suzanne?

Suzanne Crouch: I can't say that. I can't speak to that issue.

Commissioner Mourdock: Okay.

President Jerrel: At no time...the vacant land out there it was anticipated that it would develop. That's why Burkhardt was being expanded.

Commissioner Mourdock: Exactly.

President Jerrel: Is that not correct, Pat?

Commissioner Tuley: Probably.

President Jerrel: I mean, you anticipate you're going to be generating funds. Les?

Les Shively: Yes, ma'am.

President Jerrel: I need to make a comment. One of the things that the Redevelopment Commission showed us, and do you have a copy of that prospectus with you from bond?

Joe Harrison, Jr.: Yes.

President Jerrel: It was clearly stated in there that as long as the bonds...there were bonds that had not been paid off throughout the lifetime of the existing bonds, outstanding bonds, there would be no changes made in the TIF district. So that's what motivated it. If I give you a prospectus and say, here, buy these bonds for me and I give you the covenants that are in the bond and I say I am not going to change the boundaries of the TIF--

Les Shively: Well, here is what it actually says and I think I read that a moment ago it doesn't quite say that.

President Jerrel: Read it. Read it though.

Les Shively: Okay.

"The Commission for the covenants not to change, alter or diminish the area in a way that would adversely affect the owners of the 1996 bond so long as any of the bonds remain outstanding."

But I would submit though there has to be a finding by that Commission that says definitively, not a shoot from the hip type of thing--

President Jerrel: No, no, no. No, no.

Les Shively: It says if we approve this we are...I think there is a condition there.

Joe Harrison, Jr.: Can I answer something?

Les Shively: Sure.

Joe Harrison, Jr.: Because you have been bringing that up a couple of times. The statute indicates that if there is going to be a modification there has got to be specific findings, okay? Now it wasn't approved, so there weren't specific findings. As for a reason to amend the plan or to grant a tax abatement. The statute specifically says when the Commission...again, this body has no power to act upon the request of Mr. Shively or Mr. Spurling, but be that as it may it says:

"When the Commission proposes to amend a resolution or plan the Commission is not required to have evidence or make findings that were required for the establishment of the original redevelopment area."

And then it talks about urban areas, etc. So when it is proposing to amend a resolution, which is what would have been done and changing that area, it didn't have to make any findings. However, it goes on to say:

"However, the Commission must make the following findings before approving the amendment."

And those findings are what you were talking about. It didn't approve anything. You didn't have to make any findings.

Les Shively: But the motion was made in the affirmative and so, I mean, notwithstanding there still has to be something in the record to justify and explain why under their statutory authority it is being denied.

Joe Harrison, Jr.: No. That's not what the statute says. If they were going to approve it they had to give findings why they were amending the plan. That's 36-7-14-17.5. Again, I understand what you are saying. One could argue that board does have...that Redevelopment Commission does have the ability to alter the area. Notwithstanding this so long as there was a finding maybe by that Commission that, you know, the owners would not...of the bonds would not be adversely affected. One could argue that. I think that's what you were saying. However, there is also the other argument is that cannot be changed in any way nor can a tax abatement be approved by the County Council and also approved by the Redevelopment Commission. So as far as this board is concerned, no, I don't believe there is anything that they can do and I think you would agree with that, but certainly, you know, they are willing to listen obviously to anything you have to say. Also, as far as what you were indicating about not taking into consideration the tax abatement for the Spurling Properties--

Les Shively: It was taken.

Joe Harrison, Jr.: Yeah, it was.

Les Shively: I'm sorry. Maybe I misspoke. It was taken into consideration and what I am saying is to take into consideration I think further study needs to go into what extent it was taken into consideration because when Mr. Spurling first embarked upon this project in 1992 and again reiterated in '94 he was rolling this out in three phases, so one could argue that the third phase was anticipated and the same financing program would be involved. Here is the thing that I think, and there are several statutes involved here. You read from Title 36. I quote in this material from Title 6 involving tax issues. Then you also have...here is the thing that I think is of

a concern from a general...and I mentioned this earlier from the big picture perspective. Here you have the elected county fiscal body that made the following findings and they are set forth in Exhibit C. They have made the findings that this property should be designated as an economic revitalization area pursuant to Indiana Code 6-1.1-12.1 et seq and all the criteria was there. Now how...here is where you have this elected fiscal body that is elected by the people to make the fiscal decisions of the county is then vetoed without even a record by an appointed body. I mean, there is something inherently wrong with that kind of situation. Not only is a separation of powers issue which I think is significant, but to ignore the findings that were made and the resolution that was entered just two weeks prior to that meeting and just act like it didn't happen is bothersome and is, I think, worthy of further review by this...by the County Executive, the Board of Commissioners, to find out what is going on here. I mean, I really do think that is necessary and certainly is owed to Mr. Spurling for purposes of at least developing a record so we can see where this thing is going.

President Jerrel: Were you at the meeting at the County Council?

Les Shively: No. I came into this after the fact.

President Jerrel: I just wondered if anyone discussed the issue of the paragraph that you read and I referenced in the bond prospectus.

Commissioner Tuley: I would think that their counsel would have done that.

President Jerrel: I read the minutes and it was never mentioned.

Les Shively: I have not...I don't have a copy of the minutes with me. I have seen the minutes and I do agree with Mrs. Jerrel in terms of the County Council meeting I certainly didn't see any reference--

President Jerrel: Yes, it was never mentioned.

Les Shively: --to any comments. Let me ask you this, and, again, if I am delving into areas that are privileged communications I don't mean to do that, but has this issue been discussed with bond counsel? I believe Mr. Downs of Ice Miller, was he bond counsel on this? Or did you check with H.J. Umbaugh & Associates to see specifically what were in those projections?

Joe Harrison, Jr.: I have not had any discussions with them.

Commissioner Tuley: I have not either.

Les Shively: Okay.

Commissioner Mourdock: Let me go back to a most practical point and maybe an expedient one. Joe, in your response a minute ago you were saying that this, and you used the word Commission several times, and I want to define which Commission you're speaking of here. You're saying this County Commission has no authority to direct formally the Redevelopment Commission to do anything, is that correct?

Joe Harrison, Jr.: No statutory authority whatsoever to do that. We appoint the board.

Commissioner Mourdock: Right, I understand.

Les Shively: I don't think there is anything preventing or state law to communicate with your appointees or to make a suggestion to your appointees how they might handle this particular situation. I guess that's what we're here this evening to do to see if that is a possibility, if that is a thought you might entertain after some review.

President Jerrel: Any comments?

Commissioner Tuley: I would have a hard time redirecting the Redevelopment Commission since they were appointed and asked to fill a role. However, I would not be opposed to the possibility of changing the boundaries if at all that is possible within our realm of authority. Because I think if you check the numbers with what was projected here if nothing else was put up out there we are going to retire those bonds. We're not asking for an abatement for a restaurant or a shopping center or anything like that that we have plenty of, but there is a need in this county for affordable housing for senior citizens and that is why I spoke at the Redevelopment Commission and asked them to give positive approval of their request. I did, as you can read in the minutes, say I was not speaking on behalf of this board. I was speaking as one Commissioner and I still stand behind that. I think that in the long run we've got to look at the big picture and meeting the needs of this community yet not adversely affecting the ability to pay off these bonds.

Commissioner Mourdock: The only problem I have with that, Pat, is in my view of looking at the big picture I think if we say as a public body, oh, we're going to take these...we're going to take care of these bonds given this area that we've got, then we're opening the door for other people who are marginally along this area to come in and say, gee, since you've already said in a public meeting you've got enough area to take care of those bonds please take mine out so I can get the tax abatement, too.

Commissioner Tuley: That is a potential problem and I recognize that and that's why I said when it meets the specific need of a community I don't think too many people will argue that maybe there is not a need for affordable public housing for our elderly citizens as opposed to whatever else may come before us. I think at that time you have a valid reason to draw a line in the sand and say, no, we're not going to do that. Again, that is my feelings, my opinion.

President Jerrel: I'm sorry that Mr. Robling isn't here because the tax abatement is permitted for two or three specific items. Council has normally focused upon job creation for tax abatement and this particular project is a project that I can't recall the exact language, but it managed to meet some facet of it because there was a long discussion in 1992 about when you review these projects periodically the fact that there were only a very small number of employee positions created. Six is the number that comes to mind or less and there were no new ones created. That was the discussion and then I left that board and I did not have any further contact with it. But Mr. Robling, in my opinion, should have expressed not only those issues, but the Council should have been made aware that the language is clear as long as there are outstanding bonds the TIF area should not be changed. That is given to everybody that bought a bond or was thinking about buying a bond and I think that is the issue. I think that is the issue that influenced the Redevelopment Commission.

Les Shively: Again, I respectfully disagree and I think the minutes paint a different picture, but moreover I also respectfully disagree with the interpretation of 15B of the

bond resolution. I don't believe it has qualifying language in there. Again, I would ask and I wanted Mr. Robling's input. It's too bad he is not here this evening, but, again, I would be interested to know what Mr. Downs, and I am assuming it's Mr. Downs, of Ice Miller. I may be wrong on that, but I would like to know. I've made some inquiries based upon some contacts that I've had representing other municipalities of other law firms in Indianapolis that do bond work and I don't want to mention who they are because they were giving some information to me as a favor, but a lot of my interpretation here is a result of my colleague in Indianapolis guidance and I would be curious to know what Mr. Down's approach would be on this thing in terms of whether the remedy Mr. Tuley has suggested, whether that can be done where you can take something out provided you can make a showing that it won't jeopardize the ability to repay those bonds and will not anyhow be a violation of the indenture of those bonds. I would just appreciate some guidance from the attorney that expressed the opinion when the bonds were sold. That might be helpful to all of us.

President Jerrel: That would have been helpful if what our attorney suggested they had wanted to do and that is to make a change, then they would of had to of had findings.

Joe Harrison, Jr.: Still the issue is what came before that board it's my understanding, and I may be wrong on the Redevelopment Commission, it was a tax abatement question, was that correct?

Les Shively: Regarding the--

Joe Harrison, Jr.: What was before the Redevelopment Commission? What was the issue?

Les Shively: Mr. Spurling--

Joe Harrison, Jr.: Yes, what was his petition?

Les Shively: His petition was for tax abatement.

Joe Harrison, Jr.: Period?

Les Shively: Period.

Joe Harrison, Jr.: Okay. He did not petition to alter the boundaries of the district?

Les Shively: That is correct. That is correct, but I think that altering that...if the district is altered then the decision of the elected fiscal body, that is the County Council, stands. That's the posture that we're trying to put this thing in. If we can do that--

Commissioner Tuley: Who has statutory authority to change it?

Les Shively: --without affecting the integrity of the bond issue.

Joe Harrison, Jr.: Redevelopment Commission.

Commissioner Tuley: Redevelopment Commission only?

Joe Harrison, Jr.: Yes.

Les Shively: I mean, I think Mr. Spurling actually went there in good faith thinking, gee, he had the vote of the County Council, he had a Commissioner and a Council person supporting him and he went there up front to have approval not thinking that he was going to have to file a petition or make a request to change the boundaries. But you're right, that's all that was before them. You're right, Joe.

Commissioner Tuley: Are you of the opinion as counsel, as Joe is...I don't want to call him counsel it sounds like we're too formal here...that only the Redevelopment Commission can change those boundaries?

Les Shively: I think that they are the ones that established the boundaries. Yes, I think that's how I understand the statutory scheme. Again, I don't profess to know as much as these attorneys that work in this area day in and day out and write these opinions so these bonds can be sold, but that's how I read the law. It's the Redevelopment Commission that can do that, yes. Yes, sir, that's correct.

President Jerrel: Okay, let's have a little finding of fact up here. Do we have the authority to make any decision on this? Okay. The Redevelopment Commission is the body that drew the line so they're the body that must make the change if they so desire to make a change. They didn't desire to make a change.

Joe Harrison, Jr.: Well, no. There hasn't been...they haven't been asked to make a change.

President Jerrel: Right, okay.

Commissioner Mourdock: If there was a change they would be the one that would have to be asked.

Joe Harrison, Jr.: That's correct. They were asked to grant tax abatement.

President Jerrel: So--

Les Shively: What you're saying is if we want to pursue the remedy of getting out of the district we need to go to a different body. That is the body that created the district, is that what you're saying, Mr. Harrison?

Joe Harrison, Jr.: That's up to you.

Les Shively: I know you're not saying whether that can be done or not, but is that what...it's not this body that can change the district, but it is the Redevelopment Commission that can change the district.

Joe Harrison, Jr.: I think you agree with me on that issue.

Les Shively: I do agree with you on that issue.

Joe Harrison, Jr.: Okay.

Les Shively: We'll leave here tonight on that agreement.

Commissioner Tuley: A positive one agreement.

Les Shively: How about that?

President Jerrel: Thank you.

Les Shively: Thank you very much.

Any group or individual wishing to address the Commission

President Jerrel: Okay, at this time on our agenda is there anyone that wishes to speak to this group?

County Engineer

President Jerrel: If not, move to the County Engineer. He isn't here this evening and he did submit some information for us in preparation for next week's road information hearing.

Commissioner Mourdock: In looking at the information that he did submit to us I think it's almost necessary that we go through this on a motion by motion basis.

President Jerrel: Okay.

Commissioner Mourdock: So I'll try to keep from reading this word for word, but first of all John provided us with a Notice to Bidders for contract VC99-12-01 for the Old Henderson Road bridge removal and replacement. The Notice to Bidders needs to be approved for advertising on November 26th and December 3rd. This would allow bids to be opened on December 13, 1999. So with John's recommendation I would move approval of the Notice to Bid.

Commissioner Tuley: Second.

President Jerrel: So ordered. I think if there isn't something in there I'll put this in for initialing.

Commissioner Mourdock: Okay, his second point was last week he recommended that we defer a decision on a Broadway Avenue Bridge project and have it come forward tonight. He requested that item be deferred at that time so he could have additional time to determine how much additional time should be granted to the contractor. In checking that he determined that a Notice to Proceed was issued on October 22nd of this year. However, due to the relocation of electric lines and water lines the contractor was unable to close the bridge until November 3rd. This caused the contractor to have an 11 day delay, so as a result he is recommending that the completion date be extended 11 days. I would so move.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: He has also attached change order number three for the Fulton Avenue Bridge project. The change order results in an increase of \$39,065.60. The county will be responsible for 50 percent of that change order. The change order is needed as attached and I would move the approval of the change

order as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Last but not least, he has a change order number four on the Fulton Avenue Bridge project that results in an increase of \$32,902.70. The county's final portion of that increased amount is \$7,332.60 with other parts of the charge going to the City of Evansville and to SIGECO. I would move the approval of that change order.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle - Superintendent of County Garage
--

Erik Bentle: County Garage.

Erik Bentle: Erik Bentle, County Garage. You have my reports for this week. The only other thing I have is employment changes. We have the buy out for Stan Lutz on the last four pages of the report and the other one would be the leave of absence without pay, but with insurance for Tim Miles and I was asked to discuss that with you about the insurance. Whether or not you was going to leave that with insurance or without.

President Jerrel: I think to be consistent it probably should be with insurance.

Commissioner Tuley: Based on past practice I would have to agree with you.

Commissioner Mourdock: To be consistent, yeah. I'll move approval of the Vanderburgh County Highway report as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: Thank you.

Commissioner Mourdock: A question, Erik, before you go did the shoulder machine, did you get your piece in?

Erik Bentle: Yes, we did. We finished Darmstadt Road today.

Commissioner Mourdock: Ah.

Erik Bentle: From the city limits to Darmstadt.

Commissioner Mourdock: I'll inspect it on the way home tonight.

President Jerrel: Is it working well.

Erik Bentle: Yes, it works real well. It looks good. We've got about a mile left to do coming back in towards town, but other than that it is finished.

President Jerrel: Good.

Erik Bentle: We did it all in one day and there is no way you can do that with the other equipment we had.

President Jerrel: Oh, no.

Commissioner Tuley: What are we doing on Fisher Road?

Erik Bentle: Fisher Road we're replacing four culvert pipes altogether starting tomorrow.

Commissioner Tuley: Okay. This is self serving and I hate to even go here, but there was a patch made one house up from my house on Magnolia.

Erik Bentle: Uh-huh.

Commissioner Tuley: There was some kind of piping, ditching, culvert replacement at the corner of West Haven and Caren Drive.

Erik Bentle: Uh-huh.

Commissioner Tuley: Would you take a drive through the rest of that subdivision and see that there is not a whole lot more other areas that need it?

Erik Bentle: There is a whole lot more to do, yes.

Commissioner Tuley: Can you get back as to when something may be done in the works for that because that road is literally sinking in a lot of places.

Erik Bentle: It is, it's falling apart, yeah. It's in the works, I can tell you that. As far as time limit I haven't got anything down on paper yet, but it is in the works.

President Jerrel: The weather is going to be a factor too.

Commissioner Tuley: Oh, I know it is now.

Erik Bentle: We're trying to get as much of that concrete work done as we can while the good weather is in.

Commissioner Tuley: Was there a specific request for that one that got it fixed because someone had to recognize the rest of that had a problem, too.

Erik Bentle: Somebody had called in on that. I think it was caving in right there.

Commissioner Tuley: Yeah, it was.

Erik Bentle: And they went out and seen it to be a hazard so went ahead and fixed it right away, but there is more out there to do.

President Jerrel: You need to call in.

Commissioner Tuley: I'm going to call in right now. To the south of 2525 Caren Drive the road is collapsing and I would like to have it fixed.

Erik Bentle: You got it. That's easy enough.

Commissioner Tuley: Okay.

President Jerrel: Are you making some progress on Kiowa Drive?

Erik Bentle: Kiowa Drive, they are doing the concrete work over there now that they have contracted out. They have started on it. As far as how much they have got done I'm not for sure, but I do not...I got a call today on a mess they left so we've got to go over there and clean up, but yes they have started it.

President Jerrel: Thank you.

Commissioner Tuley: Thanks.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: Nothing.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Nothing.

Steve Craig - Burdette Park

President Jerrel: We have reports for Burdette, Soil & Water and Ozone.

Commissioner Tuley: Steve is here.

President Jerrel: Oh, excuse me.

Commissioner Mourdock: Steve Craig.

President Jerrel: And he has something to say. I'm sorry. Come up, Steve. I stood right outside and talked to him about it and that's how...

Steve Craig: Steve Craig from Burdette Park. What I had talked to Bettye about, we are in the process of applying for grants for the Discovery Lodge and that and we're working on 20 of them right now, but what I had told her the first five that we had sent out a week later we received one from Bussing-Koch Foundation from Wilford C. Bussing III for \$5,000 and that was the first one we sent out.

President Jerrel: He is doing them alphabetically.

Steve Craig: Yeah, we're in the Ds out of the book right now.

President Jerrel: I think it's wonderful, Steve. I think...you know, we did a presentation of things that are going on after the legislators were here trying to put that all in context. By the way, there is a meeting that they sent a notice of and I started circulating it on the end of this month if we want to make a presentation to them.

Commissioner Mourdock: They meaning the state legislators?

President Jerrel: Yes, at Aztar in the dining room or some room over there. But if you could get something a little more to let them see that we're working on grants of our own to go with the money that they may find available for your project that might help too.

Steve Craig: Jonathan Weinzapfel had came out to Burdette on a Saturday and met with Joyce and I and went through the program so that he could fully understand what it was about because he is kind of new on the job and came in as an afterthought, but he seemed very interested in it and has wrote some letters for us and said that he is going to cooperate with us on it.

President Jerrel: Good. Well, that's a good idea.

Steve Craig: Any other questions?

President Jerrel: Thank you.

Steve Craig: Thank you.

Weekly reports

Commissioner Mourdock: I'll move acceptance of all the county department head reports.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Just a question, we did not get one from Sheriff Ellsworth on the jail, did we?

President Jerrel: No.

Commissioner Mourdock: I did not see it.

Commissioner Tuley: He was gone.

President Jerrel: But he was gone.

Commissioner Tuley: I can vouch for why we don't have that one.

Consent items

President Jerrel: Is there a motion to approve the consent items?

Commissioner Mourdock: Motion to approve as filed.

Commissioner Tuley: I want to just put something on the record. In my absence last week there was an Executive Session regarding a couple of the employment changes outlined by Erik Bentle, correct?

Commissioner Mourdock: Correct.

Commissioner Tuley: Okay, and there was a finding of fact, so to speak, and a recommendation made as to--

Commissioner Mourdock: That is correct and, in fact, the Executive minutes that we approved last week at the regular meeting referred to the fact that we dealt with county personnel issues at that time.

Commissioner Tuley: Having that on the record I'll second the motion.

President Jerrel: So ordered.

Old business

President Jerrel: Under old business.

Commissioner Mourdock: Just as a reminder, I guess it's old business, the jail committee will be again meeting tomorrow night at 5:30. Tony, is that in the room back over here? Okay, and I know, Pat, with your recent visit to the PONI meeting and, Bettie Lou, if you're going to be town that would be very helpful.

President Jerrel: I'm looking forward to hearing it.

Commissioner Tuley: We...Sheriff Ellsworth, Chief Deputy Williams, Councilman Raben and myself will be at the jail committee hearing tomorrow night and give you a presentation on what we learned.

President Jerrel: Good.

New business

President Jerrel: Okay, any new business?

Commissioner Mourdock: I would just note for the record that I received from Tony on the 17th that the formal ribbon cutting ceremony for the new Centre will take place at noon on New Year's Day and immediately thereafter the new office holders will be sworn in, I think. That sounds like a good plan. So as far as we know everything will be ready with the auditorium and we will be set and ready to roll. So the first day of the millennium we will be cutting a ribbon.

President Jerrel: Good. Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:02 p.m.

Those in attendance:

Bettye Lou Jerrel	Richard E. Mourdock	Patrick Tuley
Joe Harrison, Jr.	Suzanne M. Crouch	Charlene Timmons
Tony Greubel	Jerry Bryan	Roger Lehman
Bob Quick	Les Shively	Erik Bentle
Steve Craig	Others unidentified	Members of media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
November 29, 1999**

The Vanderburgh County Board of Commissioners met in session this 29th day of November at 5:37 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'm going ahead with the formalities. Commissioner Tuley is here and he is doing an interview so we can start and be ready to move so that...I know it is uncomfortable for everybody, but City Council has their own chambers and this is what we have. I'm going to call the Board of Commissioners to order and I'm going to introduce the people before you. On my far right is Tony Greubel. Tony is the Superintendent of County Buildings. Next to him is Joe Harrison, Jr. and he is the County Attorney. This will be Commissioner Pat Tuley when he gets through. On my far left is the lady who has to take the verbatim minutes, Charlene Timmons. She gets to type them all up from Monday to Friday, so she hopes that we all say things, you know, concisely so she doesn't have a lot of typing. Next is Suzanne Crouch our County Auditor, Commissioner Richard Mourdock and my name is Bettye Lou Jerrel. I'm going to ask you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: And I'll move approval of the minutes in our packet for the meeting of November 22, 1999.

President Jerrel: And I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of our Executive Session.

Commissioner Mourdock: And I'll move approval of the summary minutes of tonight's Executive Session. The session began at 5:00 and ended at 5:30 and dealt solely with county personnel issues.

President Jerrel: And I'll second and say so ordered.

Jerry Bryan - City/County Purchasing

President Jerrel: The first action item on the agenda is the Purchasing Department. If you don't mind we'll let these people run through quickly so that they...this may not be their topic.

(Commissioner Tuley joins the meeting)

Jerry Bryan: Good evening. The first bid that I have is the bid tabulation for the printing of the tax bills. You have the summary in your packet. We recommend

Standard Register as the other bidder, Reynolds & Reynolds, was not responsive and their bid was not complete.

Commissioner Mourdock: I'll move approval of the award VC2000-01 for tax bills and note that the comments made by Mr. Bryan regarding the compilation of the notes are included in our packet.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

<p>Public hearing and first reading Ordinance amending Chapter 2.32.100</p>
--

President Jerrel: Okay, now we're ready for the Eickhoff/Koressel--

Commissioner Tuley: No, we have the first reading of an ordinance first.

President Jerrel: Oh, pardon me. I'm getting in a hurry. First reading of public ordinance amending Chapter 2.32.100.

Commissioner Mourdock: On first reading, Joe, do you want to talk about it? We have before us a first reading for a revision of Chapter 2.32.100, an ordinance regarding Weights & Measures. Is it necessary that we read this into the record, Joe?

Joe Harrison, Jr.: The only thing I would add or read into the record would be the provision that is going to be amended and it's 2.32.100(F)3 - Commodity Regulations. Essentially it's all commodities when required to be bought or sold by weight must be bought or sold by net weight and all commodities required to be bought or sold by measure or count shall be accurate. That's what changed.

Commissioner Mourdock: Okay, and with that quote in the record I would move approval on first reading of the ordinance as proposed.

Commissioner Tuley: I will second.

President Jerrel: And I'll say so ordered.

<p>Eickhoff/Koressel (University Parkway) discussion</p>

President Jerrel: Okay, now we're ready for the Eickhoff/Koressel information session. I can't tell if John Stoll is here.

Commissioner Mourdock: He is here somewhere.

Commissioner Tuley: He is here somewhere.

President Jerrel: John, can you work your way out here?

John Stoll: Okay, as a brief overview of the project the project was originally--

President Jerrel: May I ask a question?

John Stoll: Sure.

President Jerrel: Can you all hear John?

Response: No.

President Jerrel: Okay.

John Stoll: Okay, as the project was originally proposed it came up as part of the EUTS year 2000 recommended transportation plan. This was proposed back in 1979. This project will consist of the construction of 4.838 miles of new road between the Lloyd Expressway and Diamond Avenue. The road will be constructed on an entirely new alignment rather than along existing roads. This is done to minimize the acquisition of houses that are currently located along existing roads such as Eickhoff Road and Koressel Road. This road will have four 12 foot travel lanes with ten foot shoulders. The median on the road will be 60 feet. There will be a partial control of access on this road which means that where possible we'll buy the rights of access on the road to prevent driveways from being located along the road, along the entire length of the road. There will be some locations where large parcels of land will have an access, but for the most part we'll buy the rights of access as much as we can. The road is going to have a 60 mile an hour design speed and a posted speed limit of 55 miles an hour. The construction of the road between Lloyd and Diamond will require the acquisition of approximately 179 acres of right-of-way. This information was originally submitted as part of the design hearing information packet that was passed out at the original public hearing back in December of 1993. Since that time no changes in the alignment have been made. This is basically the same project that was shown at the public hearing back in 1993. As a result of that public hearing the...as a result of addressing the questions and comments that came up as part of that public hearing the Indiana Department of Transportation satisfied...we satisfied the INDOT requirements for public hearing on the project, so as a result of that INDOT granted design approval on this project in November of 1996. Since that time we have pursued the right-of-way. We've gotten the legal descriptions drawn up for the first two miles of the road. As it stands now we have not started any right-of-way acquisition on the project, but that would be the next step. In conjunction with the project we'll have at grade intersections at Hogue Road, Upper Mount Vernon Road, Marx Road, New Harmony Road and Diamond Avenue. Each of those roads will have a stop controlled intersection. Other than that, that is a brief summary of the project. I don't know if the next thing you want to do was address the 11 questions that were submitted.

President Jerrel: Yes, I think...isn't that what--

Commissioner Mourdock: I just have one question.

John Stoll: Sure.

Commissioner Mourdock: Just so everyone can visualize what we're looking at by basic design is it accurate to say the new Lynch Road is pretty close to this as far

as the access to it?

John Stoll: Right. The access to it will be similar. We will have a few more access points on Eickhoff/Koressel than we would on Lynch simply because of the large parcels of land. We can't go out and buy the entire 40 acre tract of land or something like that, but as far as the overall design goes it will be a comparable road design other than the fact that it will have a substantially wider median.

Commissioner Mourdock: Okay.

President Jerrel: We did ask that we could have people here to address questions and Susan Wolf sent us a list of questions so we were just going to start if that is okay with everybody. We'll go down the questions and have a response to them.

Commissioner Mourdock: We'll need to read the questions in the record.

President Jerrel: Okay, yes.

Commissioner Mourdock: Do you want me to do that?

President Jerrel: Yeah, that's fine.

Commissioner Mourdock: Okay, the first question then submitted was:

"Please explain in detail the planned traffic pattern and flow at the intersection of the proposed road, Highway 62 and the university entrance."

John Stoll: As the Eickhoff/Koressel project is currently planned there are no changes that will be made at the interchange at the Lloyd Expressway and the USI entrance. The Eickhoff/Koressel project starts at the north end of the interchange and runs northward, so it won't entail any construction within the interchange as it is currently designed. The proposed traffic pattern will be basically the same traffic pattern that exists out there right now other than the fact that there is the possibility that traffic signals could be installed at the ramp intersections with Eickhoff/Koressel. That would only be if signals were warranted at the end of the ramps at some later date. That would be determined through traffic studies to determine if the traffic volume warrants spelled out in the manual on Uniform Traffic Control Devices would indicate that there was a need for a traffic signal.

Commissioner Mourdock: And I suspect someone is thinking this question so I'll ask it. What does the traffic count have to be to have the warrant that you're talking about for the stop light?

John Stoll: It's based on hourly volumes so there is a number of different warrants that could be met. One of them involves 900 vehicles per hour on the main line and 100 vehicles per hour on the side street. Another one, I believe, is 400 to 500 vehicles per hour on the main road and 200 per hour on the side streets. So the warrants can vary. I mean, you can't really just decide and say 20,000 cars meets a traffic signal or something like that. It depends on the hourly traffic volumes.

Commissioner Mourdock: Okay. The second question we had submitted starts with a statement here:

“The road falls away when making a left turn east onto Highway 62 from the overpass. Is this an acceptable construction practice?”

John Stoll: Yes, it is acceptable. The interchange when it was designed met all state and federal design criteria that were in effect at that time.

Commissioner Mourdock: Okay. The third question actually has two parts:

“What are the most recent projections for traffic volume on the proposed road and what is the date of the most recent study?”

And maybe Rose can--

John Stoll: Rose can probably address that better.

Commissioner Mourdock: This is Rose Zigenfus who heads up the Evansville Urban Transportation Study.

Rose Zigenfus: Good evening. The most recent traffic study that was done is the design summary...final design summary report and that was dated September, 1996. The traffic volumes that were used for the projections for this particular project, the first section between 62 and Upper Mount Vernon Road is 17,740 vehicles per day. The section between Upper Mount Vernon and State Road 66 is 11,200. Those are the most recent and the volumes that were used throughout the project design planning.

Commissioner Mourdock: Okay, let me clarify something. You said the design summary of '96 is the one that is most recent.

Rose Zigenfus: Yes.

Commissioner Mourdock: And the original design, since there was design work prior to that, was when?

Rose Zigenfus: 1993.

Commissioner Mourdock: In '93.

Rose Zigenfus: They used the same numbers throughout. I'm using the most recent document as a basis for the numbers.

John Stoll: And that is the document that was submitted in order to get final design approval.

Rose Zigenfus: Final design.

Commissioner Mourdock: To INDOT?

John Stoll: Right.

Rose Zigenfus: Right.

Commissioner Mourdock: Okay. The fourth question:

"Is this an appropriate plan given the proposed changes for the USI entrance?"

President Jerrel: Is Sherrienne here?

Commissioner Mourdock: Yes.

Sherrienne Standley: Hi, I'm Sherrienne Standley, Vice President for Advancement at USI. I did bring a copy of our most recent master plan update that shows what we propose to do with our campus roadway system and I would be happy to leave a copy of this with you, but what we plan to do basically is to shut off the boulevard at about Clark Lane and force all of the traffic either to the right or to the left.

Commissioner Mourdock: And where is Clark Lane on your map?

Sherrienne Standley: It's right after you cross the overpass. It would be right here.

Commissioner Mourdock: Okay.

Sherrienne Standley: Clark Lane is the first road...after you come over the overpass Clark Lane would be the first road on the university property to the left and to the right. We would have to eliminate some of the first parking lot in order to make this roadway construction possible. Basically, what we're trying to do is to move the vehicular traffic to the back areas of the campus so that the pedestrians have safer transit up closer to the buildings and this plan was approved by our Board of Trustees within the last two years. In '97, Cindy says. I would point out that we don't have the funding for this transportation improvement at this point so I cannot give you a time line. We will be going to the legislature to see if we can get some assistance with how we would pay for this improvement.

President Jerrel: You want to do the next since Sherrienne is up there?

Commissioner Mourdock: Okay, before I ask that question though, given what you just said of the funding I presume, and tell me if this is not what the thinking is, you're going to wait to go for that funding until you see what happens on the other end? In other words, what the county does, is that accurate?

Sherrienne Standley: No. This will be done regardless of what happens with Eickhoff and Koressel.

Commissioner Mourdock: Okay. Next question:

"What are the present and project enrollments for USI?"

Sherrienne Standley: I'll be glad to leave this with you also. Our current enrollment is 8,695. That's the fall headcount. It's an unduplicated headcount. We project a three to five percent enrollment increase per year, so if you project that out to 2005 we would be somewhere between 10,300 and 11,600 in headcount.

Unidentified: Can I ask a question, please?

President Jerrel: Sure. You want to--

Unidentified: What was the headcount in '96?

President Jerrel: You want to come over?

Commissioner Mourdock: Yeah.

President Jerrel: We need to get--

Sherrienne Standley: In 1990...do you need his name?

President Jerrel: Well, yeah, because we like to keep--

Unidentified: My question is what was the headcount in 1996 when the study was done?

Commissioner Mourdock: State your name and address please, sir.

Paul Vandendorpe: Paul Vandendorpe, 8425 Hogue Road.

Sherrienne Standley: In 1996 the headcount was 7,763.

Paul Vandendorpe: Okay, and in 1993 when your study was originally done what was the headcount?

Sherrienne Standley: Seven thousand five hundred and fifty-one.

Paul Vandendorpe: So we've had an increase of over a third since then of traffic coming into the college since the study was done.

Sherrienne Standley: That's not quite a third. It's from 7,551 to 8,695. Is that a third?

Paul Vandendorpe: I'm sorry, I was wrong.

President Jerrel: About 1,100.

Paul Vandendorpe: Eleven hundred people.

President Jerrel: Yeah.

Paul Vandendorpe: Eleven hundred vehicles.

Commissioner Tuley: Not necessarily.

Sherrienne Standley: Not necessarily vehicles.

Commissioner Tuley: With all the housing.

Paul Vandendorpe: Not necessarily.

Sherrienne Standley: Because you need to know that our enrollment patterns have shifted. Cindy and I were talking about this earlier. Our enrollment used to be over 50 percent from Vanderburgh County. It is now 34 percent from Vanderburgh County, so a lot of our students are coming from out of the county and from all of Indiana's 92 counties now.

Paul Vandendorpe: But they still drive.

Sherrienne Standley: Not all of them drive, no. We have METS bus service and a shuttle service on campus that takes care of a lot of the transportation.

Paul Vandendorpe: That's my question, thank you.

Commissioner Mourdock: What percentage, if I may ask, of the students live on campus?

Sherrienne Standley: We have 2,500 students now in campus housing.

Unidentified: Thirty percent.

Sherrienne Standley: Thirty percent of our student population.

Commissioner Mourdock: Has that ratio...that has probably changed over the years as you've gotten new dorms?

Sherrienne Standley: Oh, yes, absolutely. We've become much more residential then we used to be. We are now the second most residential campus among the public institutions in Indiana. Second only to Purdue/West Lafayette in the proportion of students who live in campus housing.

Commissioner Tuley: May I ask a question to follow that up then too? With projected enrollment my assumption is, and I'm sorry you may have covered this while I was out in the hallway, but I assume there will be projections for more housing and have you got any figures on that and what the hope for the growth is for housing? What I am saying is your population goes up given the fact that most of your count...you're getting a lesser amount of residents from Vanderburgh County there and more from all over I assume you're going to have more houses as well?

Sherrienne Standley: This is Cindy Brinker. She is Associate Vice President for Business Affairs.

Cindy Brinker: Thank you. We have projected to open one new...we have one building under construction right now that will house 180 residents that will open in the fall of 1999...excuse me, 2000. We have another resident hall that will house 228 students that we project will open in the fall of 2001 that is yet to receive approval. At that point we do have an agreement with the Commission for Higher Education for measured increases in our student housing that we put onto our campus based on the number of residents that we serve within our 13 county area...or 11 county area which is Region 13 in Southern Indiana.

Commissioner Tuley: Thank you.

President Jerrel: Let's see. While we've got you up here let's see if there are any other university questions.

Susan Wolf: Could I ask a question?

President Jerrel: Sure.

Susan Wolf: Pertinent to that. Susan Wolf, 8727 Upper Mount Vernon Road. With

this question about the entrance to USI I don't know, I couldn't see the map. Where would the new...can you tell us where the new entrance would be when you close off the other? Where would...off the...would there be an entrance off of the highway onto the campus?

Sherrienne Standley: There is another proposed...I don't know that it is an entrance or an exit. John and I talked about this because there haven't been any drawings done on this plan.

Susan Wolf: Okay.

Sherrienne Standley: I mean, this is just from a consultant for the master plan and we haven't done any of the engineering work or anything on this, but it does show a circle, you see, that goes around the campus and there would be another entrance onto 62, but I don't know if it would be an entrance or an exit but it would be...I don't know if you remember where the little rest park used to be about halfway between McDowell Road and the overpass?

Susan Wolf: Right.

Sherrienne Standley: It would be right in there in that area right there.

Susan Wolf: Okay, so then how would they get across? Whichever way they came how would they get across?

Sherrienne Standley: There would not be a crossing.

Susan Wolf: Okay.

Sherrienne Standley: From our point of view there would not be.

Susan Wolf: It would only be an exit from the university.

Sherrienne Standley: Yeah, it would only be another way.

Susan Wolf: How would they enter the university from the highway?

Sherrienne Standley: I don't know that it would be an entrance. That hasn't been determined.

Susan Wolf: Do you see my question?

John Stoll: You would still enter at the interchange.

Susan Wolf: How do you get...you would enter through the interchange? The overpass?

John Stoll: Right.

Sherrienne Standley: Right, right.

Susan Wolf: Oh, okay. So that...the Eickhoff/Koressel would be a viable part of one way or the other into or out of the university at that point?

Sherrienne Standley: Yes.

Susan Wolf: Okay, I'm sorry. I didn't get that because I didn't see the picture.

Sherrienne Standley: I wasn't explaining it very well.

Susan Wolf: That's okay.

Sherrienne Standley: Pardon me.

Susan Wolf: Thank you.

President Jerrel: We have another...do you have a question, Shirley? You want to come up?

Shirley James: In your new...I'm Shirley James and I live at 6521 Middle Mount Vernon Road. My question is in your new master plan have you any plans to make entrances and exits to the university from another area like Broadway? That would help our Lloyd problem.

Sherrienne Standley: It is not a part of this master plan, but we have talked about the possibility of doing that someday, but I don't believe it is included in this master plan. We have recreational fields right now that are off of Broadway Avenue and we have had some discussion about putting in some sort of a roadway that would lead from the main campus to those recreational fields. If we did that it would be a natural kind of a progression to have another entrance on Broadway.

President Jerrel: Do you all mind staying in case after we go through these questions that people would like to ask other questions of you?

Sherrienne Standley: No, I'd be happy to do so.

President Jerrel: We appreciate it. Rose, don't go away.

Rose Zigenfus: No.

President Jerrel: Okay, you want to go ahead?

Commissioner Mourdock: The first part of question five was what are the present and project enrollments for USI. We just heard those. The second part is:

"What are the county's plans to handle the increased auto traffic resulting from the university growth?"

John Stoll: There are two things that are in the works. One is the construction of the Eickhoff/Koressel project and the second thing is part of the EUTS year 2015 and year 2020 recommended transportation plans. Both of those recommended transportation plans call for the widening of the Lloyd Expressway to six lanes out to the university, so the combination of those two projects are being proposed to help alleviate the increases in traffic.

President Jerrel: Go ahead.

Commissioner Mourdock: Okay.

Unidentified: Could I ask a question?

President Jerrel: Sure.

Commissioner Mourdock: Sure.

Unidentified: How many people...how many families--

Commissioner Mourdock: You need to--

Unidentified: --are going to be displaced by the widening of Eickhoff Road and Koressel Road?

Commissioner Mourdock: Excuse me, ma'am. One of our rules of thumb here...scratch that. One of our ironclad rules anyone who speaks, because Charlene has to do all the notes verbatim, we need everyone's name and address and the only way with our sound system that works is if you come to the microphone and state your name and address, please, so please do that.

Unidentified: I'd be happy to.

Commissioner Mourdock: That way the people in the hall have at least a chance of hearing you.

Mary Ellen Tavenner: My name is Mary Ellen Tavenner and I live at 350 South Eickhoff Road very near the intersection of Eickhoff and the exit from the university. So I wonder how many of us are going to be displaced by the proposed change?

President Jerrel: Would it be appropriate for the engineer to speak to that? Can you speak to that one?

Commissioner Mourdock: Thank you.

John Stoll: This information is from the design hearing...design hearing information packet that was present back in 1993. Since we've made no alignment changes since then this number would still be the same which the relocations would be five.

Commissioner Mourdock: And by five that is five occupied dwellings?

John Stoll: Correct.

Commissioner Mourdock: Okay, question number six:

"Will the proposed road cross railroad tracks at grade level or will there be an overpass?"

John Stoll: There will be a bridge over the railroad.

Commissioner Mourdock: Okay. Question seven--

President Jerrel: Wait a minute. There is a--

Commissioner Mourdock: I'm sorry.

Rebecca Whitehouse: Hi, I'm Rebecca Whitehouse.

Commissioner Mourdock: You need to come to the microphone.

Rebecca Whitehouse: I live at 8811 Marx Road. My question is involving the five relocations. I don't know what criteria you have for relocations, but obviously nobody wants a highway that is 100 feet from their house. What are your criteria when you decide a relocation as opposed to not a relocation?

John Stoll: If the right-of-way take necessitates acquiring the house, basically the right-of-way lines go into the house to the extent that it is not usable. I mean, actually physically gets into the house. Not if it is within 100 feet of the house, that is not going to be acquired as a relocation. That will just be the property being acquired, so the right-of-way has to run through the house itself.

President Jerrel: I have to ask you a question. This is not defined as a highway, is that...that was the description.

John Stoll: It is a four lane divided roadway.

President Jerrel: Okay, well I just wanted to make sure we were all talking about the same thing.

John Stoll: It's not an interstate or anything like that.

President Jerrel: You want to go ahead?

Commissioner Mourdock: Where was I? I had the one on the railroad. Question seven that was submitted:

"How will you provide a safe traffic flow at grade level intersections?"

And then the comment was also added to this question:

"Note this proposed road crosses every major east/west road in western Vanderburgh County north of Highway 62."

John Stoll: The intersections that will be at grade will be at Hogue Road, Upper Mount Vernon Road, Marx Road, New Harmony Road and Diamond Avenue. Each of these will be controlled by stop signs. These are all going to be designed in accordance with all current design standards and all approaches to these intersections will be relatively flat ranging from point four percent grades to three percent grades. Given that type of roadway profile there will be adequate site distance to see oncoming vehicles and that will allow the intersections to operate safely. If need be in the future if the traffic volume warrants are met either flashing lights or traffic signals could be installed at those locations at a later date as well, but there are no current plans for flashing lights or traffic signals at those intersections.

Commissioner Mourdock: Okay, so going back, when you first started, John, before I started reading the questions you used the phrase...oh, where it is. You said, at grade intersections there will be "stop controlled intersections". So just so no one thinks that is a magic engineering word or something that's not saying for sure it's a stop light. It is simply saying there would be a stop sign. If at some point in the future there was sufficient traffic there would be a stop light, is that what that means?

John Stoll: Eickhoff/Koressel would be the thru street and the side roads, those being Hogue, New Harmony, Marx and Upper Mount Vernon, they would all stop. So Eickhoff would be the thru street on all of those except at Diamond Avenue where it ends at a T intersection. So at that location Eickhoff would stop.

Commissioner Mourdock: Okay, but the phrase stop controlled doesn't imply...shouldn't be interpreted to mean, oh, it's a stop light?

John Stoll: No, it is not.

Commissioner Mourdock: I just means it's--

John Stoll: A stop sign initially.

Commissioner Mourdock: Okay. Question eight:

“What revisions have been made to phase two, State Road 66 to I-64 location study report?”

The second part of that is:

“When is the public hearing about these revisions?”

John Stoll: There have been no final changes to that. There are still three alternatives that are being looked at as far as the alignment of that section of the road and no public hearing date has been scheduled as of yet.

Commissioner Mourdock: What would dictate the need for a public hearing?

John Stoll: It's ready for a public hearing any time. It has just been a situation where the focus has been on this section of road since we know it will get constructed sooner than the other.

Commissioner Mourdock: On phase one rather than phase two?

John Stoll: Correct.

Commissioner Mourdock: Again, phase two is defined as from State Road 66 to I-64?

John Stoll: Right.

Susan Wolf: Excuse me. Susan Wolf again. I got the information for that question from a newsletter from the West Side Improvement Association. I just want to clarify my source in case I misunderstood what this was about. It says here that Eickhoff/Koressel from 62 to 66 has received design approval and is currently in the right-of-way stage of project development. Right-of-way engineering is complete for the section between, we know that, 62 and Upper Mount Vernon. Revisions to the phase two 66 to I-64 location study have been made and the report has been resubmitted to INDOT for review. Do you know the origin of that? That's where I got that. Is that not true then?

Shirley James: From EUTS.

Unidentified: From the EUTS minutes.

Rose Zigenfus: From the EUTS report. Then we haven't heard anything if that was what was in--

President Jerrel: Rose, do you mind?

Commissioner Mourdock: Yeah.

Rose Zigenfus: That was from the EUTS report.

Commissioner Mourdock: That's a good question.

Susan Wolf: That is what made us wonder.

Rose Zigenfus: Monthly we do a project update and if that is the latest that was on that project that's where it is. We probably haven't received anything more from INDOT on that.

Commissioner Mourdock: I just want to clarify the issue here. John, is that any different than what you said a moment ago?

Rose Zigenfus: No.

John Stoll: There is still three alternatives, so nothing has been finalized as of yet.

Commissioner Tuley: Help me out. There are three...a plan has been submitted that includes three alternatives. The state has not come back and said this is the one we would like to do therefore we'll hold a public hearing?

John Stoll: There is a preferred alternative from those three, but no public hearing has been held to finalize which of those three would be done. The report does recommend three possible options, but nothing has been finalized.

Commissioner Mourdock: And that is three possible options for the phase two segment?

John Stoll: Right.

Commissioner Mourdock: Yes, come forward again.

Paul Vandendorpe: Paul Vandendorpe again, 8425 Hogue Road. On the phase two construction proposal has it been considered what it is going to do at the face of US1, the amount of traffic that is going to be dumped there from I-64? You're going to have a bottleneck of monumental proportion if that ever goes through.

John Stoll: The traffic volume forecasts take that into consideration and the traffic volumes don't show that there is going to be a massive bottleneck. There would be traffic signals--

Unidentified: Come live with us.

John Stoll: No thanks. The traffic signals would be installed at the ramps--

Unidentified: At the Green River Road study.

John Stoll: The traffic signals would be installed at the ramp intersection with Eickhoff/Koressel if warranted. The projections, like Rose just mentioned, ranged 11,000 to 17,000 vehicles per day. If signals were installed at those two ramp intersections they would have more than adequate capacity to use that to work with signals as installed at those locations. For example, we've got 35,000 plus cars running on Green River Road at the ramp intersections and I don't know what the county is on Weinbach, but signals at interchange ramps are fairly common and we could double those numbers and still make it work.

Commissioner Mourdock: I want to clarify that. You said we would have the projections when phase two is completed would be the 11,000 to 13,000? Did I hear that correctly?

John Stoll: No. Is that the volumes? Do they include the--

Rose Zigenfus: That's for the entire project.

John Stoll: The entire corridor including going all the way from 62 up to I-64.

Commissioner Mourdock: So that includes phase two. So even if traffic were coming off I-64 coming south you're looking at, and again was it 11,000?

Rose Zigenfus: Seventeen down around the university area.

Commissioner Mourdock: Okay, 17,000 and by contrast, again just so everybody can picture what we're talking about here, how many do we have currently on what did you say, Green River?

John Stoll: Thirty-five thousand plus.

Rose Zigenfus: Yes.

Commissioner Mourdock: So we're talking about half the traffic conceivably out there.

John Stoll: And if modifications need to be made--

Mary Ellen Tavenner: Coming of I-64 and going where?

Commissioner Mourdock: Coming down Eickhoff/Koressel.

Mary Ellen Tavenner: God forbid.

John Stoll: If modifications need to be made such as additional left turn lanes there would be available space on those ramps where you could run a double left turn lane westbound to southbound into the university if that problem presented itself. There again, that is something that would have to be looked at if the traffic warranted it and we would have to work with INDOT on that since the maintenance of the interchange has been turned over to INDOT.

Commissioner Mourdock: And since Lynch has been built has the new section of Lynch had any traffic studies?

Rose Zigenfus: Just traffic volumes.

Commissioner Mourdock: Yes.

Rose Zigenfus: We've taken counts, that's all.

Commissioner Mourdock: And what are those numbers, do you have any idea?

John Stoll: Aren't they 10,000 to 12,000?

Rose Zigenfus: Yeah, they range to between 10,000 to 12,000. We noticed today that since Lynch has been opened Morgan Avenue between 41 and Green River has decreased by 9,000 cars a day. Lynch has picked those up.

Commissioner Mourdock: Okay.

President Jerrel: Yes, question.

Rebecca Whitehouse: Sorry, this is a brief question. Again, Rebecca Whitehouse, 8811 Marx Road. You had said that there were three alternatives and when I read through my packet I saw the build alternative, the Eickhoff/Koressel alternative and the no change or do nothing. Are those the three or are there others?

John Stoll: You're talking in this?

Rebecca Whitehouse: Uh-huh.

John Stoll: That is for the section between 62 and 66. The one where the three alternatives exist is between 66 and I-64, so the three alternatives are for a different phase of the project than that deals with.

Rebecca Whitehouse: So right now the preferred alternative here is C, alternate C? That's what is in here.

John Stoll: I'm not sure which was referred to in this. Whatever the preferred is, that's what it was designed as.

Rebecca Whitehouse: Okay, this one?

John Stoll: Yeah.

Rebecca Whitehouse: Yeah.

John Stoll: And it only--

Rebecca Whitehouse: So right now what you're going with is this plan that is in here?

John Stoll: Right, between...okay, this is Diamond Avenue. Yeah, this only deals with Diamond to Lloyd. The three alternatives in the other public hearing would deal with the section between Diamond and I-64 so it starts here and works northward, so this information doesn't really pertain to that northern segment, phase two of the project.

Rebecca Whitehouse: So right now we're talking one alternative?

John Stoll: Right.

Commissioner Mourdock: Okay, question number nine:

"Have you given any consideration to a western route of I-69 as you plan this road?"

John, I suspect it is appropriate for you to answer that one and, Rose, as well to take a shot at that one.

John Stoll: The University Parkway/Eickhoff/Koressel project was proposed originally back in 1979 and the design agreements for the project were signed in 1990, so all that occurred well before any alignments for I-69 were proposed or discussed in any way, shape or form, so as it is currently designed and planned I-69 has not been included as a part of the Eickhoff/Koressel project. If Eickhoff/Koressel was built...I mean, if I-69 was built in Posey County it really wouldn't be a duplication of the Eickhoff/Koressel project and the reason I say that is because the interstate would probably only serve...provide access through interchanges to very few local roads. Case in point would be I-164 out on the east side. The only local road it provides access to is Boonville-New Harmony. Roads like Millersburg, and Heckel, and Olmstead were all cut off or bridged over, so it's not going to be, I wouldn't think, a road that would serve local traffic primarily. It would be more for thru traffic whereas Eickhoff/Koressel is being designed to be a road that would serve local traffic by providing the intersections at Marx, New Harmony, Upper Mount Vernon and Hogue. So even though I-69 wasn't included as a part of the planning for Eickhoff if it does happen and it does happen on the west side it wouldn't necessarily be a duplication of the effort that we are putting into Eickhoff.

Unidentified: I have a question.

Commissioner Mourdock: Sure, go ahead. Rose, do you have anything to add to that?

Rose Zigenfus: Not really. I think he covered it.

Andy Hubbard: My name is Andy Hubbard and I live at 646 Sunflower Circle which is in the Ashley Place Subdivision. Forgive me if you already addressed this, but I was deep in the hall and couldn't hear much of the proceedings. North of Hogue where is the proposed road going to travel with respect to the Jagoe subdivision right there?

John Stoll: It runs about...I believe it is 300 or 400 feet west of the Jagoe subdivision, so there won't be any right-of-way acquired for the new road off of that subdivision.

Andy Hubbard: Okay, thank you.

Commissioner Mourdock: Going back to the I-69 question, if that were the option, John, do you know off the top of your head what would the right-of-way requirement be for a interstate type highway? Just how wide are they? You said 60 feet is what we were looking at here, I think.

John Stoll: Right.

Commissioner Mourdock: Roughly, any idea?

John Stoll: Off the top of my head, I don't know. I don't know if anybody from Bernardin Lochmueller is back here still.

President Jerrel: Yeah.

John Stoll: They might be able to answer a question like that.

President Jerrel: Charlene, do you want to see if...could you maybe see if Keith Lochmueller or Brian are back there?

John Stoll: Is Brian back there.

Charlene Timmons: Sure. Keith Lochmueller or Brian. They need you at the mike.

Commissioner Mourdock: Any guesstimate as to what the--

John Stoll: The question, Brian, was what the approximate right-of-way width would be needed for interstates.

Brian Litherland: Pardon me?

John Stoll: The question was about right-of-way widths for interstates, approximately how wide?

Commissioner Mourdock: Okay, and state your name if you would.

Brian Litherland: My name is Brian Litherland and I'm with the consulting firm that is designing this section of the highway. It's Bernardin Lochmueller & Associates. For interstate right-of-way?

Commissioner Mourdock: Yeah. I'll reask the question. It was my question. John had mentioned earlier that the current design for Eickhoff/Koressel is basically 60 feet wide through most of it and my question is if we instead did part of the interstate...if I-69 went on the west side how wide would you expect that swath to be? In other words, we've got 60 feet with what this discussion is. If we went interstate how wide would it be?

Brian Litherland: The 60 foot that John is referring to would be the grass median that is in between the two roadways, the northbound and the southbound. The amount of right-of-way for this job roughly on an average to minimize right-of-way take we keep it tight and can move it in and out as we need and it's going to run on an average of 200 foot wide for this roadway.

Commissioner Mourdock: Okay.

Brian Litherland: An interstate facility at a minimum is 300 foot.

Commissioner Mourdock: Okay.

Brian Litherland: And it utilizes typically the same 60 and sometimes 80 foot medians, so it's--

Commissioner Mourdock: So two-thirds of what it would otherwise be.

Brian Litherland: It's similar, but we can go tighter with these jobs.

Commissioner Mourdock: Okay, thank you.

President Jerrel: Shirley. Could you wait just a minute in case there are some more?

Brian Litherland: Yeah.

President Jerrel: Shirley.

Shirley James: I'm Shirley James, 6521 Middle Mount Vernon Road. This is a question for John. John, in the traffic counts you say that this is going to be a local road, right? Do you consider Mt. Vernon local because what I am thinking of is ConAgra has informed West Side Improvement that if they come in they'll put 1,500 trucks a day through Evansville on Highway 69. That combined with all the other industrial trucks I see those trucks as maybe using that road to get to Diamond and I-64. Were those included in the traffic count?

John Stoll: I would guess that those trucks specifically were not included since that is a new development since this project was originally initiated, but overall the project was estimated to have six percent trucks in that traffic volume that Rose mentioned earlier, so trucks were a consideration, but a single large user of trucks like that was probably not included.

Paul Vandendorpe: One more question for you.

Commissioner Mourdock: Sure.

Paul Vandendorpe: Paul Vandendorpe again, 8425 Hogue. This is more as a comment. Since he has not considered that then Toyota also since it was not available at the time has not been considered in the amount of traffic increase especially from our partners from General Electric and all the other transplant companies that have come to the tri-state. That too will affect the area because automotive is a major supplier. Take a look of the amount of traffic that is now going into that Toyota facility and what the state has helped build to go into there. Some of that traffic is coming down Highway 62.

John Stoll: I was talking with Rose about the EUTS traffic model and one of the things that will be done will be a recalibration of her model. Once new data is gathered it is very possible that will show increases in traffic volumes on the proposed Eickhoff/Koressel project, but the way that the project is currently designed it is at the lower end...I shouldn't say lower end. The 12,000 traffic count would be poor operation for a two lane highway. It's on the upper end of what a two lane road could handle, but it is going to be good operation for a four lane road, so we have some surplus capacity in that road so in the event that the new social economic data forecasts translate into increased traffic volumes on that road there is additional capacity in the road that can be taken into consideration on these trucks that might be using the road and any other developments such as subdivisions adjacent to the road.

Commissioner Mourdock: And Mr. Vandendorpe's question begs the following question which is if in fact there is that traffic that is originating out on the far west

side going to Toyota how is it likely that they're going now?

John Stoll: I would guess Lloyd Expressway to 41.

Commissioner Mourdock: But how do they get...yeah, they come up the Lloyd all the way to St. Joe probably.

John Stoll: Right.

Commissioner Mourdock: Possibly to 41 or St. Joe.

John Stoll: I wouldn't think that too many of them would want to take roads like Highway 65 or any other of the winding roads that are out on the west side as it stands right now. So my best guess would be 41 and Lloyd.

Commissioner Mourdock: Okay--

Commissioner Tuley: Another question, Richard.

Commissioner Mourdock: Oh, I'm sorry. Yeah, Shirley.

Commissioner Tuley: You can't see her.

Shirley James: Again, Shirley James, 6521 Middle Mount Vernon Road. A few years ago West Side Improvement did a survey. Actually, we went out with a petition and got 3,000 signatures in regard to frontage roads on the shopping center areas. This was about, oh, I would say maybe seven years ago. Six or seven years ago. At that time we canvassed most of those signatures from the Wal-Mart area and it was an amazing sort of a thing to find out that a horrendous number of those people that we canvassed were from Illinois and coming in from Poseyville. I would envision that some of those people might use the Eickhoff/Koressel Road. So when I think of local I think of those surrounding communities and I think any traffic count that is conducted needs to include those sorts of things. I may not be knowledgeable in this area, but I know the west side and I do know that we do have heavy traffic out of Illinois, Poseyville and Mount Vernon.

Commissioner Mourdock: I don't think anyone is suggesting that the non local traffic is not being counted. Rose, correct me if I am wrong here. The question though that Mr. Vandendorpe raised as far as the new social economic things, that wasn't necessarily talking about local, that was just talking in fact more regionally is what I heard in that question.

Paul Vandendorpe: Correct, it was not included in the studies previously.

Commissioner Mourdock: Right, because those businesses didn't exist at the time.

Paul Vandendorpe: So maybe the study needs to be redone at this point.

Commissioner Mourdock: Are you suggesting it be a wider road?

Paul Vandendorpe: I'm suggesting the fact that we look at I-69 possibly coming through.

Commissioner Mourdock: Okay.

Paul Vandendorpe: Putting this traffic down a mile or two miles down in Posey County and we will not have the problem at the intersections.

Commissioner Mourdock: Okay, question number ten:

“Are you aware of any plans for increased coal traffic to the AB Brown/SIGECO plant?”

John Stoll: No, we have not received any information on that. As it stands now I’m not sure who we could contact. I know Rose has more than my office has and she wasn’t aware of any increased truck traffic either, but that is something that we can look into further. There again, specific truck counts that may be generated through a large user of trucks probably were not included in the original studies on the project, but trucks as a flat percentage were. The traffic as it was modeled in these computer models does take into consideration outlying areas because it will have what they call an external station that basically allocates trips generated outside of the study areas, so it is accounting for traffic that comes in and out of the county so it would take into consideration traffic that originates outside of Vanderburgh County when it did assign traffic to this proposed road.

Commissioner Mourdock: Question eleven:

“It is our understanding that the county paid out-of-pocket to build the overpass. Please elaborate and explain.”

If you want to handle that one go right ahead.

John Stoll: That statement is correct. The county paid for all design, right-of-way and construction costs on that interchange. The design, right-of-way and construction costs were approximately \$5 million and that money came from a bond issue that was done for that project plus the Tekoppel Avenue overpass over the CSX railroad tracks in Union Township. The reason the county pursued that project was to avoid putting another traffic signal on the Lloyd Expressway. The state was not going to fund the interchange, so it left it in the county’s hands. If it was going to happen the county had to fund it.

Susan Wolf: Excuse me. Susan Wolf. Was there a reason that they would not fund that? Was it the design of the interchange itself that they wouldn’t fund it or that they just didn’t think there was one needed there?

John Stoll: As far as I know they didn’t feel the interchange was warranted, that the problems would have been corrected through a traffic signal at the cost of \$100,000 to \$150,000 as opposed to the \$5 million.

Commissioner Tuley: John, I wasn’t a Commissioner then, but I was County Treasurer at that time. What I recollect was that the state’s proposal was to extend a left turn lane, maybe put in a stop light. The cost they had estimated for that was \$250,000 so they gave that to the county since we decided...the county decided, I wasn’t sitting here at that time, to build an overpass. So it was \$250,000 for probably a stop light and extended left turn lane.

John Stoll: I wasn’t here either when that was all going on.

Commissioner Tuley: Yeah, I know you weren’t.

John Stoll: And I couldn't remember all the details, but I knew that they felt that a traffic signal would take care of the problem, so that is why they didn't fund it.

President Jerrel: We do have here the EUTS Director. We have John Stoll. We have Bernardin Lochmueller representatives and we have the university, so we would be happy to entertain any other questions other than these or anything that someone feels hasn't been addressed that one of these people...yes, sir.

Steve McCallister: Steve McCallister, 3133 Waterman Drive. I'm president of West Side Improvement this year. We originally looked at the design plans at the design hearings in 1993. We voiced our concern at that time not that the roadway should exist, but at the way that it was projected to be built. We specifically took issue with same grade intersections. We still take issue with same grade intersections. We think that if you're going to build it build it right and do it right the first time and that means putting in an urban type intersection such as you have at Boeke Road or Weinbach. Overpasses, not stop signs, not stop lights. A lot of school buses may be taking that road. A lot of big trucks will be using that road. Projected traffic counts notwithstanding, so that is my only comment. I would ask that you consider that.

President Jerrel: Is there a comment?

John Stoll: I just want to say that the scope of this project was not building an interstate so that was not one of the alternatives that was ever evaluated, but if it was done we would be looking at substantial increases in cost and substantial increases in right-of-way. So there would be many more relocations and many more properties affected if a project like that was pursued.

Commissioner Tuley: John, an urban interchange like he was talking, do you have a rough idea of the cost?

John Stoll: When we did the USI interchange it was \$5 million.

Commissioner Tuley: And that was in '89 or '90?

John Stoll: It was built in '93.

Commissioner Tuley: The proposed one for Burkhardt Road is now...?

John Stoll: Ten plus I believe.

Commissioner Tuley: Ten plus. That's one. You're talking about four.

John Stoll: That out at Burkhardt would probably be at a higher cost since they'll be looking at the six lane Lloyd Expressway and we're only looking at four lanes for the bridges that we would have, but still it would have a high price tag.

President Jerrel: Someone else have a question? I hate to ask--

Unidentified: Yes.

President Jerrel: Yes, sir.

Ralph Mueller: Ralph Mueller, 7514 Huckleberry Lane. As one of the property

owners where this highway is going through I just wonder how long can the county hold this project? From 1979 you have property that has doubled, tripled and quadrupled in price, but yet we cannot sell it because if we wanted to build houses along in that right-of-way I'm sure that the county would say no. I'm just wondering how long can the county hold this property without us being able to do anything like that with it? I'm sure the surveys went before 1979. I think they started this back in the 50's I believe.

Unidentified: In '57.

Ralph Mueller: In '57, or something like that. All I am saying is if you're going to do something I think it needs to be done. Not wait another ten, 15 or 20 years. This property just sits there all this time. You know, can't do anything with it.

President Jerrel: Mr. Mueller, just one comment and I think it is something you've made a very good point. I think there is a need for north/south movement of traffic in the west side. St. Joe is not conducive to this particularly on the west side area. Fulton, we're still trying to deal with that. Boonville-New Harmony has been brought up many times. It's a very winding, narrow road. But I agree with you and we've been trying to put the money aside rather than doing things that are not related to infrastructure we have tried to save this money so we could do just what you're saying. Pay for the right-of-way and move on at least with phase one and do something so that the money that has been invested isn't wasted and the homeowners aren't left dangling. You've made a very, very good point.

Ralph Mueller: Thank you.

President Jerrel: Is there anybody outside that has a question?

Commissioner Mourdock: There is someone in the back row.

President Jerrel: Yes.

Commissioner Mourdock: Please come forward.

President Jerrel: Come forward.

Judy Carver: I'm Judy Carver at 420 S. Eickhoff. A very few of us got the map tonight of what we're here for. Since it is also very tiny the question that I have Eickhoff is going to be cut in half, is that correct?

John Stoll: Yes.

Judy Carver: Prior to West Terrace Drive down by the church?

John Stoll: Yes.

Judy Carver: Okay. For those of us that live on Eickhoff, I'm on the corner of Eickhoff and West Terrace Drive, and Eickhoff from there all the way to Hogue Road how are we going to get out? Are we going to go out through West Terrace Drive through the school? The second question, I mean, are we going to be able to get on this? Of course if we do we're going to have to cross two lanes of traffic. The second point of my question is if I had a child that was living down on Hogue Road and the far west side and I had to come up to a stop sign, cross four lanes to go on

and continue on Hogue Road to get to West Terrace School or get off, get on this proposed road, get off at the university, go up Highway 62, turn on Schutte and back down to West Terrace Drive, is that the proposed route for the buses?

John Stoll: I don't know that anybody has contacted the School Corporation regarding proposed bus routes so I couldn't say what that would be. In regard to the Eickhoff issue, yes, the road will be cut off near the church and to get access if you're on the north side of where that crosses...where the new road would cross existing Eickhoff to get on the new road you would have to go north on existing Eickhoff and then turn onto Hogue Road to get access to the new road.

President Jerrel: Yes, sir. Start working your way up here. As soon as he asks his then you come on.

John Eickhoff: The name is John Eickhoff, 10540 Hogue Road. I guess this question would go to Rose here. Is there any kind of numbers on the roads going east and west like Upper Mount Vernon Road? What is your car count going east and west that is going to be crossing this with that stop sign?

Rose Zigenfus: Which? For which road?

John Eickhoff: Say Upper Mount Vernon Road or Hogue Road. Is this a '93 study or is this going to be--

Audience: All of them.

John Eickhoff: All of them.

Rose Zigenfus: No, I didn't bring that data, but I can go and try to get it for you. They're local roads.

John Eickhoff: You're going to be shocked, I guarantee you.

Rose Zigenfus: They're what we consider low volume roads.

John Eickhoff: No way. I lived on this road for 30 years. Thirty years ago I could ride a bicycle. These people are scared to cross Upper Mount Vernon Road to get their mail now.

Rose Zigenfus: Do you think there is 10,000 or more?

John Eickhoff: I have no idea. I can't judge that, but I guarantee...like I said, when I was eight years old you could ride your bicycle on that road and not be scared. And now you want to cross it just to get your mail you better not blink. Plus, you've got people coming from the St. Philip area that head to work every morning and you're going to bring them down Upper Mount Vernon Road, come down Five Dollar Road and they're going to stop at a stop sign. You're going to have traffic backed up a quarter of a mile. You do not realize. None of you have ever been out there.

Rose Zigenfus: Oh, I've been out there.

John Eickhoff: Talk to the neighbors that live there. This is what is going to happen and if you're going to let it happen take Eickhoff off of it because I don't want my last name on this mess. Get a traffic count of those roads.

Rose Zigenfus: Yeah, I will find that and get it to you.

Commissioner Mourdock: Just to clarify something, when Rose uses the term low volume that is not to infer that anyone thinks it's a gravel road with one car every other day. Low volume is simply an engineering term as compared to a high volume like the Lloyd Expressway. Okay, low does not mean a few vehicles. Yes, sir. Come forward please.

Bill Meisler: My name is Bill Meisler and I live at 3600 Koressel Road. As I understood this gentleman he said there is three routes that are proposed and they haven't picked anyone yet. What in the devil are we all doing here standing arguing about where the road is going when all three routes could be implemented--

Commissioner Mourdock: You didn't hear that correctly, Mr. Meisler, because that is kind of the question I asked as well. When he was talking about three proposed routes that was for the phase two section which is from State Road 66 up to 64. Only for that section.

Bill Meisler: So you're saying that this is definitely the way it would go?

Commissioner Mourdock: The plans that we're referring to for phase one, yes. It's not like there are alternatives there now.

Bill Meisler: Well, there were three alternatives before coming off of the expressway.

Commissioner Mourdock: That may be true from sometime before I was on the board, I don't know.

President Jerrel: Dave or Brian?

John Stoll: I was going to say, since that time when there were three alternatives back when this project originally started the design as it is currently laid out is the one that was selected as the preferred alternative so that is why the design has proceeded on this project in the way that it has.

Bill Meisler: Thank you.

Commissioner Mourdock: Thank you, Mr. Meisler.

President Jerrel: Yes, sir.

Ralph Mueller: Ralph Mueller again from 7514 Huckleberry Lane. One of the things that I think you really need to consider the amount of truck traffic on this road. I'm very not positive, but I am almost certain that there is going to start being from SIGECO about 200 trucks a day going to this AB Brown plant. With that in mind, I think that is why they built that new road along the railroad going back to SIGECO. I think that is something you definitely need to consider. I'm sure USI would love to have 200 coal trucks a day going right in front of their main entrance to their university.

Commissioner Mourdock: I made a note to myself here earlier based on--

Ralph Mueller: I'm sure that is something you can find out.

Commissioner Mourdock: As a matter of fact I probably can. I had made a note to have John and Rose contact both SIGECO for that question and also as Mr. Vandendorpe raised the question about Toyota because I am sure those folks, Toyota specifically, will be very happy to give us where their workforce comes from.

Ralph Mueller: Okay, thank you.

Shirley James: Shirley James again, 6521 Middle Mount Vernon Road. I hate to be coming up here so often but I have a long history of this road problem here. Anyway, I want to tell you something. Back in 1978 when they wanted a stop light at Red Bank the state told us that they had to prove the need before they put in an overpass. If we would allow the stop light, then they would put in the overpass. When we asked why don't you buy the land when it is \$400 an acre then it wouldn't be so costly because the need is definitely going to be there. When the need was there they reneged on the overpass. Well, then in 1985 when we wanted to stop some of the cuts into the expressway on the south side of the highway and get frontage roads the state came down from Vincennes and the gentleman that was there, Mr. King, told us that we didn't know what we were talking about that the kind of traffic that we were anticipating would not be here until 2015. Well, it was here in 1996. So we were right on that point, too. When we asked for an overpass at Rosenberger because we were going to have a very high traffic problem there they refused the overpass and put a stop light saying that was the appropriate answer and it's one of the highest accident rates in the city. Now, you know I see, and I may be wrong on this, but I see if I-169 doesn't go through that that road is going to be our bypass around the city and a heavily trafficked one and I frankly think that, yes, finances have to be considered, but when is the state ever going to do the job right the first time?

President Jerrel: I'm not going to make any more comments about that. That's enough said and I couldn't agree with you more. Wait, we have a gentleman--

Unidentified: Oh, I didn't see him. I'm sorry.

President Jerrel: Let him.

Unidentified: Thank you.

President Jerrel: Uh-huh.

Paul Doss: Paul Doss, 14501 State Road 65. Just given ideal conditions I wonder if someone could give me an idea of project time line or in a perfect world what is the projected time line for phase one and phase two?

Commissioner Mourdock: In terms other than State of Indiana time?

Paul Doss: In an ideal world.

John Stoll: I really couldn't give you a real specific time line simply because not knowing what funding will be available in any given year. This project is proposed to be funded with federal funds and before we can really get on a bid letting schedule we have to buy the right-of-way and just for the first two miles alone between Lloyd and Upper Mount Vernon it is estimated that it would take a year to acquire that right-of-way, so that would put us into 2001 bear minimum if funding was available and that is just for the first two miles. So if we start having to split it up into

smaller segments it will be who knows how many years before the project could be completed all the way up to I-64.

President Jerrel: It makes sense to start the purchasing of the right-of-way for the comments that were made a little bit earlier. The proposal for completing the first 4.88 miles, is that the first phase?

John Stoll: Yes.

President Jerrel: Would be, I would guess depending upon how much the right-of-way costs us, that we would be lucky to get the first two or three miles purchased in the next two years. We've committed...Rose might want to add to this. We're going to go out for bid on the Lynch Road interchange to I-164 next year and we're also going to proceed with the widening of Burkhardt to get to that. Those were plans that we are ready to proceed. We have the funding in place. We do have money to begin the purchasing on Eickhoff/Koressel and since so much money has already been spent there we wanted to proceed and begin.

Commissioner Mourdock: And, again, just to tie those two things together so everyone heard what was said, John made the point that this project would be done with federal funds and federal funds will not be allocated until the section that we're ready to work on has fully been acquired by the county.

President Jerrel: And what he is talking about when he says federal funds most of you have heard these terms and Steve does a good job in the newsletter of explaining, but we've had ISTE, BESTE, TEA21. The federal government uses a lot of acronyms to describe the gas money that we send to Washington, DC and they give back to the State of Indiana who then gives it to us. That's what we're talking about. The amount of money that we get back depends on the formula. It depends on our population base. Our MPO now does not include Posey County. It probably should. We've been pushing regionally to get the surrounding counties all in there. If you all would look at a map you would see that the Clarksville/New Albany area gets to count the Louisville traffic and they're a Level 1 area. The Indianapolis donut area is a Level 1. The northeastern section of Indiana is a Level 1 and the Ft. Wayne area is a Level 1. We...that means we have to have a population base of over 200,000 to get a higher funding level. Rose, you stop me if I am saying this wrong. If you do not have that level you fall into the second category and we are in that category. We have 183,000 in our MPO area and it takes 200,000 to get to the magic Level 1 and we fall in with Bloomington, Kokomo, Anderson, communities that size. We have a census that is coming this March and if everyone realized how important it is that they get counted and don't throw away that card that comes to you we're 17,000 from being a Level 1 and we are the third largest city in the state of Indiana. We all get uptight about this and all of us in this room are affected by it and we have to keep pushing all we can. But that is what determines the federal funds that come down.

John Stoll: And we also have to deal with the fact that there are numerous projects proposed for the use of that federal aid funding once it is allocated to this area. Projects like the Fulton Avenue Bridge project; Fulton Avenue road project; Lynch Road; you name it. All these major road projects, so that comes into play as well as prioritizing which one gets built and when, so that makes it that much more difficult to assign a specific schedule to these constructions...to the construction of these projects.

President Jerrel: I didn't mean to take that time to do that, but I did think it's very important to all of us. If someone else has some questions out in the hall.

Commissioner Tuley: There is a lady back over here.

President Jerrel: Yes, ma'am.

Cynthia Hoehn: Cynthia Hoehn, 2914 Koressel Road. In looking at this it looks like you're going to be diverting the traffic partially down Koressel Road whenever you start the project. Koressel Road, the traffic is so high there. I think a traffic count needs to be done on that road as well. I won't even let my children play out in the front yard it's so bad. Secondly, I would like to know exactly where...I'm between Upper Mount Vernon and Marx. I'm on the left-hand side of the road. I'm like right in the middle. Is the highway going to go behind my house?

John Stoll: Yes.

Cynthia Hoehn: So what is going to happen to Koressel Road? You keep saying Eickhoff/Koressel. Is that now going to be...am I going to be entering off of...okay.

John Stoll: Koressel Road as it currently exists will stay there. The name Eickhoff/Koressel comes from the fact that back when this project was originally proposed one of the alternatives was to just build a connector between the north end of Eickhoff and the south end of Koressel and make a two lane road that way. So once it was found that the road would need four lanes that alternative was discarded because of the fact that there would be too many impacts to existing residences along those two roads if you were trying to build a four lane road. So that is why it is called Eickhoff/Koressel. Once the new road is built Koressel will remain in its current condition. It's just it will be a two lane road with the new road being a four lane road west of existing Koressel.

Commissioner Mourdock: Probably for the sake of simplicity we ought to refer to this as...I think Rose referred to it at one point earlier this evening as University Parkway because that's really more what it is.

Cynthia Hoehn: How far off of the nearest property line on Koressel Road is the highway going to be?

Unidentified: That varies.

John Stoll: I would have to get the plans because it--

Commissioner Mourdock: Let me rephrase the question in a way because I am sure there are a lot of people here who have specific questions as to their properties. Do we have, John, or can you make available at your office a map that these folks can look at, and I know you've got those, and secondly, why don't we also provide to the media and I know you don't have this at your fingertips, but at least a map showing where the layout is with the current plan?

John Stoll: I've got that back there on the plans. We've got aerial photos with the alignment of the road shown. It's spread across three or four different sheets of the plans, but it does exist so we can make copies for specific people if they want to know where the new road is going to be relative to their property.

Commissioner Mourdock: Right.

John Stoll: So that wouldn't be any problem.

Tim Mueller: I'm Tim Mueller of 4710 North County Line Road. I have a question for the ladies from USI. What days of the week is there more classes? Monday, Wednesday and Friday or Tuesday and Thursday?

President Jerrel: It wouldn't be Friday.

Tim Mueller: When we were here last time John told us that he went out there and looked or he sat out there and it was on a Tuesday, but I hear there is more classes on Monday, Wednesday and Friday which causes more...he was on a Thursday?

Sherrienne Standley: I don't know the answer to your question, but I suspect the classes are pretty equally divided between the days. I would say they are much lighter on Friday especially after the noon hour on Friday. It would be lighter and that's because a lot of labs take place in the afternoon on Mondays and Wednesdays and only meet twice a week, so it would be lighter on Friday afternoons.

Tim Mueller: The other question I have is when you come up to the intersection coming off of 62 I hear that Barry Hart who is in charge of security at USI he says if a car stops up there it causes a backup on 62. Now, the people that live around there they ought to know more than I do, but I mean that is something that you've got to think about. I mean, this traffic coming in there is going to be unbelievable.

Sherrienne Standley: Yeah. I use the overpass every day and I don't use it necessarily coming from 62. I'm one of those people who wants to get across when the line of traffic stops at the top of the lane. I rarely have to sit longer than two or three minutes in the morning just before 8:00, so I know you find it hard to believe that it manages itself, but it does manage itself pretty well and I don't think the accident rate is very high there. The inexperienced person who thinks they have to stop at the top of a ramp just because mostly that's what you have to do, those are the people who slow down and kind of look around and wonder what should I do next, but the people waiting in line usually motion them on and then they kind of get the drift.

Tim Mueller: I guess it's a thing after they finally get used to it.

Sherrienne Standley: Yes.

Tim Mueller: But normally when you come to an exchange like that you stop at the top.

Sherrienne Standley: Yeah.

Tim Mueller: The next thing I want to tell you all this really bothers my family because you're going right through the middle of my...Ralph, my brother and I, our family has been in farming over 100 years and it really makes it...I make my livelihood off of farming. It's really going to cut me bad. So, I mean, we got to have a break somewhere. Thank you.

President Jerrel: Is there anybody else out there?

Unidentified: Just from hearing all the questions and comments it sounds like there are a lot of concerns.

Commissioner Mourdock: State your name please.

David Griffith: My name is David Griffith. I'm an Evansville resident and I was wondering is there a way to possibly move this road down another half mile from USI east because I-69 is going to be a factor and it sounds as if that is going to accomplish a lot of the objectives that the Eickhoff/Koressel Road will do and it could very well become part of I-69 as the Eickhoff/Koressel freeway. It sounds like the federal funding will be there and it is going to affect us in the next ten years. It's right there and it is reality. It could very well provide four to five Evansville interchanges: Diamond Avenue, Lloyd Expressway.

President Jerrel: May I ask Rose to come up and explain where we are on that? I think it will help to answer some of your questions.

Rose Zigenfus: The I-69 project, I guess we're in the process of reviewing proposals and on December 10th there will be presentations to a committee to look at the feasibility and the methodology of conducting a study that will determine the locational river crossing issues associated with I-69 from I-64 south into Kentucky. That project is an important aspect of the transportation network. We don't think, and I say think because I don't know for sure, it will replace the Eickhoff/Koressel project. It won't be built in the location of the Eickhoff/Koressel project. It's not feasible to cross the river at that location so we think that the prospects of that happening are very slim to none. The I-69 corridor will come off of I-64 in some location east or west of Highway 41 and that's what the study is going to determine. We hope to have a consultant under contract sometime by early spring, January, February or March. INDOT is the lead agency on that project. It will be a 24 month project and at that time we should know exactly where I-69 is going to traverse the county if it is going to be in Vanderburgh or Posey County.

Commissioner Tuley: Or in the state of Indiana at all.

Rose Zigenfus: Or the state of Indiana at all, you're right.

President Jerrel: So it wouldn't be coming through there because the plan is to get to the river for a bridge.

Rose Zigenfus: That is correct.

President Jerrel: You know, it wouldn't be practical to go through the university or that area around there.

Rose Zigenfus: And as John said, too, Eickhoff/Koressel is to serve local traffic and the interstate is to serve thru traffic, so that's what--

David Griffith: One more point. I was just going to say I know that it couldn't run directly through the university, but if it was placed a half mile or a mile east of the university then the southern leg of I-69 could move on down toward the Ohio River and probably--

President Jerrel: I don't think you would see it going east of Eickhoff/Koressel.

David Griffith: You don't?

President Jerrel: No. I mean, I think you're--

Commissioner Mourdock: Did you mean to say east or did you mean to say west?

President Jerrel: Did you mean west?

David Griffith: I was saying east of USI between Boehne--

Audience: No, west.

David Griffith: Thank you.

President Jerrel: Yeah, it would be west. I don't think that would happen.

Commissioner Mourdock: One thing when you sit in this chair very long you find out everybody has got an opinion, so east, west, north, south. Everybody has got an opinion.

President Jerrel: Is there anyone else that would like...Susan.

Susan Wolf: I just want to be really quick. We all do appreciate all the research and the work that you've done in putting this meeting together. I just have really one thing that I can't help but saying near the end of this discussion. I think I can speak for many people when I say I'm not really against a loop around the city and that's not my focus here. That's not my intention or many other people, but whoever heard of a loop around some place ending with the terminus at a major university and that's my concern. Whoever thought about a loop around the city with stop signs at...not even four way stop signs, but stop signs with a 1993 traffic count applying this much later in an area of growth. Those are our concerns and that's what we really very much want you to look at as you look at this road and look at this design.

President Jerrel: I think that point is excellent. There was never any intention that this be a loop. This is a north/south artery for this county to get from one part to another. You know, every year for those of you who have been following this know that Rose has suggested that we use Boonville-New Harmony and come around. There has been such an outcry to trying to do that because of the cost and the narrowness of the road and the winding aspect and this was the most logical...reading the minutes of those meetings, but it was never intended to be a highway or it was never intended to be a loop. It is a road that will...a very well designed four lane road that would get from the Lloyd hopefully to Diamond and beyond so that we could get traffic moving in our county. Yes, sir.

Carl Griesbacher: Carl Griesbacher, 6100 Happe Road. My question is Vanderburgh County today has trouble maintaining the federal standards for ozone. Traffic lights are one of the greatest contributors to this. Now we're going to design a road with intersections that everyone knows would eventually have traffic lights, so what is the purpose? You know, we're whipping a dead horse.

Commissioner Mourdock: Yeah, that's a great question and since I'm the one on the panel who has been involved most with ozone let me take a shot at that one. If we...well, as John Stoll and Pat made the point earlier, if we went simply and expensively to urban type intersections right off the bat it would raise the cost of this

project dramatically. Probably by about five times the way it sounds. The ozone issue is a very real issue. It is hard to understand at first grasp that putting in an additional stop light might help reduce ozone, but I would take you back to something Rose Zigenfus mentioned earlier this evening which is with the new project that we put in at Lynch Road which actually resulted in the second stop light in Vanderburgh County and, no, I didn't misspeak. That was the second stop light under the control of this board. All the rest of the stop lights are the city's fault.

Commissioner Tuley: Or the state.

Commissioner Mourdock: Or the state, but with the construction of Lynch Road we have actually taken some 9,000 vehicles off of more congested Morgan Avenue so even though there may be a few traffic lights out there on Lynch we have actually probably reduced emissions overall because we've taken them off Morgan. So you--

Commissioner Tuley: Which has more stop lights.

President Jerrel: Yes.

Commissioner Mourdock: Right, which has more stop lights. So your question is a very good one and the first time that someone raised that to me.

Carl Griesbacher: But everyone expects this traffic count to go higher than even the projections are so eventually there are going to be stop lights out there, too, all along the intersections. Another question I would like to ask they talk about a three and six degree slope on these grades, but what is the length of this grade because Hogue Road and Upper Mount Vernon Road all run along ridge lines, so why couldn't these go under these roads?

Commissioner Mourdock: I'll leave that one to John.

John Stoll: The length of the grades vary trying to match the terrain as best as possible without having even more fill than what currently is planned for this project, so the grades vary all along the whole project. I'm not sure what the steepest grade is. I don't think there is much. I think four to five percent is about as steep as it gets, but it does vary throughout the entire corridor. As far as going under the roads I'm not aware of anybody ever even evaluating that so I really couldn't comment on that.

President Jerrel: Is there someone else that has a...any questions from Commissioners or anyone else?

Commissioner Mourdock: I would ask one question, John, and kind of follow up on Steve McCallister's point and several in the audience about the so-called urban intersections. If we took a look at that now do you have any estimate or could you get us an estimate as to what additional right-of-way might be necessary? My thinking is that if 20 years from now, and I know that seems like a long way off, but if 20 years from now the traffic count is so outrageous that such things are warranted fully at that time we could at least have the right-of-way in place.

John Stoll: I could get with Bernardin Lochmueller and we could take a look at that. I do know at some of the intersections there are some houses close to where Eickhoff does cross the existing road so it will increase the--

Commissioner Mourdock: Affect the cost.

Commissioner Tuley: The displacements, too.

John Stoll: And residential relocations, so that would be a factor as well, but we can take a look at that.

Commissioner Mourdock: Okay, I would raise that as an issue. I don't know what you guys think of that one.

Commissioner Tuley: It's a valid...it's something to look at.

President Jerrel: I'll tell you an issue I would like to see looked at and it doesn't have anything to do with this. I would like to get all the traffic off 41, the truck traffic, onto I-164. That would help your ozone more than anything else.

Commissioner Mourdock: Yeah, right. Be it the east side now or the west side at some point in the future.

President Jerrel: Right, right. I don't want anybody to leave here and not get something if they have a question that needs to be answered.

John Stoll: One thing, too, Tony just made some more copies of that design hearing packet so anybody that needs one he's got more of them available.

President Jerrel: Sure. We have another question. I'm sorry.

Joyce Waters: Joyce Waters. I live in the city, but I own property at Hogue and Eickhoff. Since we're one of the first that would be affected along there and it goes through the middle of the farm for my brother and I where do we go from here? This is an informational meeting, but where does it go from here?

President Jerrel: Do you want to respond? Brian, do you--

John Stoll: The next step as far as the county would be concerned would be to sign an agreement to begin pursuing the right-of-way acquisition which would affect Ms. Waters' property because it is in the first two miles of the project. Beyond that it's...the construction would follow no sooner than a year after that given the fact that it would take a year to acquire the right-of-way, but the next step is in the county's hands as far as signing off on an agreement to begin right-of-way acquisition.

President Jerrel: Yes, sir.

Commissioner Tuley: John, back on your time table. We acquire the right-of-way, we have our 20 percent, then it is still up to the state to award that contract, correct?

John Stoll: Correct. We would enter into an agreement with the state. They would put it on a bid letting once we meet all of their criteria as far as right-of-way acquisition, design standards and everything like that.

Commissioner Tuley: But it kind of goes back also to what Betty was talking about, was it not, that we were competing with all those other cities for that money and they'll take into consideration all the federal projects we already have?

John Stoll: Right, and we also have the issue of other projects within the Evansville MPO area that would be competing for those same funds.

Commissioner Tuley: Which could be city or--

John Stoll: Right. I know the city is looking at widening St. Joe Avenue. I know Warrick County has looked at Telephone Road in the past. I don't know what the status of that project is.

Commissioner Tuley: So once we've done our part, acquired the right-of-way, had our 20 percent sitting on the side, then it is out of our hands until the state--

President Jerrel: Lets the contract.

Commissioner Tuley: --lets the contract on it?

John Stoll: Right.

President Jerrel: Now, the idea...you have to put this in the mix. Many counties do not plan far enough ahead to get their right-of-way purchases in and their design ready so sometimes if you have everything that you're responsible for doing there is money that the state has that they don't want to sit there and hear people talk about them having this funding built up and not used and they often will give a county additional--

Commissioner Tuley: Priority.

President Jerrel: If they have it ready.

Commissioner Tuley: Yeah.

John Stoll: The bad side of that like the Fulton Avenue project, those plans sat on a shelf up at the state for over a year waiting for funding, so when they have a glut of projects the opposite can hold true as well.

President Jerrel: Right.

John Stoll: Which there again makes it very tough to determine when these things would go to construction.

President Jerrel: That's right.

John Stoll: Okay, we all need to go on hold for a second. Charlene is going to change the tape from which she'll be typing the notes.

Tape change

Commissioner Mourdock: Okay.

President Jerrel: Just one thing that would help, I think. We can communicate with certain people that can communicate with others or we can use the vehicle of the West Side newspaper on issues that deal with us proceeding and at what stage we are in terms of the money. I don't know what to say would be the best way to keep you informed. This has been a good session and I commend all of you. Everybody has asked good questions and Susan for sending these in so that we could do the research. I think that is healthy. I think that is what this is all about. John.

John Stoll: And if anybody has specific questions as far as how they will be affected they can give my office a call. The number is 435-5773 and we can make copies of the portions of the road design as far as how it is located within the vicinity of their property. The plans are also available for review up in the office at any time between 8:00 and 4:30.

Unidentified: Could you repeat the number?

Commissioner Mourdock: 435-5773.

Brent Barnes: Brent Barnes, 8520 New Harmony Road. I was wondering if they had an accident figure up at the university before the overpass and after the overpass was installed? I can't see where you can't see that that's going to be a major problem. Four lanes of traffic at the entrance to USI that's no place for a road to be. A four lane, if you said it was a low volume, it's not going to be that high of a traffic count. Why are you putting four lanes in? You're just kind of contradicting. There is going to have to be a lot of traffic there.

Commissioner Mourdock: Rose, do you want to deal with it?

Rose Zigenfus: I don't have any accident data with me this evening, but I'll be glad to look it up and let you know what that is.

President Jerrel: Do you want to give...did you give your address with your name for the record?

Brent Barnes: Yes.

President Jerrel: We can get the minutes.

Rose Zigenfus: How about a phone number?

Brent Barnes: 963-6928.

Rose Zigenfus: 6928, thank you.

Commissioner Mourdock: Okay.

Phil Hoy: My name is Phil Hoy and I live at 217 Cherry Street downtown. My late brother was very good at making a living making predictions and I don't pretend to have any of his powers, but what I see in the future on this road are traffic lights, fast food stores, everything that we see everywhere else in this county. I think we have a real opportunity here to do real planning. Obtain the right-of-way for those urban intersections now so that less than 20 years from now we will not be looking at what we're looking at at the Lloyd and Burkhardt. That is instead of \$10 million \$21 million. We'll be looking at that at every intersection out there. The population is going to grow. We've talked about truck traffic. I have a son-in-law whose firm is planning the third part of their subdivision off Hogue Road. They almost can't built the houses fast enough. This is going to be a high growth area and I think that if we don't have urban intersections this is what you'll see. I may not live to see it, but my children and grandchildren will and will be at the same place in this room saying why didn't we do it right the first time? I think that we have a golden opportunity to do it right.

Commissioner Tuley: Phil, I think that is the same vision he shared. I'll commend you for that. I'll shake your hand when you and the other Council members provide that funding for us to acquire that right-of-way.

Phil Hoy: Well, you have already gotten us to commit a lot to the east side, as you know.

Commissioner Tuley: Okay.

Councilmember Hoy: I didn't really want to comment on the east side--

Commissioner Mourdock: But now that it has been brought up.

Councilmember Hoy: But now that you brought it up...since I live downtown I'm not real thrilled with what I see on the east side. If gasoline prices, which have gone up recently, ever catch up with Europe and the rest of the world where they are five, six, seven dollars a gallon and they have been for a long time we're going to have some real economic problems, I think. I know we will. We're already beginning to have those problems. But I look at the east side and have to be honest with you, Commissioner Tuley, I don't like what I see. I'm seeing...you know, we've gone from malls, then we went to strip malls and now we're going to isolated buildings with huge parking lots and all of that water...I'm also on the Soil & Water Conservation District as you are. We have four watersheds in this county and Mother Nature will only be insulted so long by our paving and then where is the water going to go? I'll tell you where it will go. I took a vacation over in Owensboro because I am a lifetime member of the Ursuline Associates. That's something to accomplish as the unwashed Protestant that I am and I'm proud of that, Patrick. On South Fredrica Street I go in to shop and here is a TJ Maxx Store with, brand new store, four inches of water in it. The whole strip, and there are cranes just lined up down South Fredrica building more and more. It will catch up with us. That's what I fear. I'm not against growth, but I think we do need to put up the money and I will promise you this as a Councilman that I will as long as I am sitting in that chair I'll do the best of my ability to help develop this properly on the west side and make that commitment to it.

Commissioner Tuley: Thank you.

President Jerrel: Thank you. If there are no further questions--

Commissioner Mourdock: Yeah, I would just like to thank everyone for the very civil discussion that took place here tonight. As you can imagine, when the room gets this full and a discussion goes this long a lot of times people get rather short tempered and this is the way government should work and I appreciate all of your input. Very helpful, thank you.

President Jerrel: It was a very good meeting.

Any group or individual wishing to address the Commission
--

President Jerrel: I'm going to call the meeting back to order and let's proceed.

Commissioner Mourdock: Yeah, excuse me, Bettye Lou. You folks back there in the corner, John, could you kind of either move the group this way or this way because

your sound comes back to our sound system. I don't mean to chase you out of the room.

President Jerrel: You could go in our...you could take them in there in the other room, John.

Commissioner Mourdock: Right. Yeah, you're welcome to use our office.

President Jerrel: You can go in there and keep looking.

Unidentified: We're leaving.

President Jerrel: You don't have to.

Commissioner Mourdock: We're not trying to end the discussion.

President Jerrel: Okay, the next item on the agenda at this time is normally any other group or individual that wishes to speak to this body and at this time is there anyone that would like to make any comments?

Unidentified: Would that be new business?

President Jerrel: Well, it's not. It's just any individual. Feel free to speak now. Uh-huh, thank you.

Roger Madden: Roger Madden, 8127A O'Daniel out by USI. Some of the concerns that they brought up are valid about the traffic, etc. My concern today is the lack of visitation enforcement in the county. Public law 98-378, is part of the 1984 child support amendment, requires it says as a condition of state receiving federal funding they are required to investigate, study, examine, etc., etc., the extent of their success in securing child support and parental involvement and look at specific problems of visitation. Well, I have been back in Indiana for ten years. I started Fathers United eight years ago and I have seen no enforcement by the county of visitation rights which is a violation of that federal law, public law. Now, we pay a County Attorney who has a child support enforcement office and they use federal money which they get--

Joe Harrison, Jr.: That's the prosecutor.

Commissioner Tuley: How about the prosecutor, maybe?

Roger Madden: Yeah, same difference.

President Jerrel: That's where--

Commissioner Mourdock: No, it's not the same. This is the county attorney. Joe is the county attorney.

Roger Madden: Okay, I'm sorry.

Commissioner Mourdock: The county prosecutor is the county prosecutor.

President Jerrel: And he doesn't get any federal money.

Roger Madden: Okay, well Levco with child support office.

President Jerrel: Right, it would be the Prosecutor's Office.

Roger Madden: Okay. But anyway, number one they are failing to give equal protection whether it be the Fourteenth Amendment, Indiana's law on visitation rights. You go into court and you've got a county child support enforcement officer standing there half the time violating Indiana law not to mention violating the federal law. You have judges who don't give equal protection. They don't give modifications when you have been denied visitation for X number of months, years, etc., which Indiana law has laws for modification even to the point of changing the custody award. There is also the Clean Hands Doctrine which says when one party is in contempt of court they can't take the other party into court because they would end up being arrested for being the original person in contempt. So whether it's under justice or whether it's under the best interest of the child or there is even a section on greed that I could tell you Vanderburgh County, from what I can get, has about 10,000 child support enforcement cases. Now if they collected \$1,200 per year, \$100 a month per case, that would be \$11 million dollars. The figures that I have been able to get from the child support enforcement research books they only collected about \$4.9 million so they lost \$9 million in just child support in this county. In 1985 when they did the Governor's Commission on Child Support Enforcement as part of the public law they made recommendations of more awards of joint custody, criminal penalty for denied visitation, legal assistance and representation for non custodial parents and a network of drop off and pick up points in cases with problems of denied visitations, problems between the parents. Well, that was what, 14 years ago? Well, now the 1997 child support enforcement report to congress they are suggesting the same thing again. So, you know, of course federal law said that states were required to secure parental involvement and visitation, too. They never did that. So what Health & Human Services Secretary Lewis Sullivan gave a speech in '91 and he brought up some issues about...I'm sorry, in 1990. The topic was male absence from the family in the United States. He said it was the greatest challenge of our generation. There are five times more poor kids in single parent homes, two times the dropout rate at school. The poverty rate for the nation was six percent and single parent household the poverty rate was 33 percent. Well, that was in '90. Back in '70 they did a study at American University that found that when you have father custody there was a 50 percent reduction in child poverty so right there that could eliminate a whole lot of the problem.

President Jerrel: Have you communicated with the prosecutor or the courts?

Roger Madden: I started calling them in 1989 when I came back from New Hampshire after spending four years in the Air Force protecting and defending the Constitution. I had the same--

Commissioner Mourdock: Let me ask Bettye Lou a question here because Bettye Lou is certainly our expert on funding within county government. As you mentioned, Roger, and Bettye Lou concurred there are certain federal funds that are issued to the county that are earmarked to the prosecutor for child support type issues.

President Jerrel: Uh-huh.

Commissioner Mourdock: Are there any other child support issues by which this Commission is directly involved?

President Jerrel: Our body?

Commissioner Mourdock: Yeah.

President Jerrel: No.

Commissioner Mourdock: Yeah, okay. So if I heard your point, Roger, and I think I did which is and I want to summarize it here as I wrote it, the prosecutor is getting federal funds and why should the prosecutor be getting them, why should the county get those funds if we're not following the federal rules?

Roger Madden: Correct.

Commissioner Mourdock: I mean, that's kind of saying it in a nutshell.

Roger Madden: Failure to comply, Title 42, USCS 304.

President Jerrel: Are we...you made a leap there. I would not be aware that the prosecutor isn't following the guidelines. You're saying he is not?

Roger Madden: Well, I have called the office since I came home in '89 asking for assistance in visitation enforcement and they said we don't do that hire an attorney. I contacted Health & Human Services which referred me to an office, 402 W. Washington St., Room W364, Indianapolis Family & Social Services and they said contact Sharon Pierce in the Family Protection in Room W364 right there. That was on December 19th. I got that letter from them and on December 7th Bayh's office had sent me a letter saying we can't do anything, get legal counsel. Well--

Commissioner Tuley: Does the statute address who has oversight?

Roger Madden: Well, Indiana...well, even better the statute says there are visitation rights. Visitation rights are supposed to be enforced.

Commissioner Tuley: Roger, let me rephrase it then. I guess what I am asking in the papers and the research that you've done you have identified that the prosecutor is the one in charge of the responsibility of seeing that, I'll say, your rights as a father are protected.

Roger Madden: Uh-huh.

Commissioner Tuley: If that prosecutor doesn't do that, does the law address what you have or who you can contact? I keep hearing you say everybody keeps referring you back to a local attorney. You're here before this body and I'm not sure why.

Commissioner Mourdock: Right.

Roger Madden: Because I was referred here by the County Commissioners.

Commissioner Tuley and Commissioner Mourdock: We are the County Commissioners.

Roger Madden: County Council, I'm sorry. I was there last week. They referred me to you all.

Commissioner Mourdock: Okay.

Commissioner Tuley: Okay.

Commissioner Mourdock: The County Council simply erred then.

Commissioner Tuley: Yeah, and that's the reason. I'm trying to not...I understand you have a problem and I'm not trying to make light or not understand, but I don't know what this body can do.

Commissioner Mourdock: And let me ask the county attorney, not the county prosecutor, but the county attorney, Joe Harrison. I'm hearing that Mr. Madden has been referred to get an attorney and I presume to bring some case against the enforcement branch? Against the Prosecutor's Office?

Joe Harrison, Jr.: Well, it sounds to me like you're concerned about your own personal--

Roger Madden: For visitation enforcement.

Joe Harrison, Jr.: --visitation rights.

Roger Madden: Well, my daughter is 19 now so it doesn't matter.

Joe Harrison, Jr.: Okay.

Roger Madden: The problem is it's a constitutional rights violation. It's an Indiana law violation.

Joe Harrison, Jr.: Right.

Roger Madden: A public law violation.

Joe Harrison, Jr.: But if anyone has a problem with their own divorce decree as it relates to visitation they should file a petition or information for contempt personally. They don't have to get a lawyer or obtain counsel and file a petition with the judge or with the court who entered the original divorce decree and give examples or reasons of problems they have with the visitation that they are currently not receiving with respect...as far as this body is concerned federal funds and that sort of thing, I don't see and I think your responses from the State of Indiana were probably accurate in that they were asked or requesting or suggesting that you go get counsel or just do it on your own regarding those matters. Now child support issues is a little different than child enforcement rights issues. Certainly there is IV-D money in child support issues that you brought up.

Roger Madden: They also handle all child support cases now. It has expanded.

Joe Harrison, Jr.: Right. The child support issues are handled by the Prosecutor's Office.

Roger Madden: Well, the prosecutor...the fax I received from the Governor's office said what is a prosecutor under 33-14-1-4 says he handles all...shall conduct all prosecutions for felonies, misdemeanors and infractions. Well, denied visitation is a misdemeanor.

Joe Harrison, Jr.: Well, again, I'm not well versed in this area, but my only suggestion is that if there is a problem that someone has with visitation and it is in their divorce decree what their visitation rights are, it's set out in the divorce decree, they should go to the court or the judge who entered that decree.

Roger Madden: Okay, well say--

Joe Harrison, Jr.: And that court can do two things. It can either dismiss the petition that is filed or the verified information for contempt or it can modify or hold somebody in contempt of court for failure to comply with its order.

Roger Madden: Okay, well when you come into an interstate case as in mine, my daughter is in Alaska.

Joe Harrison, Jr.: Again, you're going into an area that I can't really help you there.

Roger Madden: But what I am saying is the child support enforcement officer enforces ERISA cases, but they won't do anything about visitation out of state.

Joe Harrison, Jr.: Again, you may want--

Roger Madden: So where is the protection?

Joe Harrison, Jr.: --to check with the State of Indiana and obviously either the Indiana Attorney General's Office--

Roger Madden: Been there.

Joe Harrison, Jr.: --or your local Prosecutor's Office.

Roger Madden: Modisett--

Commissioner Mourdock: At this point--

Joe Harrison, Jr.: That's the only thing I can suggest.

Commissioner Mourdock: Yeah, at this point given that your daughter is 19 and just looking at this--

Roger Madden: Well, I'm worried about the other--

Commissioner Mourdock: --as a point of law does Mr. Madden even have a standing in a court?

Joe Harrison, Jr.: I think he is not concerned about his own case.

Commissioner Mourdock: I know, I know. I know that.

Roger Madden: I have a case pending in New Hampshire right now because that is the original jurisdiction.

Commissioner Mourdock: Okay, there is your answer then.

Roger Madden: But like I said, I started the group Fathers United here and if there

is all these guys that have come to me...and it's not just guys because you have the non custodial father, stepmother if they've remarried, grandparents on the non custodial side, step grandparents and all these people are wanting to see their kids they can't, they go to court and the judge ignores Indiana law. He ignores equal protection visitation rights, best interest of the child and you ask about the AG, Modisett put out a letter in '91, I believe it was, that said...talked about penalties and fines for denied visitation. It's Indiana Code 35-42-3-4B, a \$500 fine up to \$1,000 fine and 60 to 180 days in jail. Since he has become the...gone from a county attorney--

Commissioner Tuley: Prosecutor.

Roger Madden: County prosecutor, sorry, to the AG well now he only handles cases when somebody in the state has violated a law so he is not...it's like there is nowhere to go. I've tried four federal lawsuits. Federal Judge Gene Brooks said that constitutional rights and civil rights of visitation were frivolous and malicious and being a veteran I am very offended with that. It makes you understand why they wrote the Second Amendment into the Constitution.

President Jerrel: It is...the point, I think, that I've gotten from your explanations there are rights that should be followed particularly if they have been granted in a court of law.

Roger Madden: Correct.

President Jerrel: And the prosecutor can only enforce those if a complaint is filed.

Roger Madden: And I filed one and they ignored it in '93 when my daughter was still a minor.

President Jerrel: Well,--

Roger Madden: They said they didn't have enough evidence, but the only problem was they never asked me for evidence. I filled out the complaint form and that was it. I never heard back from them other than we can't help you. We don't have enough evidence to prosecute.

Commissioner Mourdock: And you realize this, Roger, and I know you do know because I know you have studied the workings of government, as a separate elected office this group, this Commission, has no authority whatsoever over the Prosecutor's Office. We are seen as equals.

Roger Madden: No, but what I was looking for was the county to appoint a visitation enforcement officer to assist those people because...well, let's see. In the...I believe it was in 1985 they had under Indiana Code 33-2-2.1-10, Child Custody Advisory Committee, they were looking into three issues: joint custody, visitation interference and visitation guidelines. Well, in '87 the Judicial Conference wrote support guidelines, but they didn't do any visitation guidelines and that was only three years after the public law so, you know, even the Indiana Supreme Court is not giving equal protection. That's how pathetic the situation is.

Commissioner Mourdock: For this body to try to put a position in place that could effectively rule over an appointed decision of the court just doesn't work. I mean, I understand what you are asking.

Roger Madden: Well, who...I talked to Levco--

Commissioner Mourdock: It's not unlike, not unlike at all, another situation we have or had with Community Corrections in how things were done there. I mean, we could not tell the courts what to do or how to do it or even in the point of who would be at the SAFE House the question took this turn which was this body cannot tell the judges who would be there because how they handle those decisions is purely a judiciary call.

Roger Madden: Well, I talked to Levco in '92 at a paralegal meeting. I was taking paralegal classes at UE on veteran's benefits and he goes, oh, well we don't have any kind of positions like that, etc., etc. Lo and behold a few months later all of a sudden we've got this advocate position except apparently from on here the only thing that she took care of was issues for women. It's like, you know, children are women, going to be women. Why don't you take care of some of their problems before they, you know, eliminate some future problems.

President Jerrel: If you call, I tell you what, you've read into the record a good many things. We'll get you a copy of our minutes and you can use them to send to the judges and the prosecutor, how is that?

Roger Madden: Okay, well--

President Jerrel: That's about all...we have no power.

Roger Madden: Well, I was told by the other Council that--

President Jerrel: The other Council controls money.

Roger Madden: Yeah, well they said there was the money too.

President Jerrel: We do roads and streets, personnel, ordinances that relate to safety in this community. We don't tell the judges what to do. If we try we don't--

Roger Madden: Well, on the safety issue Lewis Sullivan in '90 said 60 percent of the children live apart from one biological parent. Fifty percent attempt suicide and 70 percent of juvenile delinquents in long-term correctional facilities grew up in a home without a father. That's due to the 1988 figure. They did a survey, four counties in Indiana, 400 cases, 77 percent denied visitation rate for which there were no contempts, no sanctions, no anything.

President Jerrel: They've got to go back to that court that issued it.

Commissioner Mourdock: That's right. If it were 100 percent it wouldn't affect... instead of 77 if it was 100 percent it wouldn't affect our inability to deal with this situation.

Roger Madden: Well, I am just trying to point out that this isn't a nutshell.

President Jerrel: Oh, no.

Commissioner Mourdock: Oh, I understand. It is not isolated to this county.

President Jerrel: It's a big problem.

Commissioner Mourdock: I understand that.

President Jerrel: But if you would call we'll get you a set of the minutes if you want to use them.

Roger Madden: Okay, well--

President Jerrel: Thank you.

Roger Madden: --the other body gave me the impression that you were the ones to talk to and that you would be able to do something about it.

President Jerrel: We set...we do policy decisions, but we can't control the branch of government, the courts or the prosecutor.

Roger Madden: You don't even have any influence?

President Jerrel: Frankly--

Commissioner Tuley: Based on last Tuesday night's meeting, no.

President Jerrel: No.

Roger Madden: Well, like I said, as Sullivan said the 70 percent of juvenile delinquents, you know, if you eliminate the 77 percent denied visitation rate you might not need the new jail.

President Jerrel: Well, that is true.

Commissioner Mourdock: That's a good point.

Roger Madden: You could save a whole lot money and bring a whole lot of...another 60 percent because right now Vanderburgh County is collecting, from what I can find, about 15 percent. If you have enforced visitation according to the 1989 US Census Survey you can have a 79 percent pay rate and if you have enforced joint custody there is a 90 percent pay rate. So people will pay for their kids when they get to see them. Otherwise there is a problem.

President Jerrel: Don't pay.

Commissioner Mourdock: Okay. Thank you, Roger.

John Stoll - County Engineer

President Jerrel: John Stoll.

John Stoll: I get the look of death. I've got one item, it's a supplemental agreement for Burkhardt Road phase four between Interchange Road South and Lynch Road. This would be for an increase of \$14,800 for additional traffic studies for the intersection of Lynch and Burkhardt and for the intersections of Old Boonville Highway and Burkhardt. Given the fact that the EUTS traffic model currently is in need of recalibration it was felt that we could get better traffic data by looking at doing traffic projections specifically on the Burkhardt Road corridor and that was not

a part of Bernardin Lochmueller's original agreement on this project. The traffic data was supposed to be supplied by EUTS. We've looked at that data and feel that it would be better to do some independent projections as opposed to using that traffic model data. So that is the need for this supplemental agreement and Rose is in the process of getting her traffic model updated and recalibrated, but that won't be available in the time frame needed to keep this project on schedule to try to get it designed and under construction by sometime next summer.

Commissioner Mourdock: So conceivably the traffic...the new traffic count you get would substantively affect the design?

John Stoll: Correct.

Commissioner Mourdock: For the intersection.

John Stoll: It's to evaluate the need for things such as traffic signals which is real popular after the hearing a while ago and for things like the need for separate turn lanes and the length of those turn lanes and things like that. So that is what really initiates the need for getting this data.

Commissioner Mourdock: I'll move approval of the supplemental agreement in the amount of \$14,800 as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: One thing in regard to the hearing earlier that I need to send a letter to the lady who was asking about the bus routes and the Eickhoff access. In looking through the plans Eickhoff will not be cut off. It will be connected, it just won't have access directly to the University Parkway at the current...I shouldn't say at the current location.

President Jerrel: Did you get her name?

John Stoll: I figure once the minutes were--

Commissioner Mourdock: Judy Carver.

John Stoll: Pardon?

President Jerrel: Yeah.

Commissioner Mourdock: Judy Carver.

John Stoll: Judy Carver, okay. I'll send her a letter and a copy of the plan showing that it is not cut off. Basically, Upper Mount Vernon and Eickhoff will be connected and I forgot about that.

Commissioner Mourdock: Any time we have those kind of meetings we really need to have one big map that everybody can see from one spot. I mean, I know that's--

Joe Harrison, Jr.: Blown up.

Commissioner Mourdock: Yeah, blown up. It's just going to save a lot of problems.

President Jerrel: John, I want to thank you for--

Commissioner Mourdock: Ditto.

President Jerrel: You did a very good job.

John Stoll: Thanks.

President Jerrel: And I appreciate...I didn't say it to them, but there was a lot of thought that went into this and there were a lot of people here that gave good explanations, so I want to thank you.

John Stoll: Thanks.

Commissioner Tuley: Good job.

John Stoll: I would have expected...if we would have expected so many people I might have thought more about getting maps stuck up on the wall somewhere, but I sure wasn't expecting that size crowd so I figured it would be something--

Commissioner Tuley: I think she called a news conference today to say we were having this. I've seen it and heard it everywhere.

Commissioner Mourdock: Is that right?

President Jerrel: Yeah, right. No, that's true.

John Stoll: If the people want to call us, like I said, we'll send them whatever data we've got so they can take a look at it even though we didn't have it available...ready and available for them this evening.

Commissioner Tuley: You still did a good job though.

John Stoll: Thanks.

President Jerrel: Yeah, we appreciate it.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Erik has turned in his report and next is--

Commissioner Mourdock: Do we have anything from Joe? If we don't we'll do them all at once.

President Jerrel: Do you have anything?

Joe Harrison, Jr.: No, I've got some questions for John, but no.

President Jerrel: Okay.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I put a memo about the YMCA wanting to raise their membership rates.

President Jerrel: Yeah, be sure you look at that. We won't make any decision tonight. Tony needs to--

Tony Greubel: If you want to give me your input over the weekend.

President Jerrel: --get some guidance from us on that.

Tony Greubel: They are trying to raise their rates by like almost a fourth or so.

President Jerrel: Twenty-five percent.

Commissioner Tuley: When was the last time they raised them, do you know?

Tony Greubel: April of '98.

Commissioner Tuley: I thought you were going to say '94 or '95.

Weekly reports

Commissioner Mourdock: I'll move approval of the county department reports as filed for the County Garage, Burdette, Soil & Water Conservation District and the Ozone Officer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Consent items

President Jerrel: Are there any questions about the consent items? Hearing none, is there motion to accept them?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

Tony Greubel: You do not have a Soil & Water Conservation District report.

President Jerrel: No.

Tony Greubel: Probably because it was a short week Mike Wathen couldn't get that.

President Jerrel: Okay, and I'll say so ordered on the consent items.

Old business

President Jerrel: Is there any old business to come before this body?

New business

President Jerrel: Okay, hearing none any new business?

Commissioner Mourdock: Just a request for Council Call that came in from Burdette. Perhaps we should have done this during their department report, but I understand Steve Craig wants to get permission to do a Council Call for the Discovery Lodge and the amount of the Council Call is \$494,038.70.

President Jerrel: That is their money that is already in the CCD and you know it would roll over.

Commissioner Tuley: Reappropriating it.

President Jerrel: He just wants to reappropriate it. Yeah.

Commissioner Tuley: Second.

President Jerrel: So ordered. Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:45 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jerry Bryan
John Stoll
Rose Zigenfus
Sherrienne Standley
Paul Vandendorpe
Cindy Brinker
Susan Wolf
Shirley James
Mary Ellen Tavenner
Rebecca Whitehouse
Andy Hubbard
Brian Litherland
Steve McCallister
Ralph Mueller
Judy Carver
John Eickhoff
Bill Meisler
Paul Doss
Cynthia Hoehn
Tim Mueller
David Griffith
Carl Griesbacher
Joyce Waters
Brent Barnes
Phil Hoy
Roger Madden
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons.

**Vanderburgh County
Board of Commissioners
December 6, 1999**

The Vanderburgh County Board of Commissioners met in session this 6th day of December at 5:47 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners to order please and introduce to you the people before you. On my far right is Tony Greubel, Superintendent of County Buildings; next to him is our County Attorney, Joe Harrison, Jr.; Commissioner Pat Tuley; on my far left, Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Join me in the Pledge of Allegiance please.

Approval of minutes

President Jerrel: The first order of business is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of the November 29th meeting as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: And this evening we had an Executive Session that began at 4:45 and continued until about 5:35 and that summary minute should reflect that we discussed pending or...well, litigation against the county and also county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Final reading - Ordinance amending Chapter 2.32.100

President Jerrel: Item C is the final reading/public hearing for the ordinance 2.32.100. That, just to refresh your memory, concerns Weights & Measures and county compliance.

Commissioner Mourdock: And on final reading I would move approval of the ordinance amending Chapter 2.32.100 and the pertinent section there I will read into the record:

"Now therefore be it ordained by the Board of Commissioners of Vanderburgh County as follows:

Section 1. Amendment of Section 2.32.100 Rules and Regulations.

Section 2.32.100 (F)3 of the Vanderburgh County shall be amended as follows:

2.32.100(F)3. - Commodity Regulations. All commodities when required to be bought or sold by weight must be bought or sold by net weight and all commodities required to be bought or sold by measure or count shall be accurate."

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. Now do we need a roll call vote since this is an ordinance?

Joe Harrison, Jr.: Yes.

President Jerrel: Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Consideration of inter-local agreement for GIS/aerial mapping
--

President Jerrel: The next item on the agenda is the County Attorney for consideration of an inter-local agreement.

Joe Harrison, Jr.: The city has agreed to contribute \$400,000 to the county in connection with the county's RFP that is out now regarding the aerial mapping orthophotography from the GIS program. Those funds would be used in connection with a contract to be entered into between the county and a selected vender. This inter-local agreement that is in front of you is necessary in order to memorialize the responsibilities for the city and county with respect to the ownership of the city maps. However, the maps and photography and data associated with the GIS program would be used by the county in connection with the project, however, final ownership interest would be in the name of the city. The County Council has considered this inter-local agreement and has passed the same. The City Council is going to consider the inter-local agreement within the next several days. I think they've got several readings, but we need to get this approved this month by the representatives of the county, which would be the Commissioners and the County Council and then the City Parks Board...Public Board of Works will consider it as well as the City Council. It is the intent of the county to enter into a contract yet this month with the selected vendor.

Commissioner Mourdock: And just to clarify, Joe, normally when we have...or

frequently when we an inter-local agreement it means the city is paying some percentage and the county is paying some percentage. As I read this the city is paying one hundred percent?

Joe Harrison, Jr.: No, the city is paying, I think, \$400,000. Well, \$400,000 is what the city is giving and the county, I believe, is paying \$500,000 or \$600,000.

President Jerrel: Right.

Commissioner Mourdock: Okay, but it is a fixed fee as opposed to anything to else?

President Jerrel: Yes.

Commissioner Mourdock: That was really the--

Joe Harrison, Jr.: It's \$500,000 or \$600,000?

President Jerrel: Five hundred, and it's a one time--

Commissioner Mourdock: Right.

President Jerrel: --photography, orthophotography.

Joe Harrison, Jr.: And it's hopeful that the photography will be done this winter.

Bill Cottun: Spring.

Commissioner Mourdock: Yeah, probably done in February or March.

President Jerrel: February, yeah.

Commissioner Mourdock: Okay, I'll move approval of the inter-local agreement for aerial mapping between Vanderburgh County and the City of Evansville.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: We need a roll call on that.

President Jerrel: Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Joe Harrison, Jr.: Thank you.

Xerox copier maintenance agreement

President Jerrel: The next item on the agenda is the Superintendent of County Buildings.

Tony Greubel: This is just for a maintenance agreement for one of the copy machines in the Auditor's Office that the Commissioners own. It's for \$5,328. We paid that off, as of October 1st it's our machine. When the payments ended we don't have a lease agreement any more, so to be on the safe side this is a maintenance agreement for one year.

Commissioner Mourdock: I'll move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission

President Jerrel: The next item, is there anyone here that wishes to speak to the Commissioners? Seeing none, we'll go on to the County Engineer.

Commissioner Mourdock: Excuse me. If I may, I asked Bill to join us for just a moment and this is probably the logical point to do this.

President Jerrel: Okay.

Commissioner Mourdock: Just in all of the craziness that we keep hearing about regarding Y2K and the computer situation I know the county has, and the city, SCT, has spent a lot of time, made a lot of investment in making sure that all of our main systems are Y2K compliant and I have every confidence to believe that will be the case. However, I learned something in the last day or two through our company MIS people that to me is rather frightening, which again, I'm not at all skeptical of Y2K. I think that is going to be the biggest bust since Ivan Browning predicted earthquakes on the New Madrid Fault. But it seems there is rash of viruses going around that are being designed to cause PCS and small systems to crash on January 1st to make people think, oh, the Y2K calamity has come upon us. With that in mind I was curious, Bill, as to what we might be doing to protect ourselves, how are those viruses being transmitted and what can we do to make sure that the county is looking at that aspect of January 1st as well as the double zero aspect?

Bill Cottun: I'm Bill Cottun, with SCT. We manage the city/county government network through contract. What we have currently done with our network is that we have a virus protection, Norton AntiVirus, for the network version. We run a weekly live update. Norton puts out updates to viruses constantly. It used to be once a year, once a month and now it is once a week. They also put out special updates for a specific virus and you've read about two or three of them very recently in the newspaper. So from the network side we're in very strong shape as far as our antivirus protection goes. Any e-mail that we receive currently we have two ISDN lines set up that receive e-mail for the city/county. They also run that e-mail through our network and it is a very strong virus protection. One of the concerns that we do have, and the county through the Data Board began addressing several months ago,

is that we do have some stand alone modems out where people can dial into the Internet. Some of them are using it for maintenance such as on our Kronos system, so we have some stand alone modems out and I think it would be a very good idea for us to send out a notice to all city/county employees, and I am sure the city would agree with this, to warn everyone, basically along the lines of your memo, that to be very cautious with any e-mail that you receive through the Internet or otherwise. If you don't know its origin don't open it.

Commissioner Mourdock: Is that true of the e-mail in its entirety or specifically attachments within the e-mail?

Bill Cottun: That is specifically attachments within the e-mail although there is one virus out that as soon as your browser addresses the e-mail in any way it opens, but that is a very rare virus right now. Our main concern are the stand alone modems that we have out there and we are moving towards centralizing all of our network access through dial-in servers and getting away from all of the modems that we have out, but we're not at that point yet.

Commissioner Mourdock: When I swap e-mail daily with Tony here is that...and we're doing it through a local server is that one of the types of modems you are referring to?

Bill Cottun: No, sir. That is actually coming through an ISDN line that we're getting from Network WCS right now.

Commissioner Mourdock: Okay.

Bill Cottun: In probably the first quarter of next year we'll have a local server that will handle all e-mail and we'll have it severely fire walled specifically against this type of stuff. So I'm not overly concerned about the network type traffic that we're going to be getting. Once again it goes back to the stand alone modems and we can send out a notice so anyone who has a concern about a file that they have received they certainly should notify us. As a matter of standing we also have instructions that everyone signs that has access to the Internet and one of the things that it does caution about is receipt of e-mail with attachments and how to address that. So as long standing we have tried to make people aware of the possibility of this, but I do think it would be a good idea to send out a notice possibly under the Commissioners' letterhead. I'll be glad to assist in that and also from the Mayor's Office basically warning city/county employees of this concern.

Commissioner Mourdock: I'm not as much of a techie as my question may have implied, so do you feel there is more threat to us right now through that type of Y2K event then what the commonly defined Y2K issue is?

Bill Cottun: It's a...some of the viruses that are being written are very aggressive and how they get disseminated just is based on the ingenuity of the virus writer. Because they specifically target larger networks, generally they are not trying to send this off to one little guy, they are generally aimed at larger corporations, various established sites. We're in a fledgling stage right now in developing our Internet access. I don't think that we would be specifically targeted, but on the other hand we certainly could be passed a virus as does happen. As a note though, we receive viruses through hard disks, through floppies. We have not had a single case of a virus affecting the machine from our Internet access or from being transmitted internally.

Commissioner Mourdock: Really?

Bill Cottun: Everything that we have addressed so far has been specifically things that were brought in on disk and it's one of the reasons we set the courts up so that most machines there do not have the ability to read a disk simply because that is the most common place that viruses are transmitted.

Commissioner Mourdock: That being the case my concern may be overstated and, again, I can just reference this to our experience out in the office, but we've had several viruses that have come in over e-mail and specifically we have had a couple that have come in that have had this January 1st date attached, so they are certainly out there floating and it's something that we need to be careful of.

Bill Cottun: Yeah, there is no doubt. In fact, the FBI is one that raised the specter a couple of days ago and, you know, really cautioned everyone, so I think all network administrators are very aware of it. I think...but I do think that notification of city/county employees would be a very good idea.

Commissioner Mourdock: Hopefully, they will mentally take possession of their modem and their machine because it isn't someone else's work that's being disrupted. It's whoever is sitting at that keyboard.

Bill Cottun: That's a very good point. We'll point that out. I'll be glad to put something together for the Commission's review tomorrow and give this a very high priority in getting this completed for you.

Commissioner Mourdock: Okay.

President Jerrel: There are going to be a lot of people disappointed if something disastrous doesn't happen.

Commissioner Mourdock: That's right. That's kind of what the FBI was saying. People want it to happen.

President Jerrel: It's an entertainment issue really, and frankly I think you'll have a very interesting, happy New Year's Eve and New Year's Day.

Bill Cottun: As relates to Y2K I hope I have the most disappointing New Years.

President Jerrel: Yes.

Commissioner Mourdock: Twenty-seven days from now we all may look back at this and laugh, but 26 days from now we may all be sweating bullets, too.

Bill Cottun: Yeah, the pucker factor does increase.

President Jerrel: That's right.

Commissioner Mourdock: We appreciate the memo going out or coming to us so we can get it out.

Bill Cottun: Yeah.

Commissioner Mourdock: Thank you, Bill.

President Jerrel: Thank you.

Bill Cottun: Thanks.

John Stoll - County Engineer

President Jerrel: Okay, County Engineer. Thank you.

John Stoll: First I've got a street acceptance request for 407 feet of Virginia Street. This is for the portion of Virginia Street that the county built between the section of Virginia behind Wal-Mart and the section of Virginia that was developed by Jim McKinney's company. It's recommended that street be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Second, I would like authorization to proceed with having a contractor place some barrier wall on Gregory Court in Deerfield Subdivision. We've gotten three price quotes and for a four month period to place approximately 100 feet of barrier wall will cost \$5,472 with additional months being \$200 per month. Right now we don't know how long we're going to need that given the fact that the road...the embankment failure, has caused the road to collapse in that one portion. It's still being resolved, so we figure we'll need it through at least the spring and potentially even longer. But anyway I would like authorization to go ahead and have Gohmann Asphalt & Construction place barrier wall for the cost of \$5,472.

Commissioner Mourdock: Was it bid that way, John, with that contractor? I mean, was he the low bid?

John Stoll: We got price quotes from three different sources.

Commissioner Mourdock: Okay, and, Joe, were you comfortable with that?

Joe Harrison, Jr.: You might indicate who you got the quotes from.

John Stoll: We got them from J.H. Rudolph, IMI and Gohmann.

Commissioner Mourdock: I'll move authorization of the agreement with Gohmann to place the barrier wall.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Again, as far as that amount is concerned we will be attempting to seek reimbursement for that amount and all the other amounts that we incur in connection with this project. The lawsuit is pending and unfortunately it will probably be going on for a while until we get all of our work done and completed and then go after the parties that we believe is responsible for the road cave in.

John Stoll: Given the fact that it will get icy soon we just wanted to make sure that we did have it barricaded properly so nobody slides down into that area. The last item I've got is in regard to the letter that you received about West Summit Subdivision. I don't know if that has been circulated among all of you yet. Mr. William Spry had questioned why West Summit Drive had not been accepted. The road was built in two phases and the street was...the first portion of the street leads up to a dam and then the second portion of the subdivision the street actually crosses over the dam.

Commissioner Tuley: Oh, I remember that.

John Stoll: I believe Pat was on the Commission at the time and I believe Don Hunter and Rick Borries were the other two, but the reason the county never accepted it was because the road crossed the dam and I'll bring you copies of the minutes from that discussion so you can evaluate it further, but I just wanted to let you know that was the reason why the road was never accepted. He also questioned who maintains Posey County Line Road and that is Posey County since it is the west boundary for Vanderburgh County. There again on question three he had questioned some safety issues at the intersection of Strueh Hendricks and County Line and part of that appears to be Posey County's responsibility as well, but I'll get you some more information on that as well and give you some more complete information next week.

President Jerrel: We've had this discussion in some phase or another before about the responsibility of the adjoining county. Have we generally been successful after you talk to them or not?

John Stoll: Hit and miss. Some of it has not been a problem. Others it has taken a while to get resolved.

President Jerrel: Okay.

Commissioner Mourdock: It depends on if they have something we want or vice versa, I guess.

John Stoll: Like when we paved a good stretch of that road several years ago.

President Jerrel: Yeah. Okay.

John Stoll: That's all I have.

President Jerrel: Oh, I have a question. I got an e-mail today and it related to last week's discussion on Eickhoff or University Parkway. Who named that?

John Stoll: University Parkway? I don't...I know I have seen some minutes or some discussion about how that came about, but off the top of my head I don't remember who actually named it and who proposed the name change, when it all happened.

President Jerrel: Well, anyway, you know what I am talking about?

John Stoll: Yeah, I can--

President Jerrel: Well, here was the question. I received an e-mail because they had read or either they heard through the discussion that we were...that the people

here were proposing five interchanges on this new road at all of the crossroads and they asked me to...they challenged me to name one city in Indiana where they have interchanges on two adjoining local roads. Do you--

John Stoll: It's like you and I talked about earlier.

President Jerrel: Is there any?

John Stoll: I don't know of any. I mean, I can't say I have traveled every road in the state, but everywhere where I have seen interchanges it is on a state highway or an interstate never local road with local road. Like we were talking about earlier this morning when I had seen commercial areas up in Indianapolis like 38th Street or Castleton traffic signals everywhere except on 465 or on I-65 or something like that. Same conditions out on the east side of Louisville out around Hurstborne Lane and the Oxmoor Mall. All the interchanges are on I-264 or I-265 and off the top of my head I can't name any.

Commissioner Mourdock: Let me twist it. Are they asking what non state or non federal government authority has created limited access highways? Is that what they're saying?

President Jerrel: No, they're just saying it was recommended...I mean, it was just in the discussion that we have five interchanges, local road to local road.

Commissioner Mourdock: Right.

President Jerrel: And the gentleman from Bernardin said that could run about \$7,000 or \$8,000.

John Stoll: Seven or eight million.

Commissioner Mourdock: Right.

President Jerrel: I mean, million, excuse me.

Commissioner Mourdock: Each.

President Jerrel: Each.

Joe Harrison, Jr.: Minimum.

President Jerrel: So, well, let's just say it is seven. That would be \$35 million plus.

Commissioner Tuley: Just for that.

President Jerrel: Yeah, and the thought occurs that if you follow that thinking the State Board of Accounts won't let us put money away and just leave it there, this would never be built.

Commissioner Mourdock: Uh-huh, which may have been the bias behind the question.

President Jerrel: Uh-huh, that's true. But it is interesting that, you know, you think about it. I have not seen any in Indianapolis. I've been to St. Joe, but I can't swear

that I haven't. I mean, I haven't been all over St. Joe, but I have been to Ft. Wayne.

Commissioner Tuley: I can't name you one.

President Jerrel: Well, it was raised as if it was a commonplace thing that you should be doing.

Commissioner Mourdock: Right.

John Stoll: I don't think this road design is so substantially different than what other cities are doing even though, like you're saying, that was one of the accusations that we're doing this so substandard and in fact it's going really a step beyond because we are buying the access rights where we can so we won't have driveways every 20 feet like a Morgan Avenue or something like that.

Commissioner Mourdock: What was the phrase somebody used last week? Urban intersection. They referred to what we have down at Weinbach, I guess, or Boeke.

John Stoll: I'm not sure if they meant like the interchanges at Boeke or Weinbach or whether or not they meant the urban diamond interchange which is a slight modification of that. It's a longer span bridge where they can run everything off of one traffic signal instead of two, so they are able to run double left turns off the ramps unlike like at Green River where you get off into the ramp, you have a signal and then you turn and you get stuck by another signal they run it all off of one, but it takes a substantially longer span bridge to let those lanes all function under the bridge. So they may have been talking about something like that as well as opposed to just the diamond interchanges that we have.

Commissioner Mourdock: Yeah, the one comment and it was made several times last week about the urban intersection and I said this last week and I would again encourage us to look at it even as you're working with the traffic plan, realizing \$7 million per intersection is absolutely out of the question to do what was being requested. From the point of view from long-term planning if there is any way that we could at a reasonable price acquire additional right-of-way so that at some point in the future that might be an option for some future Commission. I mean, I think that is something we should just from the point of view of duty of planning for this community that we need to consider. But you're absolutely right. There is no way it's going to happen in the near future.

President Jerrel: Well, I think we need to give John direction because if we're going to start buying right-of-way we need to determine, you know, where to put the dollars because we have a finite amount.

John Stoll: After last week's meeting I got to thinking about that and I haven't checked with Bernardin•Lochmueller or INDOT, but I would think given the fact that this road currently has design approval if we were going to purchase the right-of-way we would have to do it sort of as a separate project where we go ahead and purchase the right-of-way for the project as it is designed right now and then purchase the additional right-of-way separate from this project because the right-of-way purchase is tied to design approval.

Commissioner Mourdock: Definitely.

President Jerrel: Any change in the design approval would stop the project.

Commissioner Mourdock: Start us over.

President Jerrel: Uh-huh.

Commissioner Mourdock: So what you just said sounds to me like the realistic option.

President Jerrel: Uh-huh.

John Stoll: We can look into that and see.

Commissioner Mourdock: We can look at that as another phase almost.

John Stoll: What I was going to do was look at the right-of-way needs from the USI interchange and just compare that to what it looks like we would need at each intersection. Unfortunately the impacts are going to be significant because there are residential properties up near those intersections, so it will increase the number of relocations like Pat had said last week. There is not any way around that if we go that route.

Commissioner Mourdock: And I know as we sit here and look at those costs now we think they are preposterous, but did we ever imagine that we would pay well into six digits per acre for property on the east side of Vanderburgh County? Ten years ago we would have thought that impossible and since then we have done it and wished it had been low six figures.

John Stoll: It has probably doubled since then.

President Jerrel: Well, that's true. If we're not going to build the road, but just buy right-of-way--

Commissioner Mourdock: No, I'm not suggesting that.

President Jerrel: Well, we're going to have to--

Commissioner Mourdock: Yeah, that's what John was saying. If we go forward with the current plan which includes the current right-of-way that has been laid out, go with that as is, but start thinking now about adding additional right-of-way to that plan for those intersections. That might be something we need to look at.

Commissioner Tuley: John, what did you say--

Commissioner Mourdock: One shouldn't stop the other.

President Jerrel: Yeah.

Commissioner Tuley: --about our interchanges like at Diamond Avenue? Intersection width, what are we right now in the current plans?

John Stoll: For the new road?

Commissioner Tuley: Uh-huh.

John Stoll: It would be four 12 foot thru lanes with a 60 foot median and ten foot

shoulders, I believe, so it is going to be even wider than what Lynch Road is mainly because the median width is going to be substantially wider.

Commissioner Mourdock: But you would effectively have there about what you currently have at Lynch and Green River.

John Stoll: It still even be wider than that.

Commissioner Mourdock: Still wider?

John Stoll: Because of the median width. It would be more comparable to what you would see on North 41 say at Baseline or something like that where 41 has the wide median and the crossroads as they intersect.

Commissioner Mourdock: Okay.

President Jerrel: Okay.

John Stoll: Do you want me to get in touch with Bernardin•Lochmueller about the possibility of getting an agreement worked up for the right-of-way purchase for the first two miles based on the current design?

Commissioner Tuley: I don't know why not.

Commissioner Mourdock: Move forward.

President Jerrel: Yeah, absolutely.

Commissioner Mourdock: Yeah.

President Jerrel: I just wanted to make it clear that what we are building is a very, very accommodating four lane road.

John Stoll: The other thing I was going to say, like you and I talked about, was where the median crossovers are if anybody develops in the future we need to do like INDOT does, pull the median crossover out just to make sure no additional signals ever end up on that road other than where the current intersections will be.

President Jerrel: Right. Okay, thank you, John.

John Stoll: Thanks.

Erik Bentle - County Garage

President Jerrel: County Garage.

Erik Bentle: Erik Bentle, County Highway. You have my report for this week. The other things I have is two pink slips we're going to run through. One is for Tim Miles who is coming back off leave without pay. He has completed his portion of the deal. The other one would be for Oscar McGee will be the new foreman at the garage.

Commissioner Mourdock: I'll move acceptance of the County Garage report as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Erik Bentle: The other thing I have is the last page on our report is a letter I received today. I just wanted to make you aware of it.

President Jerrel: And Joe is working with you on your response.

Commissioner Mourdock: Yeah.

Erik Bentle: That's it.

Commissioner Mourdock: The several pink slips you mentioned are already in the consent items?

Erik Bentle: Yes.

Commissioner Mourdock: So we'll take care of those there.

Commissioner Tuley: A question for you, Erik. Can you get someone out to look at Nurrenbern there by the BMX tracks?

Erik Bentle: Uh-huh. Where it is--

Commissioner Tuley: It's crumbling off the side.

Erik Bentle: --crumbling right there. Yeah, we have already looked at it. We're going to have to dig that out and rebase it and go back over and surface it.

Commissioner Tuley: Okay, is that a feasibility yet this year?

Erik Bentle: Yes.

Commissioner Tuley: Okay. That's all I had.

President Jerrel: Anything else?

Erik Bentle: That's it.

President Jerrel: Okay, thank you.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

Tony Greubel - Superintendent of County Buildings

President Jerrel: Superintendent of County Buildings.

Tony Greubel: We got rid of most of "junk" last Saturday at the County Highway auction. The preliminary figures are about \$2,300. We'll get about 80 percent of that. That's all I have to report.

President Jerrel: Thank you.

Steve Craig - Burdette Park

President Jerrel: Burdette Park.

Steve Craig: Steve Craig, Burdette Park. Did you get our worksheets?

President Jerrel: Yes.

Steve Craig: Did you get a packet that we sent you from the Tourism Capital Improvement Fund guidelines?

President Jerrel: Also, I got...did we get our grant application finished?

Steve Craig: For?

President Jerrel: They sent down this information, did we get it all finished?

Steve Craig: Yeah.

President Jerrel: Okay.

Steve Craig: Didn't we?

Tony Greubel: Yeah, we forwarded that...I don't know, we might need to talk to make sure. That was forwarded to Burdette, the application for the Build Indiana, contract agreement for it.

President Jerrel: They asked a lot of questions. It's the form that you get after you've been given the money.

Steve Craig: Yeah, I remember receiving it and we was doing it, but did she not send that back to you when it was finished?

Tony Greubel: I haven't seen it at least.

Steve Craig: I'm going to have to check into that.

President Jerrel: Okay. Alright, everything else going okay?

Steve Craig: Yeah. Do we...I guess I want your permission to go ahead and forward this to the Vanderburgh County Convention & Visitors Commission. I guess I will appear before them and plead my case again as I have before in the past. They had told me not to really come back unless I had something to put heads in beds and I can definitely prove that I can put the heads in the beds with this. We as of today have 51 grant applications sent out. We had 20 requests for the forms to fill out and we are in the Ls.

President Jerrel: I tell you what, Steve, I really want to congratulate you on that. That is something that, you know, you don't think about doing because you get busy with a lot of other things, but I know you're amazed.

Steve Craig: Yeah.

President Jerrel: By the number. You'll be really pleased when this year is over with. You'll be surprised how many--

Steve Craig: We've had several people call and want to know the nature of it. Some of them told us that this was not something that they were actually geared toward, but they wanted to know if we had anything else, any other projects that we were working on. You know, we discussed them and a couple of them we sent them grant applications for different things other than the Discovery Lodge because that is what they were more geared towards, so we're kind of finding out who is doing what and it has been kind of enlightening but I just hope we have good success with it.

President Jerrel: Supplies and equipment for the science discovery part of your day center would be something that they would fund.

Steve Craig: Yeah.

President Jerrel: A lot of them. They'll do equipment, you know, and supplies.

Steve Craig: That's what we're...a lot of them, you know, each one of them we haven't actually asked anybody for all of it, but the first one we had sent out was supposed to be in the medical area and we got \$5,000 to furnish our first aid room for the day camp, so that was the first grant that we got back.

President Jerrel: That's great.

Steve Craig: The guy gave us \$5,000 so we could do that, but that is what that was geared toward and that is what we got it for.

President Jerrel: Okay, do you want a motion for Burdette?

Commissioner Mourdock: I'll move acceptance of the Burdette Park report.

Commissioner Tuley: Second.

Weekly reports

Commissioner Mourdock: And move acceptance of the Soil & Water Conservation District and the Ozone Officer report.

Commissioner Tuley: Second.

President Jerrel: And permission to submit. I'll say so ordered to both of those.

Commissioner Mourdock: Yeah, permission to allow Steve Craig to call on the Vanderburgh County Convention & Visitors Commission for the grant request.

Steve Craig: Thank you.

Commissioner Tuley: Second.

President Jerrel: Thank you, Steve. So ordered.

Consent items

President Jerrel: Under the consent items are there any questions?

Commissioner Mourdock: I'll move approval of the consent items as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Scheduled meetings

President Jerrel: Just a reminder. We don't have a meeting on the 27th. We have a doubleheader on the 20th.

Commissioner Tuley: Yeah, the rezonings didn't look too much.

President Jerrel: No, they didn't.

Commissioner Tuley: We have two final readings. I think we have. If I am not mistaken one of those comes through with a 11 and 0 recommendation and one was nine, one and one.

President Jerrel: Okay. Before we adjourn are you all students?

Response: Yeah.

New/Old business

President Jerrel: Any new business or old business to come before the board?

Commissioner Mourdock: I'm not sure under which category, but I see that one of our folks on the Burdette Park Advisory Board resigned.

President Jerrel: Yes, Don Hess.

Commissioner Mourdock: And that is a republican?

Commissioner Tuley: Uh-huh.

Commissioner Mourdock: Was there a precinct ward or...not precinct, but was there a ward requirement on that one?

President Jerrel: No.

Commissioner Tuley: No.

Commissioner Mourdock: There was not, right?

Commissioner Tuley: No.

Commissioner Mourdock: I may have somebody. I will check and see.

President Jerrel: Okay, if there is no further business, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:17 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Bill Cottun
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
December 13, 1999**

The Vanderburgh County Board of Commissioners met in session this 13th day of December at 5:35 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'm going to introduce the people before you. On my far right is Tony Greubel, the Superintendent of County Buildings; Commissioner Pat Tuley; on the far left is Charlene Timmons, our Recording Secretary; Auditor, Suzanne Crouch; and Commissioner Mourdock isn't here this evening. So with that I would like to call the meeting to order. If you'll join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: The first order of business is the approval of the minutes of the previous meeting.

Commissioner Tuley: I will move for approval of the minutes of the December 6th meeting as presented.

President Jerrel: I'll second and say so ordered.

Open bids - VC99-12-01, Old Henderson Road Bridge replacement

President Jerrel: The next item on the agenda is the opening of bids. Is there a motion to proceed?

Commissioner Tuley: I'll move at this time to have the attorney open up bids on VC99-12-01, Old Henderson Road Bridge replacement.

President Jerrel: I'll second and say so ordered.

Jerry Bryan - City/County Purchasing

President Jerrel: The next item is the Purchasing Department.

Jerry Bryan: Good evening. I'm Jerry Bryan, City/County Purchasing Director. I have a short agenda here. We are requesting permission to renew the transportation services for the elderly and the handicapped. This is a carryover to 1999 and 2000. Also, I am asking the Commissioners to renew the APA036-99 which is transportation services for the Vanderburgh County Office of Family & Children. Joe and I have examined the contracts and we would like your approval to renew.

Commissioner Tuley: Uh, I'm sorry. I'll move approval for renewal as requested.

President Jerrel: I'll say second and so ordered.

Jerry Bryan: Thank you.

President Jerrel: You're welcome. Thank you.

Sandie Aaron - The Centre update

President Jerrel: The next item on the agenda is a report from Sandie Aaron concerning The Centre.

Sandie Aaron: Good evening. It's a nice day to be out!

President Jerrel: We really appreciate all of you coming.

Sandie Aaron: Oh, thank goodness it is dry in here. The Centre is busy, busy, busy. We have hosted in the last few weeks Christmas parties as small as 50 and as large as 3,500. The weekend before last we had 3,500 in the exhibit hall, 200 in one meeting room, another 400 in another and 1,000 in another so it was just really...and that was not counting two seminars we had during this same day, so it truly is already beginning to meet the needs of the community in its use. Our kitchen is not quite complete. It is getting there though. It's very close. We're in the final draft now with the food service company. We should be able to execute that within just a few days. We're beginning to train our part-timers to get ready to kick off the year with a real busy year. We do have quite a lot booked. You saw in the insert and that really was not...the deadline on that was quite a bit earlier, so there is quite a few more things that will be added to that very shortly. So far so good.

President Jerrel: Good.

Sandie Aaron: It's doing real well.

Commissioner Tuley: Are we doing any kind of, I don't want to call it an exit interview, but what kind of follow-up are we doing with the people that have been here to get comments to things that they were really impressed with or things that they think we can do better?

Sandie Aaron: We have tried to...well, first of all we're taking photos of different events so that we have a collection for marketing. Secondly, we have kind of a, actually I'll send you a copy of it, it's just a question and answer thing, what did you like, what is it you didn't like, what would you suggest? In addition to that we've invited or I have invited within the last three or four weeks all the major promoters that I could get down here. We've had Sunshine; we've had Nightlight out of Chicago; Jam Theatricals, Magic Works out of Ohio; and Varnell out of Nashville that have all come in and looked at the auditorium and have all been very, very impressed. They're all excited. Most of them are saying once you open it you'll be wanting to shut the doors because it will be so busy, so that will be a good problem.

Commissioner Tuley: Right.

Sandie Aaron: So far we have really not had any issues with parking.

Commissioner Tuley: That would be my next question.

Sandie Aaron: We anticipate and hope that we will as we grow. We know that certainly will become an issue, but thus far we haven't had just as the man said from the first trade show it has been more perception then it has been actual.

Commissioner Tuley: Mechanically and functionally, everything proper?

Sandie Aaron: It's doing great. We had...the day that we had the whole building working we had a couple of small glitches, but they were just strictly in programming so it was really a good thing and we had...the contractor was there and we were monitoring everything so it was a good check and balance.

Commissioner Tuley: Sounds like we're off to a good start then.

Sandie Aaron: We are. We are.

President Jerrel: Excellent programs coming up.

Sandie Aaron: Thanks.

President Jerrel: Well, thank you for coming over. Anytime anything comes up that you can share with us we would like to have you back.

Sandie Aaron: I will. I'll tell you Roberts Stadium...I've been here seven years and Roberts Stadium just hit the...they were in the top ten again. For the last six years they have been in the top ten of the buildings 10,000 to 15,000 seats and our goal is to make sure that the auditorium is on the one for that size for next year.

President Jerrel: Thank you.

Sandie Aaron: Sure.

Liv Watson - Update on orthophotography project
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President Jerrel: Next on the agenda, Liv Watson with an update on orthophotography.

Liv Watson: Thank you for allowing me to be here today. Liv Watson, the GIS coordinator for the city and the county. I just wanted to give you a brief update on where we are at today. We're down to two vendors, Western Air and Atlantic Technologies, and we're waiting on some more information back from them before the final decision.

President Jerrel: And you would like to do that?

Liv Watson: This week. Yes, we're going according to plan and December 22nd shall be the date.

Joe Harrison, Jr.: There will probably be...are you asking out of your group that there be a recommendation to this body that those be the two that are the choices to have had the list narrowed down from what, ten down to two? So those are the two that you are making a recommendation on at this point and then you'll have further negotiations with those two?

Liv Watson: That's correct. It was a truly wonderful experience, the whole GIS committee.

Joe Harrison, Jr.: What are those two again?

Liv Watson: Western Air, Atlantic Technologies.

Joe Harrison, Jr.: Okay. There probably needs to be a recommendation or a motion made that those are the two remaining vendors and that they will get back with us, your committee, with a final recommendation next Monday, hopefully.

Liv Watson: We hope to be back here by next Monday, but hopefully we'll have all of the information that we requested back by Wednesday.

Joe Harrison, Jr.: Okay.

Commissioner Tuley: I'll move approval of the two firms as recommended.

President Jerrel: Second and say so ordered. Thank you very much.

Liv Watson: Thank you.

North Green River Road corridor transportation plan
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President Jerrel: The next item on the agenda is the North Green River Road corridor plan.

Barbara Cunningham: Corridor plan. I wish Mr. Mourdock was here tonight--

President Jerrel: Yeah, I know.

Barbara Cunningham: --because it was his request that we're here. The reason it was at his request that the County Engineer, EUTS and the Area Plan Commission have examined the North Green River Road corridor to establish a future road network for this area and to determine what other road improvements might be needed for efficient traffic flow and proper access control much as we did with the Burkhardt plan and what we did with the North 41 plan. I must say those seem to be working, don't you think, Pat?

Commissioner Tuley: Oh, yeah.

Barbara Cunningham: We pull them out at Plan Commission quite often. And the coordinated effort between the three departments we've developed a draft plan and this is very preliminary which will be presented tonight. The area we have studied, and it is divided in two, is from Morgan Avenue to State Highway 57 at Daylight. There is some overlap in the area shown on this map and the plan that you approved. You can see where we're showing some of the plans for Burkhardt Road corridor that was adopted last year. Several minor changes have been made from the approved Burkhardt Road plan which shows a little more detail and future road network and Rose and John will talk more about that a little bit later. As we've done in the other corridor transportation plans these maps show the recommended future land use from the Comprehensive Plan and to me the map looks a little busy. We tried to get rid of some of the colors and some of the busyness, but it's kind of hard to show everything that you want to on it and not have all the different pinks and reds and yellows and such, but we're going to be working on that, too. We worked today. Our draftsman worked on this all day today and we will be working some more on it. The planned new roads are shown in red. The existing roads to be improved are shown in green and the intersections planned for future traffic signals are shown as

green dots. I think what I'll want to do with this is as we did last time is we'll make you copies for the Commissioners' office of both of these maps and let you have...we'll be sending them down to you in the next week and let you have a chance to look at them and to question or to ask us some questions. Rose, John, Blaine and Jim in our office, we're all ready to help you with it so we'll be sending these down probably this next week so you'll have them on hand. So I think now what I'll do is turn over the presentation of the specifics of the plan to our transportation experts since they tell me all the time that I don't do traffic. I'm going to send it to Rose Zigenfus, from EUTS, and John Stoll, the County Engineer. They didn't know I was going to call on them this soon. They thought I was going to do more.

Rose Zigenfus: Good evening. As we evaluated the Green River north corridor we considered land use, the transportation network, existing and proposed developments, floodway, floodplain, existing traffic data, congested areas and roadway geometrics. There were several meetings of EUTS, the Plan Commission and the County Engineer, and City Engineer to develop what you see before you. We knew what we wanted, a system of frontage roads and interconnections, minimal signals and we knew too what the long-range plan included. The rest seemed fairly easy until we started to look closely at the overall constraints of the area. Basically, floodway, Pigeon Creek, cul-de-sac streets, properties that had developments where streets were supposed to go through, so we ran into some areas of constraint. So what you see before you is our recommendation for consideration by the Commissioners, like Barbara said, and we'll talk a little bit about the system of frontage roads. We'll start here. Morgan Avenue and, of course, Green River Road. On the west side we are looking for some type of frontage road that would run all the way to this, it's the apartments that sit up here, Spring Valley and the Timbers, with some street access here and here. This line is up at Sugar Mill and this is the gateway entrance that goes back behind the church into the (inaudible) development. Theater Drive will be signalized in the future and we're looking for that to tie in to Hoosier in this area. We're working with Mr. (inaudible) right now on that and we would like some type of (inaudible) along here. Of course, Spring Valley is signalized and so is Lynch. We would like for the extension in this area to continue and tie in with Cullen that runs right along here. Spring Valley is proposed to come back and then this is supposed to meet Cullen as it comes back and ties into this cul-de-sac if that is at all possible. There is a commercial development here, there is a car wash going in, and we think that this area will support a frontage road and an extension back here to some vacant agricultural which runs between there and Hirsch. Also, as you get up here there just is not going to be, we don't think, developments because of the flooding of Pigeon Creek. When you get up here to Heckel the development is already in and there is the promise of an extension into this.

Barbara Cunningham: Let's move you over closer.

Rose Zigenfus: I'm sorry.

Barbara Cunningham: Thank you.

Rose Zigenfus: So again, over here to where this is proposed to extend into this development and, again, a frontage road on up to Heckel and on this side it has also been rezoned commercial. So we're looking for a system of frontage roads and I believe it continues similarly along here. Between Millersburgh we're not really looking for any type of frontage road system along here. We think it's going to be

a long time before this really develops and a lot of it is very low. Then up in this area, Boonville-New Harmony Road, we already have this commercial development approved. The zoning has been approved and we are seeing additional requests for industrial and commercial developments on this corner. So, again, a frontage road with street access and then ultimately tying into Hedden Road is our ultimate goal at this point. The extension of existing streets, I talked about Hedden, Theater, Spring Valley and Cullen. We would like to see as few signals as possible. Millersburgh is one likely candidate and we believe in time it won't be long before Boonville-New Harmony Road would also need a traffic signal. Green River Road is proposed to be widened as far as Millersburgh...or Heckel in our long-range plan, but we think it probably will have to be amended to at least come up to Millersburgh as a four lane facility. If this plan is adopted with any input from the public or yourselves, if it is adopted and the developers adhere to the plan we could eliminate the need for any type of median divider along the facility in any of this area, but if we allow it to develop with curb cuts everywhere then sure as it's raining out we're going to probably need some type of median to control the traffic flow.

President Jerrel: Rose, would you suggest that we have...I mean, I think that looks fine. That's a good idea and I don't know how Pat feels about it, but I think it would be a good idea to invite the developers either to your office or to a public meeting and review that because if we can hold to the standards it will not only be something that could be done much quicker, but it would also be a much more serviceable road.

Rose Zigenfus: Absolutely.

Barbara Cunningham: Mrs. Jerrel, that's what we did...we did that on the first one, didn't we?

Commissioner Tuley: Yeah, we did.

President Jerrel: Yes, we did.

Barbara Cunningham: We got together and figured out who the major property owners were and invited them all in.

President Jerrel: It was done with Burkhardt Road and 41 and the Burkhardt Road has worked very well.

Rose Zigenfus: It has worked.

Commissioner Tuley: Yeah.

President Jerrel: Speaking of that, I have to ask a question. I've read twice recently, not by reporter news people, but just by feature writers, and they refer to it as the Burkhardt mess. I find the traffic out there is flowing very well. This last weekend was the test of all times and the right turn only, I think that's just...somebody has gotten into the habit of saying the Burkhardt mess.

Barbara Cunningham: While it was under construction, don't you think?

President Jerrel: Probably. Yeah, but anyway if that would suit you do you think that would be...?

Commissioner Tuley: I think it is. I sat on the Area Plan the last two years and we've got one coming up this next week and they're well aware of what we are asking them to do and they've tried to work this out before they bring it to us.

President Jerrel: Uh-huh.

Commissioner Tuley: And I think that is because we've had these public hearings and everybody knows before they come in that's what we're going to request, so I think it makes it better for the staff people and it makes it easier on us.

Rose Zigenfus: It does make it easier.

Barbara Cunningham: We have them posted in the office over the maps and we'll have these available to people to come in and look at and we'll have the small copies for you. You didn't have time to get those done today, but we will have like we did before the small copies.

President Jerrel: Well, sometime during January or February before they get ready to start, you know, doing something we need to maybe get them in and make sure.

Barbara Cunningham: Okay. I think we can start doing that.

President Jerrel: I have a question about Highway 57 and Boonville-New Harmony. I know 57 is a state road, but--

Rose Zigenfus: Right.

President Jerrel: --what do you project in terms of...or will we be looking at an intersection change, perhaps the state on 57?

Rose Zigenfus: Yes, INDOT does have a project for this particular area. They are looking at turn lanes to help.

President Jerrel: Because that is going to get really busy out there.

Rose Zigenfus: Yeah, it's not scheduled though...I guess, it's 2002 I think it's programmed.

President Jerrel: But they do have it on their schedule?

Rose Zigenfus: Yes. We're talking with a developer here now about what improvements would need to be made to accommodate what he is wanting to do here both on Green River and Boonville-New Harmony Road and 57 because what he is looking at is a fairly large tract of land with heavy use, heavy industrial use.

Barbara Cunningham: I think you might want to say too what we discussed was although we show mostly commercial areas and commercial frontage roads we also expect a series of frontage roads with the residential subdivisions and those are not shown on the map now because it's not as easy to determine the acreage and the size of the subdivision and those are done through the subdivision review process, but a lot of this land we think will probably end up with residential subdivisions. I had to laugh when Rose was doing this. We reuse everything in the office and the back of this is why we're doing so much of this. Look at the back of this. This is a demonstration of how many subdivisions there are just new in this one area. So, you

know--

Commissioner Tuley: We've got that too.

Barbara Cunningham: It's not only commercial. It's a lot of residential activity that is causing this, too.

President Jerrel: Right. Well, do you have any other questions?

Commissioner Tuley: No, I think, you know, I appreciate the staff work that you've done because I mean it does...I know that some of the developers they understand the need for good traffic planning, too, because it only helps them. I think it is important as we've done in the past to bring to them in from the beginning so they know from the beginning what we're looking for and they can have input.

President Jerrel: It's amazing to me they don't say...they don't ask for anything but those right turn lanes now.

Barbara Cunningham: Well, it's just a matter of course, isn't it?

President Jerrel: That's right. They were all sitting in here and they all heard the rules and they're all keeping to them, so that is good. Okay, well thank you very, very much. We'll be happy to have something in maybe January. Thank you.

Any group or individual wishing to address the Commission

President Jerrel: At this time if there is any other individual that wishes to speak to the board?

John Stoll - County Engineer

President Jerrel: Okay, hearing none we'll go on to the County Engineer. Thank you very much. Thank you, Rose.

Rose Zigenfus: You're welcome.

John Stoll: The first item I've got is the state local public agency agreement for the reconstruction of Burkhardt Road at State Road 62. This is phase three of the Burkhardt Road project. This is the agreement between the county and the state that states that the county will be paying 20 percent and the state will be paying 80 percent of the construction contract. The amount that they've estimated in this agreement, our share would be \$445,441. It's recommended that this agreement be signed.

Commissioner Tuley: So moved.

President Jerrel: And I'll second and say so ordered.

John Stoll: Next I've got a Request for Proposals for phase three of the Burkhardt project. This is for the construction inspection. Originally, back in '96 when we selected a consultant on this project we didn't think we were going to have any federal money involved, so we didn't go through the federal aid selection procedures,

but now there appears to be that we do have enough money that we could get 80 percent funding on the construction inspection as well, so that necessitates going through the federal aid selection process and this requires the consultants to submit their proposals by January 24, 2000. The need for the consultant services is due to the fact that we don't have enough in-house staff available to spend the amount of time it is going to take to do the inspection on this project, so it is recommended that this Request for Proposals be approved.

Commissioner Tuley: I'll so move.

President Jerrel: I'll second and say so ordered.

John Stoll: The only thing that differs in the selection procedure that we didn't do the first time around was the state requires us to send out that notification to DBE firms and that wasn't done the first time, but everything else was done the same so that is the only variation between what we did and what is required now. The next item I've got is a sign encroachment agreement for Windemere Farms Subdivision. This subdivision is located out on Kansas Road just west of 57 and like so many other subdivisions today they have a large brick sign with the subdivision name right out in front of the sub and the sign does encroach in the right-of-way, so this is an agreement that allows that sign to remain in its current location, but it holds the county harmless and they're responsible for any relocation costs if required and it assigns all that responsibility to the homeowners association, so it is recommended that this be approved.

Commissioner Tuley: Joe reviewed it and everything?

John Stoll: Yeah.

Commissioner Tuley: I'll move approval.

President Jerrel: Second and so ordered.

John Stoll: With the approval of that then it's recommended that we accept the streets and storm sewers in Windemere Farms Sections 1 and 2. This is for 165 of Cayman Drive; 1571 feet of Windemere Drive; 281 feet of Stonewick Drive; and 1105 feet of Waterstone Drive.

Commissioner Tuley: I'll move approval as recommended by the County Engineer and read into the record.

President Jerrel: Second and so ordered.

John Stoll: Also on that same subdivision the developer has paid the \$2 per foot fee for the storm sewer acceptance outside of the public right-of-way. There was 1050 linear feet total of storm sewer pipes outside the right-of-way. The check for \$2,100 has been submitted and it is recommended that these storm sewers outside the right-of-way be accepted as well.

Commissioner Tuley: Move approval as recommended.

President Jerrel: Second, so ordered.

John Stoll: The next two items are also subdivision street acceptance requests. The

first is for Keystone Subdivision Section VB. This is for 524 feet of Pebble Stone Drive; 414 feet of Pebble Place Drive; and 547 feet of Sandstone Court.

Commissioner Tuley: Move approval as recommended and read into the record.

President Jerrel: Second and so ordered.

John Stoll: The next acceptance request is for Section III of the Seasons Subdivision. This is for 580 feet of Seasons Ridge Boulevard; 330 feet of Stardance Point; and 330 feet of Snowflake Cove.

Commissioner Tuley: Move approval as recommended and read into the record.

President Jerrel: Second and so ordered.

John Stoll: The next item is a request for preliminary approval of the street plans for Enterprise Park Subdivision. This is an industrial subdivision that is being proposed on the east side of I-164 north of Oak Grove Road. What the developer proposes to do is to extend a road that was built by INDOT as part of the 164 project. They'll extend that road northward and then it will curve and run to the east over to the interstate. The reason we're only asking for preliminary approval at this time is because the road itself, this north/south section of the road, all this section of the road through here all lies in the floodway, so they have to get a DNR permit for that. So in order for a consultant to submit things to the state...submit things to DNR stating that the county has reviewed and approved the plans as far as the geometrics and elevations go. I talked this over with Joe and we felt that a preliminary approval would be best that way I can send a letter to the consultant saying, yes, it was approved on a preliminary basis and then once you get the DNR permit resubmit for final approval.

Commissioner Tuley: I'll move approval as recommended.

President Jerrel: I'll second and say so ordered.

John Stoll: We deal with a lot of the floodway, but usually the street is not part of the floodway. The floodway is usually...the streets are usually outside of floodway boundaries. The next item is a request for street plan approval for Woodgate Subdivision. This is a subdivision on the south side of Eissler Road. In conjunction with this project the developer will be widening a portion of Eissler Road to 22 to 25 feet in width. This subdivision also connects up to an existing portion of Strawberry Hill Road, so it does connect to two different streets. I have reviewed the plans and it's recommended that these street plans be approved.

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered.

John Stoll: That's all I have unless you've got any questions on anything?

President Jerrel: Thank you.

John Stoll: Thanks.

Erik Bentle - Superintendent of County Garage
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President Jerrel: County Garage.

Erik Bentle: Erik Bentle, County Garage. You have my weekly work schedule and report for this week. The only other thing I have is we had an accident Wednesday involving one of our dump trucks. It was not our driver's fault. A lady ran a red light on Mill and St. Joe. The report has been turned in. I think you should have a copy of it down here. Everything has been run through to the insurance company, so everything is been handled with that.

Commissioner Tuley: Nobody hurt?

Erik Bentle: No. Hurt her hand a little bit, our driver. She went to MEC so we're going to file a claim on it through the insurance company, but the other lady was taken to the hospital. As far as her injuries, I haven't heard anything yet. It was clearly her fault. She ran right through the red light.

Commissioner Tuley: Did you guys get a chance to look at Nurrenbern up there?

Erik Bentle: Yeah, I have been out there. Hopefully, the latter part of this week they'll be out there and get that saw cut so they can get it dug up. It's just getting to it right now. We've got some other stuff backed up. Well, actually the weather is not affecting us getting out there saw cutting, it's just we're trying to get caught up on some of the other stuff we got behind on.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: Did you get the second truck yet?

Erik Bentle: They're right now installing the dump body on it and hooking up all the hydraulics so probably the middle of next week.

Joe Harrison, Jr.: Okay, and the first one is working fine?

Erik Bentle: The other one has been delivered and everything is going A-OK.

Joe Harrison, Jr.: Okay, thanks.

President Jerrel: I was just going to tell you the people that had called so many times about Kiowa Drive, they came by my house the other night because they wanted me to know how nice it is and how much they appreciate it.

Erik Bentle: Well, actually we didn't do that work.

President Jerrel: Well, whoever did it.

Erik Bentle: But it got done, that was the main thing, yeah.

President Jerrel: Yeah, they really didn't care who did it.

Erik Bentle: Yeah, as long as it got done, that's right.

Joe Harrison, Jr.: It was contracted out.

Erik Bentle: Yes.

President Jerrel: Yes.

Erik Bentle: Yes, on the bid that John got going.

President Jerrel: Okay, anything else?

Erik Bentle: That's it.

President Jerrel: Okay. Thank you very much.

Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: I've got some bid responses on the Old Henderson Road project. It's VC99-12-01. There were seven bids submitted. They are as follows:

Company name	Amount bid
CCC of Evansville Evansville, IN	\$113,823.45
Phoenix Construction Company Evansville, IN	\$136,657.00
Gohmann Asphalt & Construction, Inc. Clarksville, IN	\$225,313.00
CLR, Inc. Vincennes, IN	\$176,857.30
Deig Bros. Lumber & Construction Evansville, IN	\$167,280.90
Russell's Excavating & Septic Tanks, Inc. Mt. Vernon, IN	\$147,985.00
TD & O, LLC Evansville, IN	\$116,429.80

I would ask that you take these under advisement.

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered.

Joe Harrison, Jr.: The next item I have is I've got some documents for you two to sign after the meeting regarding the bond issuance relating to the Vanderburgh Industrial Park. The closing on that bond issuance is going to be this week and these documents need to be executed by you. Next week I'll have some similar documents on the Evergreen Heights Barrett Law sewer project. That's all I've got.

President Jerrel: We're trying to figure out the end of the year, you know, and, Tony, while I am thinking about it I need for you to get hold of EUTS, I should have told Rose, and find out what to encumber, you know, the portion that we agreed to pay toward that grant, the I-69 grant. We need a letter or something that we can use for that and then if you would get hold of Mike Robling and finalize what we need to keep in those accounts for the various projects we have going. Is there anything else?

Joe Harrison, Jr.: That's all I've got.

President Jerrel: Okay, thank you.

Tony Greubel - Superintendent of County Buildings
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President Jerrel: Superintendent of County Buildings.

Tony Greubel: Yeah, two weeks ago I brought up about the YMCA wanting to increase their rates for the year 2000. I have contacted them and the rates that their board approved were final, they are not negotiable. They are high. Of course, we don't have any...the way our budget was done we can't afford to increase our rates any more, so I did a survey of some county employees who were participating. Several who really don't use it on a regular basis or even semi regularly are planning on dropping if the rates go through. Of course, others who do use it regularly seem like most people are saying it's still a good price with the new rates and, like, don't drop the program. They still want us to keep this.

President Jerrel: So we need a motion to accept the new rates?

Tony Greubel: Yeah.

President Jerrel: We don't have a choice.

Commissioner Tuley: Yeah, I was going to say--

Tony Greubel: Yeah, unless we just drop the program, but that was an unpopular option. I can read those rates into the record if you want me to.

President Jerrel: Okay.

Tony Greubel: For the general locker room rate the monthly rate just for an adult is \$25 total, for a family it is \$36 a month and then for a single parent family it is \$27 a month. For the fitness locker room rates it is going to go up to \$37 for an adult, \$46 for a family and \$39 for the single parent family. Out of those rates next year the county will pay \$11 for each employee, so for example the \$25 basic rate the employee will be paying \$14 and the county will be paying \$11.

Commissioner Tuley: So we're not going to pay any more? If they want to use the program then they pay for it?

Tony Greubel: Yeah.

Commissioner Tuley: I'll move approval of the rates.

President Jerrel: And I'll second and say so ordered.

Tony Greubel: I'll send out a memo tomorrow. The YMCA is going to contact the employees directly, but I'll send out another memo just to remind them that if they don't like the rates to go over there and cancel their membership.

President Jerrel: Thank you.

Tony Greubel: That's all I have.

Steve Craig - Burdette Park

President Jerrel: Burdette Park.

Steve Craig: Steve Craig, Manager at Burdette Park. The one thing that I wanted to tell you tonight is that John Stoll, and Morley and Associates, Lee McClellan, Matt Williams and I, Gary and Mike Wathen all met at Burdette the other day and went over the preliminary plan of what we're going to do with the land up there and got everybody on the same page. So we're moving along on that. Morley told us what they needed out of us and we kind of told them what we needed out of them and everybody seemed to agree that they knew what we wanted so we're progressing with that. I think they said they would try to get the finished product back the second or third week of January, which I was hoping for it earlier than that but everybody is busy. That's about it. We're about 130 applications sent out now for grants and we're starting to get piles of replies every day, either the application sent back to us or for more information. Some of them are rejections. We're finding out a lot of them are just for regional grants, the people only put out the grants for a three county area of where they are at or something and, you know, they all tell us it's a worthwhile project, but they apologize, you know, but they're having trouble keeping money in their own district, you know, instead of sending it out. But those are ones we won't apply for the next time. We'll know. That's about all I have for this evening.

President Jerrel: Have you done...I know the west side industries tend to support you, but have you tried any of the other industries?

Steve Craig: Yeah.

President Jerrel: We don't want to leave anybody out.

Steve Craig: No, we want to give them all a chance.

President Jerrel: Okay, thank you very much.

Steve Craig: You're welcome.

Weekly reports

President Jerrel: Is there a motion to accept the reports including the Soil & Water and Ozone Officer.

Commissioner Tuley: So moved. Oops.

Charlene Timmons: I don't have the Soil & Water.

Tony Greubel: Yeah, that didn't come in yet this week.

Commissioner Tuley: Didn't come in today?

President Jerrel: Okay.

Commissioner Tuley: Okay, with the exception of the Soil & Water, I'll move acceptance of the department head reports.

President Jerrel: And I'll second and say so ordered.

Consent items

President Jerrel: You have the consent items. Any questions?

Commissioner Tuley: Move approval of the consent items as submitted.

President Jerrel: I'll second and say so ordered.

Old business

President Jerrel: Any old business?

Commissioner Tuley: I have none.

New business

President Jerrel: Any new business?

Commissioner Tuley: I don't have that either.

President Jerrel: Neither do I, so therefore is there a motion to adjourn?

Commissioner Tuley: So moved.

President Jerrel: And I'll second and say so ordered.

The meeting was adjourned at 6:16 p.m.

Those in attendance:

Bettye Lou Jerrel
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jerry Bryan
Sandie Aaron
Liv Watson
Barbara Cunningham
Rose Zigenfus
John Stoll
Erik Bentle
Steve Craig
Others unidentified
Members of the media

Vanderburgh County
Board of Commissioners

Bettye Lou Jerrel, President

Patrick Tuley, Member

**Vanderburgh County
Board of Commissioners
December 20, 1999**

The Vanderburgh County Board of Commissioners met in session this 20th day of December at 5:50 p.m. in Room 307 of the Civic Center Complex with President Bettye Lou Jerrel presiding.

Introductions and Pledge of Allegiance

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. We're running a little bit late and I apologize. At this time I would like to introduce to you the people before you. On my far right, Tony Greubel, who is the Superintendent of County Buildings; County Attorney, Joe Harrison, Jr., is next to him; Commissioner Pat Tuley; my far left, Charlene Timmons, is the Recording Secretary; next to her, Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like for you to join me in the Pledge of Allegiance.

Approval of minutes

President Jerrel: Thank you. At this time I would like to call for approval of the minutes of the previous meeting of December 13th.

Commissioner Tuley: I'll move approval of the minutes as submitted.

President Jerrel: I'll second and say so ordered.

Certification of Executive Session

President Jerrel: The next item on the agenda is the approval of the certification of the Executive Session.

Commissioner Mourdock: And I'll move approval of the certification of summary minutes of tonight's Executive Session that dealt with personnel matters and with the bargaining unit contracts.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan - City/County Purchasing

President Jerrel: The next item on the agenda is Purchasing. Jerry.

Jerry Bryan: Good evening, Commissioners. Two items tonight. The first one is to request that we roll over Arch Paging for the second straight year. They currently enjoy the City/County Purchasing paging business. We've had no complaints from them and they're going to hold the prices firm for another year. I recommend to you that we approve them for our paging business.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The second item we have tonight is the computer and copy paper bid, APA022-2000. This has already been approved by the Board of Public Works. Since the usage is about 50/50 between the city and the county we recommend Resource Services for the reason under the recommended award.

President Jerrel: Are there any questions?

Commissioner Mourdock: No.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you. Have a merry Christmas.

Jerry Bryan: Merry Christmas to you.

GIS Committee - Recommend vendor for orthophotography project
--

President Jerrel: Next on our agenda we have recommendations from the GIS Committee.

Cheryl Musgrave: I'm Cheryl Musgrave and the GIS Committee met today and we are recommending the Commissioners open negotiation with Western Air Maps for the creation of the orthophotography for the city and county.

President Jerrel: Do you anticipate when you might want to, you know, issue a contract?

Cheryl Musgrave: January 4th.

President Jerrel: Okay, alright.

Commissioner Mourdock: Do we at this point have enough of a basis that we think through the negotiations we can get it done in that time frame?

Cheryl Musgrave: Yes, we are very comfortable with that.

Commissioner Mourdock: Okay. Joe, have you looked at it at this point?

Joe Harrison, Jr.: Yes, I have been discussing with Cheryl and hopefully we can get it done by then. That's our goal.

President Jerrel: I did, as Commissioner, sit in with them for about an hour and listen to the foreign language that was being utilized to describe what was going to be done.

Commissioner Mourdock: Was that from the orthophotography side or from the computer side?

President Jerrel: Well, it was a little bit of both. As I said, I don't want you to ask me any more questions! But I did attend. Is there a motion?

Commissioner Mourdock: I'll move that we direct the County Attorney to begin negotiating with Western Air Maps for the GIS system.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Cheryl Musgrave: Thank you.

President Jerrel: Thank you.

SIGECOM - Resolution granting change of ownership
--

President Jerrel: The next item on the agenda we have SIGECOM with us regarding approval concerning some changes.

Doug Welp: Right, we're here...my name is Doug Welp from the Bamberger law firm here in town on behalf of SIGECOM. We're here to seek your approval for the change in ownership or control of more than ten percent of the interest of SIGECOM, LLC. It's, as it has been explained to me and I have written a letter to each of the Commissioners, really more of an infusion of capital, about \$100 million infused by the Blackstone Group. What that does though is change the percentages of control of SIGECOM. It was controlled...well, actually the transaction hasn't closed and that is why we're here for your prior approval, but it is currently controlled 51 percent by Utilicom and 49 percent by SIGECO Advanced Communications. Those percentages will change to 81 percent control by Utilicom and 19 percent control by SIGECO Advanced Communications. I have with me tonight Rich Wadman who is the President and General Manager of SIGECOM; Becky Phipps, who is the Director of Finance; and Pete Jablonsky, who is in charge of...I forget his exact title.

Unidentified: Outside Plant Manager.

Doug Welp: Outside Plant Manager, in the event that the Commissioners would have any questions. This won't affect the rates. It won't affect the service, but in the event that you did have some questions I brought these individuals along with you for further questions about the financing.

President Jerrel: Are there any questions?

Commissioner Mourdock: No, I don't think so. I think your letter explained--

President Jerrel: Yes.

Commissioner Mourdock: --pretty well how everything is coming together and the roll up and all that.

Doug Welp: If you understand it, then that's great.

Commissioner Mourdock: In concept.

President Jerrel: I did have an opportunity to speak to some of your people and while I'm not sure that I completely understand how the percentages are arrived at I do understand the process and I don't have any further questions.

Commissioner Tuley: No, that's fine.

Commissioner Mourdock: Is SIGECO...SIGECO is not involved in any way with Utilicom, correct? That is a separate entity?

Doug Welp: Rich? I'll turn that over.

Rich Wadman: Presently that is the case, but what SIGECO is doing, they are actually investing money into Utilicom also and they're about to expand in many other markets after doing this market. We came here just over a year ago here and did a presentation and quite frankly we're putting on about 100 people a day. We're offering the telephone service and the high speed Internet just identically to what we said. It has been so successful here that we're getting ready to do that in other markets, so SIGECO is actually investing--

Commissioner Mourdock: Like Dayton?

Rich Wadman: --money in Utilicom just like Blackstone is.

President Jerrel: Right.

Rich Wadman: So they will. The answer is no, but yes they will when this deal goes through.

Commissioner Mourdock: Under, I don't know, FCC or somebody can you only roll this out under the markets under which SIGECO or one of its entities is otherwise working?

Rich Wadman: No, you can go anywhere, but the partnership and the concept of coming here and being a partner with SIGECO was that they had the brand name.

Commissioner Mourdock: I had heard some speculation that because of the thing that SIGECO did recently in buying the gas entity over in Dayton that that was going to open that market for SIGECOM and all of this.

Rich Wadman: Well, ironically in a totally unrelated issue we already have a possible deal with IEI Property, but it does not have to be, but it's a much better marketing opportunity. If we had come in here as a third party and just been Utilicom I doubt we would have got the same type of response that we've got so far.

President Jerrel: Absolutely.

Rich Wadman: So that really was a marketing, but not a legal issue.

President Jerrel: Leslie did a real good job of explaining that to me. She really...it is...a lot of it is how fast she can get ready and get the staff onboard and get there and get the connections going.

Rich Wadman: Yeah, that's still our biggest issue. We get about 1,000 calls a day saying when are you going to have service and it has really been a...we've probably doubled the size in the last six weeks of our customer service. We introduced telephone to the residential people in Evansville and Vanderburgh on October 1st and quite frankly it has been going unbelievable. Almost every single person that has taken our video service has taken our telephone service, too. But there is a substantial savings and I think that was what we talked about when we first came here. So somebody had an Ameritech bill and another video provider and when you put the two on one bill or the three with the Internet service they have been saving 25 or 30 percent. It's really a win/win. We've been doing great and the consumer has been doing great.

President Jerrel: Okay, is there a motion regarding this?

Commissioner Mourdock: I'll move approval of the resolution granting the change in ownership, the name change in ownership, as requested by SIGECOM, LLC.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much.

Rich Wadman: Thank you.

Doug Welp: Thank you.

Auditor - Agreement with Gaither Rutherford
--

President Jerrel: I apologize to the Auditor because my agenda was the early one and didn't have the Auditor on it, so the Auditor is next on our agenda.

Suzanne Crouch: Thank you. This is just asking the Commissioners for approval to enter into an engagement or sign an engagement letter with Gaither Rutherford & Company. The funding is in place for the computerization of the property record cards. We have 80,000 of those and this has been reviewed by Bill Cottun from SCT and we would just like permission to go ahead and sign that engagement letter.

President Jerrel: Any questions?

Commissioner Tuley: The only question I've got and I don't really have a problem with this, this isn't something we could do in-house, Bill? You just don't have the staff or the time to do this?

Bill Cottun: This is something that should move from the platform that it is currently on, our mainframe platform into a client server platform. This is going to open up the data base to be available to other initiatives such as Internet access to some of this data. In answer to your question, SCT as an entity certainly could take on this project, but we feel that working with the current vendors that we have will make this a very timely project for the county and we're more than glad to assist a third party in this.

Commissioner Tuley: Okay.

Commissioner Mourdock: I'll move the letter for the agreement to be signed as requested by the Auditor.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

Auditor - Permission to advertise vacation of easement

President Jerrel: Okay, the next one is also the Auditor.

Charlene Timmons: This is just a vacation of an easement and I am asking for permission to advertise. The suggested hearing date would be January 10th of 2000.

Commissioner Mourdock: And that's for an easement at 915 Ruffian Way out on the north side of the county, I believe.

Charlene Timmons: Yes.

Commissioner Mourdock: I would move approval of the request that we advertise.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Any group or individual wishing to address the Commission

President Jerrel: The next item on the agenda is any group or individual wishing to address the board.

Commissioner Mourdock: On a roll.

John Stoll - County Engineer

President Jerrel: Okay, moving on, County Engineer.

John Stoll: The first two items I've got are both right-of-way acquisition agreements. The first one is for phase four of Burkhardt Road. This is for an amount not to exceed \$167,000. The \$167,000 not to exceed in that agreement was estimated high basically because they're currently still working on the design plan so the exact number of parcels has still not been determined, but Bernardin Lochmueller attempted to use the maximum number of parcels and this will be adjusted downward once we do know the exact number of parcels, but for the time being in order to keep the process moving on that project they have prepared the agreement. It's for an amount not to exceed \$167,000 and it's recommended that it be approved.

Commissioner Mourdock: I'm sorry, I didn't hear which project.

John Stoll: This is on Burkhardt between Interchange Road south and Lynch Road.

Commissioner Mourdock: I'll move as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second agreement is for the first two miles of University Parkway between Lloyd Expressway and Upper Mount Vernon Road. This is also a right-of-way acquisition agreement and it's for an amount not to exceed \$161,200. It's recommended that it be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a street plan approval request for Thorsen Subdivision.

Commissioner Mourdock: Which sub, John? I'm sorry, I couldn't hear you.

John Stoll: Thorsen, it's T-h-o-r-s-e-n.

Commissioner Tuley: Where is it at?

Commissioner Mourdock: Yeah.

John Stoll: This is on Allens Lane just west of the Water & Sewer Department off this. This is an existing rock road--

Commissioner Tuley: Oh.

John Stoll: --that was requested to be upgraded whenever it was presented to Sub Review. There were a couple of existing businesses back here on this and it was all a rock road. As a result of some requests at the Sub Review meeting it was requested that the road be paved, so they're retrofitting an existing rock road to make it a paved road and they are providing a 30 foot pavement width. There will not be curb and gutter since there are already existing buildings that are accessing out there, but they will provide this modified cul-de-sac in order for people to be able to turn around without having to pull up. This is a private drive back here on this side.

Commissioner Tuley: A two lot sub is what that is?

John Stoll: It's really ends up being three.

Commissioner Tuley: Three, I'm sorry. Three, you're right. I know exactly where you are talking about now.

John Stoll: They are meeting the county's pavement specifications as far as four inches of asphalt, eight inches of stone, so while it is not the standard road that we would approve it does meet the county's requirements for pavement thickness, width

and things like that, so in a situation where we're trying to retrofit an existing road I would recommend that it be approved.

Commissioner Mourdock: But all we're approving at this point is the acceptance of the plan?

John Stoll: Correct. This is just for them to construct it.

Commissioner Mourdock: Okay, I'll move acceptance of the plan for Dane Road in Thorsen Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Sign it up here somewhere. The next two items I've got are change orders. The first is for contract number VC99-08-01, the concrete repair of various roads. This contract is with TD & O and the change order is for an increase of \$11,855. This increase results from the additional repairs that we added on Kiowa Circle and also we ran into some additional repairs that were needed on Strawberry Hill Road and Shoshoni Drive. The items included in this change order are concrete patch and number 53 stone and number 8 stone. It's recommended that this be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second change order is for contract number VC99-09-03, the Broadway Bridge replacement project. This is for an increase of \$6,967.20. The reasons for this increase are primarily...there are two of them. One, there was an old footing that was unknown to exist that was found whenever the excavation was occurring out there, so in order to drive the piling that old footing had to be removed which in turn resulted in additional excavation and additional backfill. The second item was that the original contract omitted the striping for center line and edge lines on the pavement and those are the two primary reasons for the increase and it's recommended that this also be approved. This contract was also with TD & O.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I would like to recommend that contract number VC99-12-01 be awarded to CCC of Evansville for the amount of \$113,839.45. They were the low bidder on this project and this project will be the replacement of Old Henderson Road Bridge No. 1545.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got the lease for the County Engineer's office space over in the Old Courthouse. This is for calendar year 2000 for \$8,175. This is the same agreement that has been approved in years past. It's recommended that this be approved.

Commissioner Mourdock: I guess you need an office, so I'll say so moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final items I've got are street acceptance requests. The first is for Graceland Subdivision. This is a small four lot subdivision off of...out in Whispering Hills Subdivision. It was a replat of a portion of Whispering Hills. This road is 261 linear feet of Farview Court and it has been inspected and it's recommended it be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second request is for Bridlewood Subdivision. That subdivision is at Fisher Road and Boonville-New Harmony Road. That request is for 689 feet of Bridlewood Drive; 611 feet of Collingswood Drive; 470 feet of Rosshire Drive; and 620 feet of Kennesaw Drive. Those roads have also been inspected and it's recommended they also be inspected.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: A couple of questions. I can call you on the phone tomorrow, but Tony and I kind of worked on a bunch of end of the year trying to get all of our money encumbered and Tony has been getting all of that in order and I have been trying to put it together so that next year we'll start off where we want to be. Have you about got all of yours?

John Stoll: We're getting it pieced together.

President Jerrel: Okay.

John Stoll: We've got a pretty good handle on it now that we've got some agreements signed tonight.

President Jerrel: Those will all go on because we want all that money encumbered that is needed and it's just like trying to put together a puzzle.

John Stoll: I think we got it straightened out. That's for sure.

President Jerrel: Okay, well I just I was going to give you a call tomorrow, but that will be--

John Stoll: As soon as we get drafts that are correct enough to send over we'll send them on over and fax it to your office.

President Jerrel: Well, fax something over and then we can make sure we've got all of it under control.

John Stoll: Okay.

President Jerrel: Thank you very much.

John Stoll: You're welcome.

Joe Harrison, Jr. - County Attorney
--

President Jerrel: Erik has a vacation day today and I spoke with Mark and he and his wife had a Christmas party to go to.

Commissioner Tuley: That's fine.

President Jerrel: He said, would it be alright if he went to the Christmas party. I said--

Commissioner Mourdock: Just as long as it doesn't affect the spreading of salt.

President Jerrel: I said, you understand if any snow comes be ready.

Commissioner Tuley: What is today's forecast?

Commissioner Mourdock: I think they have taken the inch of snow out of the forecast and are just talking about scattered--

Commissioner Tuley: Okay, I saw that in the paper this morning, but nothing else I heard all day indicated that.

President Jerrel: Steve called from Burdette and he will have all of the year-end, including the month of December, ready to give to us at the January 4th meeting. Tony has been very carefully keeping track of everything you say at the beginning of the year about putting in the end of the year, you know, folders so Steve will have that ready but he asked if he could present it on the fourth.

Commissioner Mourdock: Sure. I'll move acceptance of the county...well, we skipped the County Attorney.

President Jerrel: We'll go back. Want to do that and then we'll come back and take a motion?

Commissioner Mourdock: Okay, sure.

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing I have is a final or a second bill that needs to be approved out of the Food & Beverage Fund for The Centre. It's a statement in the sum of \$5,250. It's in addition to the amount that was previously approved. I think it was a \$51,000 or \$52,000 amount previously approved. This relates to electrical and phone hookup in connection with the Ticketmaster system that Ogden has. Two separate bills were sent by Industrial and it wasn't included in the first one, so this is the second amount. It's \$5,250 that would need to be paid out of Food & Beverage. I would ask for Commissioner approval.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I'll give that to the Commissioners...or to the Auditor's Office.

President Jerrel: I'm putting it in the signature file.

Joe Harrison, Jr.: That's all I have.

Tony Greubel - Superintendent of County Buildings
--

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Last Thursday AT&T faxed over a commission agreement for the single pay telephone in the Coliseum for long distance revenue. That's probably only coming up to about \$10 a year, but it's a three year agreement and it expired and they want to renew it. I talked to Mark Acker about it, he said fine. They're probably going to waste more money in postage and maintaining the account, but they want the agreement signed.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's all I have.

Commissioner Mourdock: Also under the general subject of county buildings I have a note that came through from the Sheriff's Office on some inspection that Roger Lehman did which I'll pass on to you just to verify to make sure we got everything in there. I've seen that one. That was in the circulating file.

President Jerrel: Is there a motion to approve that request by the Superintendent of County Buildings?

Commissioner Mourdock: We did it.

President Jerrel: Oh, did you make the motion?

Commissioner Mourdock: Yeah I did and Pat seconded.

Commissioner Tuley: Yeah, I second.

President Jerrel: Okay, so ordered. I didn't even know...I didn't hear you do it.

Weekly reports

Commissioner Mourdock: While we're on motions I'll also move approval of the Burdette Park report, the County Garage report and the Ozone Officer's report and note that for the second week we don't have a report from Soil & Water Conservation District.

Commissioner Tuley: I'll second.

President Jerrel: So ordered. You might mention to Mike. You have another issue? Okay.

Consent items

Joe Harrison, Jr.: I'm sorry, I had one other issue. I've got some bond closing documents for the Evergreen Heights sanitary sewer Barrett Law project that need to be executed by the board and the Auditor's Office and Charlene has those documents and we've got them all tabbed so if you can sign those with the consent items.

President Jerrel: Okay. You don't need a motion or anything?

Joe Harrison, Jr.: No.

Commissioner Mourdock: They are in the consent items now?

Joe Harrison, Jr.: Well, it's in a separate folder.

Commissioner Mourdock: Okay, I'll move that we include the bond items as referred to by the County Attorney into tonight's consent items.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That closing is going to be this week so that will be all done.

President Jerrel: Good.

Tony Greubel: I would also like to add with Soil & Water, the main reason Mike didn't get a report in he was on vacation most of last week and today. He's using up vacation, that is the primary reason.

President Jerrel: Alright. Okay, on the consent items are there any questions?

Commissioner Tuley: Just that one was the only one I had a question. I don't know if you know anything about it or not, Richard?

Commissioner Mourdock: No, I have not spoken to her about this, but I presume it's because they have probably some reference material up there at ISU that they don't have locally, but I mean we can hold it out and check. I don't know that it is date critical. In fact, it's not due up until 1/12 so we could pull it out and get it next week.

Commissioner Tuley: I don't have a real problem with it. I assume there must be a reason she wants to go to Terre Haute. I just didn't know if any of you had talked to her and could give us insight.

Tony Greubel: I think she did that once before. It's primarily just because ISU's library is relatively good compared to what is local.

President Jerrel: Well, we can put it--

Commissioner Tuley: We can approve it subject to just talking to her.

Commissioner Mourdock: Okay.

President Jerrel: Fine out.

Commissioner Tuley: I'd be willing to do that.

President Jerrel: Okay, we'll put it in the--

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Tuley: Second.

President Jerrel: So ordered. I have one comment and I'm going to ask that some kind of...we've been getting, if you'll notice a few of the pink slips are dated like effective July 11th and we're getting them on the 20th...I mean, January. Pardon me, I'm not saying it right. December 11th and we're getting them on the 20th, almost a week and a half after the fact. That's...we keep sending out memos about that and that's not...the Auditor's Office can't operate if they're being transferred among different accounts at year end. I think...I don't know how we do it. It's a judge.

Commissioner Tuley: There is a lot of those. I mean, not just those, but it seems like every week we come in here and there is a ton of stuff laying here on your desk.

President Jerrel: Well, these were in, turned in today in the office, but they just had already been sent.

Commissioner Tuley: No, I understand. I'm just saying I don't know if there is anything we can do about it, but it would be nice if some of these other reports would be here by noon Friday so that we have them in our packets.

Commissioner Mourdock: Yeah, and those within our own office we can certainly control and I agree, Pat. Tonight wasn't bad, but we have had some nights lately where we get in here with as many as a half dozen things that we haven't seen prior to that. We really need to get away from that.

President Jerrel: But no pink slips.

Commissioner Mourdock: I'm not speaking of pink slips.

Commissioner Tuley: No, right. I just thought while we were on the general--

President Jerrel: Yeah, we might as well get it all done timely.

Commissioner Tuley: Yeah.

President Jerrel: Yeah, I agree.

Tony Greubel: One thing with Burdette Park. They're not in the building and a lot of times they don't get down here until about 3:00 or 4:00 to turn in their stuff in the Civic Center. By then I have already got the folders done and distributed them to various people.

Commissioner Tuley: That's plausible during the summer, but if it is tell them that we need it before then and if they have to fax it they can fax it.

Tony Greubel: Yeah, okay I'll do that.

President Jerrel: Right.

Old business

President Jerrel: Okay, any old business?

New business

President Jerrel: Any new business? Are you going to be the appointee?

Commissioner Mourdock: Just one night. I can do it, yeah. I'm thinking of the other boards. Is that going to impact anything else we do? The main one is the jail committee, obviously, which I sense is going to take a bunch of time.

President Jerrel: So that would be two committees. Unless you want...we haven't even talked about the rest of them.

Commissioner Mourdock: Yeah, we haven't talked about the rest of them.

Commissioner Tuley: Do you generally meet on Wednesday night on your jail committee? Has that been traditionally the night you do it?

Commissioner Mourdock: We've been doing better on Thursday actually.

Commissioner Tuley: Thursday.

Commissioner Mourdock: That has not necessarily been the first of the month which is when APC always is. Yeah, okay. I'll go ahead and do APC.

Commissioner Tuley: Okay, I will move Commissioner Mourdock be appointed to the Area Plan Commission board then.

President Jerrel: And I'll second and say so ordered.

Commissioner Mourdock: You moved it quickly before he had a chance to change!

Commissioner Tuley: Before he had a chance to say, yeah, wait a minute.

Commissioner Mourdock: Now the first...yeah, they're meeting the fifth.

President Jerrel: The fifth.

Commissioner Mourdock: Okay.

Commissioner Tuley: We'll notify Barbara here in a little while. I did put some packet they had sent me back in the routing stuff to submit it to whoever would be on that board. Apparently, they are doing some changing in the ordinance of the notification procedure, I think, is what they're trying to do.

President Jerrel: I'm down here every day and then I go two or three nights anyway.

Commissioner Mourdock: Yeah, my only concern is what my work schedule is going to be, but that is going to be whatever it is going to be. Obviously,--

President Jerrel: Well, if you find that you can't attend regularly then we'll have to do something else.

Commissioner Mourdock: Sure. I enjoy it actually. It's one of the better boards.

Commissioner Tuley: It actually is not that. I kind of like it, but two years in a row of it is enough. I don't want to do it three years. This is my last chance to get out of it.

Commissioner Mourdock: And the countdown begins. I have no other new business.

President Jerrel: Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:20 p.m.

Those in attendance:

Bettye Lou Jerrel
Richard E. Mourdock
Patrick Tuley
Joe Harrison, Jr.
Suzanne M. Crouch
Charlene Timmons
Tony Greubel
Jerry Bryan
Cheryl Musgrave
Doug Welp
Rich Wadman
Bill Cottun
John Stoll
Others unidentified
Members of the media

**Vanderburgh County
Board of Commissioners**

Bettye Lou Jerrel, President

Richard E. Mourdock, Vice President

Patrick Tuley, Member